

# Andhra Pradesh Village Servants Service Rules, 2005

ANDHRA PRADESH

India

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### Rule

## ANDHRA-PRADESH-VILLAGE-SERVANTS-SERVICE-RULES-2005 of 2005

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Andhra Pradesh Village Servants Service Rules, 2005Published vide G.O.Ms.No. 1849, Revenue (VO), dated 28th, October, 2005, Published in A.P. Gazette R.S. to Part 1, No. 22-B, dated: 1-12-2005In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of earlier Rules issued in respect of Village Servants, the Governor of Andhra Pradesh hereby makes the following rules regulating the recruitment and conditions of service of Village Servants for the entire State of Andhra Pradesh. These Rules shall be deemed to have come into force with effect: from 1st January, 2002.Part - I Preliminary

### 1. Short title:

(1)These Rules may be called the Andhra Pradesh Village Servants Service Rules, 2005.

### 2. Definitions:

- In these rules, unless the context otherwise requires,-(a)'Collector' means the Collector of the District or any other Officer not below the rank of a Revenue Divisional Officer who is empowered by the Government to exercise the powers of the Collector under these rules ;(b)'Commissioner' means the Chief Commissioner of Land Administration ;(c)'Emoluments' means salary or any other remuneration payable in cash in respect of any village servants governed by these rules ;(d)'Government' means the Government of Andhra Pradesh ;(e)'Notification' means a notification published in the Andhra Pradesh Gazette ;(f)'Revenue Divisional Officer' means the Revenue Officer in charge of a revenue division and includes a Deputy Collector, a Sub-Collector or an Assistant Collector-in-charge of a Revenue Division ;(g)'Service' means the Andhra Pradesh Village Servants Service ;(h)'Mandal Revenue Officer' means an Officer appointed for the Revenue Administration of a Mandal ;(i)'Village' means any local area registered in the Revenue Records as a Revenue Village

and includes such other area as the Government may from time to time by notification, declared to be a revenue village;(j)'Village Office' means any of the Office held by a Panchayat Secretary as Neeraganti, Neeradi, Vatti Kavalkar, Toti, Talayari, Tandalgar and Sethsindhi or any such village office by whatever designation it may be locally known ;Explanation: - For the purposes of these rules, a village office is an office of profit under the Government and the holder of that office is a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) ;(k)'Village Servant' means any person who holds any of the Village Office of Neeraganti, Neeradi, Vetti, Kavalkar, Toti. Talayari, Tandalgar, and Sethsindhi or any such village office by whatever designation it may be locally known.

### **3. Classes and categories of Village Servants:**

- The Service shall consist of the following categories of Village Servants ;Category (1): Vetti, Kawalkar, Toti, Talayari, Tandalgar and Sethsindhi.Category (2): Neeradi, Neeraganti.Part - II Appointment of Village Servants and their qualifications

### **4. Appointment of Village Servants:**

- There shall be appointed for every village or a part of a village or a group of villages such number of Village Servants as the Commissioner may, from time to time, consider necessary.

### **5. Appointing Authority:**

(1)The Mandal Revenue Officer shall be the appointing authority.(2)Where a vacancy arises in any village and if the filling up of such vacancy in accordance with these rules is likely to cause delay, the Mandal Revenue Officer may by order place any other Village Servant, as the case may be, of the same village or of any adjacent village in additional charge of such vacancy.Provided that no Village Servant shall ordinarily be placed to hold additional charge of more than two villages at a time.

### **6. Temporary appointment: - (1) Where it is necessary to fill in a short vacancy or where it is necessary in the public interest to fill emergently a vacancy in such post, the appointing authority may appoint a suitable and qualified person temporarily in such a vacancy.**

Provided that while appointing a person in a leave vacancy not exceeding six months, the appointing authority may give preference to a suitable and qualified person who has been nominated by the holder of the posts who is granted leave.(2)Every order of appointment made under sub-rule (1) shall specify the period of such appointment and on the expiry of such period the appointment shall cease.Provided that the appointing authority may, from time to time, extend the period of such appointment, not exceeding two years in all.(3)Continuance of the temporary incumbent beyond two years shall be only with the approval of the Commissioner.(4)The appointing authority shall be competent to terminate the services of any person in the post to which he is appointed under sub-rule (1) before the expiry of the period specified in sub-rule (2) after giving one month's notice.

## **7. Cessation of office of a temporary holder in certain cases:**

- If a Village Servant, on the revocation of his suspension returns to duty or when a Village Servant who has been dismissed, removed or suspended is restored on appeal to the office from which he was dismissed, removed or suspended, the person appointed to fill the vacancy caused due to such dismissal, removal or suspension be deemed to have hold the post temporarily and his appointment shall cease, with effect from the date on which the Village Servant re-enters upon the office.

## **8. Appointment in resulting vacancies due to amalgamation or bifurcation of villages:**

(1)Where two or more villages or portions thereof are grouped or amalgamated so as to form a single new village, or if any village is bifurcated into two or more villages, all posts of Village Servants of the villages or portion of villages so grouped, amalgamated or bifurcated shall cease to exist and fresh posts of Village Servants shall be formed by the CommisSiOner for the new village or villages as the case may be.(2)While filling the new posts of Village Servants formed under sub-rule (1), the appointing authority shall:-(i)appoint in the first instance the outgoing Village Servants in the respective categories if the number of the newly formed posts of Village Servants of the respective categories is equal to or more than the number of old posts of Village Servants and ;(ii)retain those whom he may consider best qualified and suitable to discharge the function of the Village Servants categories, if the number of newly formed posts of Village Servants is less than the number of old Village Servants ;(3)Notwithstanding anything contained in sub-rule (1) and clause (c) of sub-rule (2) above, the spouse/dependent children of a Village Servant who dies in harness before attaining the age of 60 years may be appointed as Village Servant provided that there is no other earning member in the family of such deceased Village Servant and an application is made in this regard within a period of one year from the date of death of such Village Servant.

## **9. General and other qualifications for appointment:**

(1)As soon as may be on a permanent vacancy occurring in any village, the Mandal Revenue Officer shall issue a notice calling for applications for the post from the intending candidates to be filled by him before a specified date. The qualifications of a candidate for appointment shall be determined with reference to the date on which the permanent vacancy has arisen. The notice shall be published in the Village Chavadi or any other public place in the village concerned any by beat of tom torn in the village and by affixture of a copy of it on the notice board of the Mandal Office.(2)(i)A person for appointment shall be a native of the village and have adequate knowledge of the village concerned ;(ii)No person shall be eligible for appointment if he:-(a)has not completed the age of 18 years ;(b)is not physically and mentally capable of discharging the duties attached to the office ;(c)has been convicted by a criminal court for any offence involving moral turpitude ;(d)has been dismissed from any post under the Government ;(e)has already holding any other permanent post of a Village Servant unless he resigns from such post ;(f)has completed the age of 35 years on the date on which the permanent vacancy has arisen.Note: - In calculating the age, the period of continuous service or the total service not exceeding five years if it is in broken spells, put in by an incumbent in the post

of a Village Servant as on the date on which the vacancy arose shall be excluded. Provided that the maximum age limit of 35 years prescribed in sub-clause (f) shall be raised uniformly by five years in the case of candidates belonging to SC/ST.(g)has not passed the 7th standard or its equivalent examination.Explanation: - Nothing in this rule shall apply to a person who has to be appointed either permanently or temporarily in a permanent vacancy before the date of coming into force of these rules, for the purpose of continuous or for subsequent appointment under these rules in any permanent or temporary vacancy.(3)All appointments already made to Village Servants in regular vacancies before these rules come into force shall be deemed to have been made regularly under these rules ;Explanation: - Nothing in the sub-rule shall apply to cases where appeals or revisions petitions against those appointments are pending or where the appointments have already been set aside by the competent authority.(4)In making appointments in the villages situated within the scheduled areas, preference shall be given to the members of the Scheduled Tribes.(5)Out of every 3 vacancies of the posts of the Village Servants arising in Mandal the second vacancy shall be filled in from among the qualified candidates belonging to the Scheduled Caste, Scheduled Tribes and Backward Classes.

#### **10. Exemption from educational qualification:**

- The appointing authority may for special reasons to be recorded in writing, exempt any person or classes of persons from possessing the educational qualification prescribed in rule 9(2) (f) subject to such conditions as that authority may deem fit.

#### **11. Village Servants to be part-time government Employees:**

- The Village Servants of this service shall be treated as part-time Government employees.

#### **12. Village Servant to reside in the incharge village:**

- Every Village Servant shall reside in the Village under this charge.Part - III Duties of Village Servants

#### **13. Duties of Village Servants of category (1):**

- A Village Servant of category (1) shall serve demand notice and other process issued for the collection of Government dues and shall obey the orders of the Panchayat Secretary in the matter of measuring the lands and grain. Inspecting crops and carrying messages, accounts and returns pertaining to the Government. In villages in which there are no village servants of category (2) he shall discharge the duties of village servant of that category.

#### **14. Duties of Village Servants of category (2):**

- A Village Servant of category (2) shall subject to the general control of the Panchayat Secretary in charge of the irrigation of the lands in the village where there is irrigation from tanks and channels.

## **15. General duties of village servants:**

- The Village Servants shall besides the duties specified in rules 13 and 14 perform such other duties as may be assigned to them from time to time by the Panchayat Secretary. However their services shall not be utilized for night watchman, Attender in offices and for personal work of Panchayat Secretary and other Revenue Officials.

## **16. Village Servants not to take part in politics:**

- Village Servants being Part time Government employees shall not take part in politics. They shall also not stand for election to a State legislature or any local authority including Grama Panchayat save with the prior permission of the Mandal Revenue Officer.

## **17. Court attendance to be treated as duty:**

- The Village Servants attending Courts on summons in their official capacity shall be deemed to be on duty.

## **18. Sanction to prosecute Village Servant:**

- No criminal prosecution shall be launched without the specific sanction of the appointing authority against a village servant for anything done or omitted to be done in the discharge of his normal duties before a criminal judge. Part - IV Payment of salaries sanction of leave and the like

## **19. Payment of Salaries and allowances :**

(1) There shall be paid to the Village Servants a fixed monthly honorarium as may from time to time be determined by the Government. (2) They shall also be paid every month such other allowances as the Government may from time to time sanction. (3) They village servant shall be paid travelling allowances and daily allowances for such journeys and at such rates as the Government may from time to time specify.

## **20. Village Servants are eligible only for leave without allowances:**

- No Village Servant shall be entitled to any emoluments or other allowances, when on leave other than casual leave. [However, the Woman Village Revenue assistants shall be allowed Maternity Leave for two months. The honorarium shall be paid to them for the two months treating the leave period as duty.] [Added by Notification No. G.O.Ms. No. 135, dated 11.4.2016 (w.e.f. 1.12.2005).]

## **21. Emoluments of a substitute:**

- Where a substitute is appointed in any vacancy of a Village Servant he shall be entitled to the emoluments and allowances of the said village servant.

## **22. Payment of emoluments from Treasury:**

- The emoluments of Village Servants shall be paid from Treasury.

## **23. Treatment of the period out of office when restored:**

- When a Village Servant who has been removed, dismissed or suspended is reinstated on appeal, the authority competent to order the reinstatement shall consider and make a specific order treating the period as duty if he is fully exonerated or as suspension or as leave, if he is not fully exonerated.

## **24. Preparation of pay bills:**

- The Mandal Revenue Officer concerned shall maintain service particulars of Village Servants of each village and prepare salary bills for each village basing on the duty certificate given by concerned Panchayat Secretary

## **25. One pay bill for each village establishment:**

- The pay bill shall be prepared separately for each Revenue Village, in the charge of Panchayat Secretary.

## **26. Particulars of emoluments not drawn in any month to be specified in the pay bill:**

- Any amount which may remain undrawn in any month relating to the emoluments, by reason of any village servant being absent on leave or by reason of any appointment not having been sanctioned by the competent authority, shall be specified in the pay abstract with details in the remarks column explaining the reasons for the non drawal and all such entries shall be referred when the amount is claimed on subsequent bill.

## **27. Audit of pay bills:**

- The pay bill shall be scrutinized and audited in Mandal Office in the manner specified in the Andhra Pradesh Financial Code or Special Fund Code.

## **28. Passing of pay bills:**

- The pay bill after scrutiny shall be returned to the village with an order for payment under the signature of the Mandal Revenue Officer in his absence of Head Clerk of the Mandal Office.

## **29. Endorsement on the pay bill:**

- The pay order shall be endorsed on the pay bill but when drawn from a bank a printed cheque shall be issued. In either case, the pay abstract shall be retransmitted to the Mandal Office, after obtaining the acquittance of the payees.

## **30. Arrears claims:**

- The arrear claims shall be prepared on separate bills, particulars of period on account of which the arrears are due and of the months in which they were refunded to the treasury by short drawal being carefully noted.

## **31. Sanction of Revenue Divisional Officer, Collector and Commissioner, necessary in certain time barred claims:**

- No emoluments shall be drawn for the Village Servants without the special sanction of the Revenue Divisional Officer when it is not drawn for more than six months, and without the sanction of the Collector when it is not drawn for more than three years and without the sanction of the Commissioner, if it is not drawn for a period of more than five years. Note: - The Period of six months three years and five years, shall be calculated from the date of sanction of the appointment by the competent authority or from the date of its accrual whichever is later.

## **32. Short drawal of undisbursed salaries:**

- The undisbursed honorarium any month shall be refunded by short drawal. in the pay bill of the following month.

## **33. Emoluments not liable for attachment:**

- The emoluments of the Village Servants shall not be liable to be transferred or encumbered in any manner whatsoever and it shall not be lawful for any court to attach such emoluments or any portion thereof.

## **34. Authority competent to sanction casual leave:**

(1) Every Village Servant shall be eligible for casual leave for a period of twelve days in a calendar year. They shall also be eligible for three optional holidays in a calendar year in addition to twelve days casual leave. (2) The panchayat Secretary shall be competent to sanction casual leave to the village servants provided that satisfactory arrangements are made for the performance of the work.

### **35.**

The Mandal Revenue Officer may grant leave to a Village Servant for any period for any purpose.

### **36. Production of medical certificate for leave on medical grounds and production of fitness certificate for admission after leave on medical grounds:**

(1) In case of application for the grant of leave on medical grounds, the authority competent to sanction the leave may require the production of "a medical certificate" from a medical officer not lower in rank than an Assistant civil surgeon. Such medical leave should not exceed for a period of six months. (2) The incumbent, who has been sanctioned leave on medical grounds on the production of Medical certificate, while, returning from such leave shall produce "certificate of fitness: from a medical officer not lower in rank than an Assistant Civil Surgeon.

### **37. Acceptance of Resignation:**

(1) The appointing authority may accept the resignation tendered by a Village Servant. (2) The resignation tendered by a Village Servant while on duty shall normally take effect from the date of his relief, in pursuance of its acceptance by the appointing authority. (3) In the case of village Servant while on leave, the resignation shall take effect from the date of receipt by the Village Servant of the Communication accepting the resignation by the appointing authority. (4) In special cases, where the resignation may have to be accepted from an earlier date in view of any special circumstances justifying such action the appointing authority shall take into account the circumstances leading to the resignation and delay in taking action thereon and may accept the resignation from the date of receipt of the application in his office. (5) The resignation tendered by a village servant shall not be rejected unless charges are pending against the incumbent.

### **38. Withdrawal of resignation:**

- No cognizance shall be taken of withdrawal of resignation by a village servant after such resignation has been given effect to but it shall be open to the competent authority to permit withdrawal at any time before it has been given effect to, if that authority is satisfied that such resignation was tendered under coercion, undue influence, fraud or for other sufficient cause.

### **39. Gratuity:**

- Gratuity shall be paid at the rate of one month's honorarium for every completed year of service subject to a maximum of twenty months honorarium to a village servant on attaining the age of superannuation or in case of death whichever is earlier.



#### **40. Group Insurance Scheme:**

- The Group Insurance Scheme as may be prescribed by Government shall be extended to village servants under which Rs. 10/- may be deducted from the monthly honorarium. Part - V Disciplinary Matters

#### **41. Imposition of fine by Mandal Revenue Officer:**

- A Mandal Revenue Officer may suo motu or on a complaint make an enquiry and fine any village servant for good and sufficient reason within such amount as the Commissioner may by general or special order, specify.

#### **42. Powers of Mandal Revenue Officer to punish village servants:**

- The Mandal Revenue Officer or any superior authority may suo motu or on a complaint conduct an enquiry and suspend, remove or dismiss any village servant for misconduct or negligence of duty in capacity or for non residence in the village or for conviction in a criminal case which in his opinion disqualifies him from holding the office or for any other sufficient cause.

#### **43. Opportunity to be given before a village. servant is fined:**

- No order imposing fine on a village servant shall be passed except after he is informed of the action proposed to be taken against him and of the allegations on which the action is proposed to be taken and he is given an opportunity to make any representation, which he may wish to make and such representation, if any, is taken into consideration by the authority competent to impose the fine. The said authority shall make a record of its reasons for passing said order.

#### **44. Suspension pending enquiry:**

(1) An officer competent to suspend a village servant as a measure of punishment may also place under suspension such a village servant from service pending investigation or enquiry into grave charges, or where a case against village servant in respect of any criminal offence is under investigation or trial, if he is satisfied that the continuance in office of the village servant is detrimental to public interest or administration and he shall make a record in writing of his reasons for so doing and a copy of the same shall be furnished to the village servant concerned. Provided that where a village servant is detained in custody, whether on a criminal charge or otherwise for a period exceeding 48 hours he shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders. Provided further that where a village servant has been suspended and investigation has not been completed or the action proposed to be taken in regard to him has not been completed within a period of three months from the date of suspension, the village servant shall be deemed to have been reinstated to duty unless the authority which ordered such suspension obtains the orders of the next higher authority to continue the said village servant under suspension in public interest and issues

an order continuing such suspension for a further period of three months. The order of the Collector shall be obtained if it is necessary to continue the village servant under suspension for a period exceeding six months. In no case such interim suspension be in force for a total period exceeding one year, except in those where criminal cases are pending trial.(2)Where a penalty of dismissal, removal from service is imposed upon a village servant after he had been placed under suspension under sub-rule (1) and if such penalty is set aside in appeals under these rules and the case is remitted for further enquiry or action or with any other directions the original order of suspension pending enquiry of such Village Servant shall be deemed to have continued in force until further orders of the competent authority.(3)Where a penalty of dismissal, removal from service is imposed upon a Village Servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the authority competent to impose the penalty on a consideration of the circumstances of the case, decided immediately thereafter to hold a further enquiry against him on the allegation on which the penalty was originally imposed, the village servant shall be deemed to have been placed under suspension pending enquiry by the authority competent to impose the suspension from the date of original order of dismissal, removal or suspension, from service and shall continue to remain under suspension until further orders of the competent authority.(4)An order of suspension made under this rule may at any time be revoked by the authority which made the order or by any authority to which that authority is subordinate.

#### **45. Procedure for enquiry:**

(1)The enquiry before imposition of any of the penalties other than fine against a village servant shall be made in the manner hereinafter provided.The grounds on which it is proposed to take action against a Village Servant shall be reduced to the form of definite charge or charges which shall be communicated to him and he shall be required to appear on a day to be fixed, before the enquiry officer to answer the charge or charges. On that day, the village servant shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry. An oral enquiry shall be held if such an enquiry is desired by the village servant and he shall be heard in person if so desired. At such enquiry, oral evidence shall be heard as to such of the allegations or not admitted by the persons charged and he shall be entitled to cross examine the witnesses, to give evidence in person and to have such witnesses as he may wish to be called, provided that the officer conducting the enquiry may for a reasons to be recorded in writing refuse to call any witness. After the enquiry is completed the person charged shall be entitled to put in a further written statement of his defence.(2)The authority competent to impose the penalty shall, on consideration of the proceedings of enquiry under sub-rule (1) arrive at a provisional conclusion in regard to the punishment proposes to impose on the village servant shall communicate the provisional conclusion in writing and call upon the delinquent to appear on a certain day to be fixed by him to show cause against the particular punishment proposed to be imposed. On that day, the said authority shall record his plea and hear his representation. Any representation made in this behalf by the person charged shall be duly taken into consideration before final orders are passed.(3)An enquiry may be made in the absence of a village servant charged when the officer holding the enquiry is satisfied that for some reason, to be recorded by him in writing, if it is not reasonably practicable to hold such enquiry.(4)The enquiry under sub-rule (1) may be conducted by an officer not below the rank of Mandal Revenue Officer or by any other officer not below the rank of Deputy Mandal Revenue

Officer specially nominated by the authority competent to impose the punishment or any other higher authority. If the officer who conducted the said enquiry is not himself competent to impose the appropriate penalty on the village servant charged he shall submit the record of enquiry to the authority concerned with a report containing his findings. The authority competent to impose the punishment before passing final orders shall furnish a copy of the enquiry officer's report to the delinquent along with his provisional findings.(5)The requirements of sub-rules (1) and (2) shall not apply where it is proposed to punish a village servant on the ground of conduct which has led to his conviction on a criminal charge.(6)In passing orders on the cases referred to in this rule, the authority competent to impose the punishment shall briefly sum up the evidence on the several charges and record in the regional language, a distinct order as to whether the charge or charges have been proved or not with a concise statement of the person thereof and the punishment ordered.

#### **46. Time allowed for appeal to be indicated in the order:**

- At the foot of the order concerning an appointment to a village office or indicating punishment of dismissal, removal suspension or fine under these rules on a village servant, the period and the authority before which an appeal may be filed shall be clearly specified and a copy of that order shall be furnished free of charge to the Village Servant concerned.

#### **47. Appeal against temporary appointment of village servant:**

-In case of temporary appointment of village servant an appeal shall lie to the Revenue Divisional Officer within thirty days from the date of the order (Where however, such an order is set aside by the Revenue Divisional Officer and another person is appointed, an appeal shall lie to the Collector by the aggrieved person within thirty days from the date of receipt of the order of the Revenue Divisional Officer).

#### **48. Appeal against permanent appointment of village servant:**

- In case of permanent appointment of village servant an appeal shall lie to the Revenue Divisional Officer, within thirty days from the date of receipt of the orders of appointment and a second appeal shall lie to the Collector within thirty days from the date of receipt of the order of the Revenue Divisional Officer.

#### **49. Appeal against MRO's order punishing a Village Servant:**

- Against every order passed by a Mandal Revenue Officer inflicting of the penalties of fine, suspension, removal or dismissal from service on a village servant or placing such village servant under suspension pending investigation or enquiry into the charges against him, an appeal shall lie to the Revenue Divisional Officer, within thirty days from the date of receipt of the such order.

## **50. Second appeal against an order punishing a Village Servant:**

- Against every order of the Revenue Divisional Officer dismissing or removing a village servant either in appellate or original proceedings an appeal shall lie to the Collector within 30 days from the date of receipt of the such order.

## **51. Officer passing original order cannot take up appeal in his higher capacity:**

- If the officer before whom an appeal is preferred under these rules in the capacity of Revenue Divisional Officer happens to be the officer who passed the order appealed against in another capacity, he shall report the fact to the Collector.

## **52. No review by an authority of its own order:**

- No authority which has passed an order under these rules shall review its own order.

## **53. Copy of order appealed against to accompany the memorandum of appeal:**

- The memorandum of appeal shall be accompanied by a copy of the order furnished to the petitioner or by a certified copy of such order.

## **54. Personal hearing of appeal:**

(1)When an appeal is admitted under these rules appellate authority shall fix a date for the hearing of the appeal and shall give due notice thereof to the appellant.(2)When the appeal is from an order concerning an appointment due notice thereof and the date of hearing shall be served upon the person whose appointment is questioned and who shall be the respondent in the said appeal. Such notice shall declare that if he does not appear on the day so fixed, the appeal will be heard ex-parte.(3)Any Village Servant may in any appeal represents his case in person or he represents by any Advocate or any agent nominated by him.Provided that the appellate or revisional authority may, however at any time in the course of the proceeding require that such village servant shall be presented in person.

## **55. Rehearing of an appeal disposed of ex-parte:**

- Notwithstanding anything contained in Rule 52 when appeal is heard ex-parte in the absence of the village servant and decision given against him, he may apply to the appellate authority to re-hear the appeal, if he proves that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing.

## **56. Stay of order:**

- The appellate authority may at its discretion stay the execution of any orders under these rules appealed against pending final disposal of such appeal.

## **57. Taking further evidence in appeal:**

- If the appellate authority considers that further evidence is necessary, it may take such evidence itself or may direct the officer whose order is appealed against to take additional evidence and to transmit the record thereof to the appellate authority by a specified date.

## **58. Summary rejection of an appeal:**

- Notwithstanding anything contained in these rules, nothing shall prevent the appellate authority from rejecting an appeal summarily, if on a perusal thereof and after hearing the appellant, it considers that there is no sufficient ground for interference.

## **59. Enquiry not be held defective of irregular:**

- No enquiry shall be held to be defective or irregular merely by reason of the non-observance of all the formalities lay down in Rule 43 unless it shall appeal to the appellate authority that the appellant has thereby been materially prejudiced.

## **60. Revision:**

(1)The Chief Commissioner of Land Administration or the Special Commissioner of Land Revenue may at any time either suo motu or on an application made to him, call for an examine the record relating to any decision or order passed or proceedings taken by any authority or officer sub-ordinate to him for the purpose of satisfying himself as to the legality or propriety of such decision or order of the regularity of such proceedings and pass such order in reference thereto as he thinks fit:Provided that the Chief Commissioner of Land Administration or the Special Commissioner of Land Revenue shall not pass any order prejudicial to any person unless such person had an opportunity of making a representation.(2)The Chief Commissioner of Land Administration or the special Commissioner of Land Revenue may stay the execution of any such decision or order or proceedings pending exercise of his power under sub-rule (1) in respect thereof.

## **61. Review:-**

(1)The Government may, either suo motu or on an application made to them call for and examine the records relating to any decision or order passed by the Commissioner under these rules, not being a decision or order staying the execution of any decision or order appealed from or sought to be revised for the purpose of satisfying themselves as to the legality, regularity or propriety thereof and pass such order in reference thereto as they think fit:Provided that no application for the review

of any such decision or order shall be entertained after the expiry of sixty days from the date of such decision or order. Provided further that the Government shall not pass any order prejudicial to any person unless such person has had an opportunity of making representation. (2) The Government may stay the execution of such decision or order pending the exercise of their power under sub-rule (1) in respect thereof.

## **62. Procedure to be followed before enhancing punishment:**

- If the appellate or revisional authority under these rules proposes to enhance the penalty imposed on a village servant to one of suspension, removal or dismissal from service and an enquiry under Rule 45 has not already been held in the case, such appellate or revisional authority shall subject to the provisions of the rule held such enquiry or direct such enquiry be held and thereafter on consideration of the proceedings of such enquiry and after giving the village servant concerned an opportunity of making representation on the penalty proposed pass such order as it may deem fit.

## **63. Time allowed for rectification of formal defect in preferring appeal:**

- Where an appeal which was in time on its first presentation is not admitted on technical grounds or for the correction of an initial error, the appellant shall be directed to remedy defects within a specified period which shall ordinarily be thirty days failing which the appeal shall be liable for rejection on the ground of limitation.

## **64. Admission of time-bared appeal:**

- An appeal may be admitted by the appellate authority after the prescribed period if the appellant satisfied the authority that he had sufficient cause for not filing the appeal within such period. Part - VII Miscellaneous

## **65. The Andhra Pradesh Civil Services (Conduct) Rules, etc., not to apply to Village Servants:**

- The provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, the General Rules for the State and Subordinate Services, the Fundamental Rules and the Pension Code Rules shall not apply to the Village Servants.

## **66. Taking part-time and other remunerative jobs not prohibited:**

(1) The village servants may take up subsidiary occupations in the charge village after notifying to the Mandal Revenue Officer in writing. (2) Notwithstanding anything contained in sub-rule (1) the Mandal Revenue Officer may at any time require a village servant to give up such occupations if he is satisfied that such occupation is or is likely to be detrimental to his normal duties and the village servant shall give up such occupation. Provided that the Mandal Revenue Officer shall not pass an order under this sub-rule without giving the concerned Village Servant an opportunity of making his

representation.