

Tamil Nadu Panchayats Union Councils and District Panchayats (Transfer of Charge of the Office of Chairman) Rules, 2001

TAMILNADU

India

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Rule

TAMIL-NADU-PANCHAYATS-UNION-COUNCILS-AND-DISTRICT-PANCO of 2001

- Published on 12 March 2001
- Commenced on 12 March 2001
- [This is the version of this document from 12 March 2001.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Panchayats Union Councils and District Panchayats (Transfer of Charge of the Office of Chairman) Rules, 2001Published vide Notification No. G.O. Ms. No. 65, Rural Development (C-4), dated the 12th March, 2001 - No. SRO A-19(b-1)/2001G.O. Ms. No. 65. - In exercise of the powers conferred by sub-section (1) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Tamil Nadu Panchayat Union Councils (Transfer of Charge of the Office of Chairman) Rules, 1972, the Governor of Tamil Nadu hereby makes the following Rules:

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1. Short title.

- These Rules may be called the Tamil Nadu Pachayats Union Councils and District Panchayats (Transfer of Charge of the Office of Chairman) Rules, 2001.

2. Definition.

- In these Rules, unless the context otherwise requires, "Act" means the Tamil Nadu Panchayat Act 1994 (Tamil Nadu Act 21 of 1994).

3. Transfer of charge on expiry of term.

(1) In case the term of the office of Chairman of the Panchayat Union Council or District Panchayat, as the case may be, expires by efflux of time, the outgoing chairman shall hand over the charge immediately to the Revenue Divisional Officer concerned. As soon as a Chairman is elected by the members of the newly constituted Panchayat Union Council, or District Panchayat, as the case may be, the Revenue Divisional Officer shall hand over charge to the newly elected Chairman. (2) In case no person is elected as Chairman, or the election of Chairman stayed by an order of competent Court, the Officer specified in sub-rule (1) shall be called the Tamil Nadu Panchayats Union Councils and (Transfer of Charge of the Office of Chairman) Rules, 2001. shall hand over charge to the person elected as the Vice-Chairman of the Panchayat Union Council or District Panchayat, as the case may be. The Vice-Chairman concerned shall, in turn hand over charge to the Chairman as soon as he is elected.

4. Transfer of charge on resignation, disqualification, removal, etc.

(1) In case of resignation of Chairman otherwise ceasing to hold office consequent on his incurring any disqualification, or on removal from office, the Chairman shall immediately hand over charge to the Vice-Chairman. The Vice-Chairman, in turn, shall hand over charge to the newly elected Chairman. (2) If the office of the Vice-Chairman is vacant, the Chairman shall hand over charge to the Officer specified in sub-rule (1) of rule 3 who in turn, shall hand over charge to the person elected as Chairman in the casual election or if no person is elected as Chairman in the casual election, then to the person elected as Vice-Chairman. The Vice-Chairman shall hand over charge to the newly elected Chairman. (3) In case the Chairman is disqualified to continue to office by an order of a competent Court, the Vice-Chairman shall take over charge of the office of Chairman with effect from the date of order and he shall hand over charge to the newly elected Chairman. Provided that in case the office of Vice-Chairman is vacant, the Officer specified in sub-rule (1) of rule 3 shall resume charge as Chairman. (4) In the case of Chairman removed from the office under section 207 of the Act in the case of Panchayat Union Council and under section 209 of the Act in the case of District Panchayat, the Vice-Chairman shall take over charge of the office of the Chairman, and he shall hand over charge to the newly elected Chairman. Provided that in the case office of the Vice-Chairman is vacant, the Officer specified in sub-rule (1) of rule 3 shall assume charge as Chairman and he shall hand over charge to the newly elected Chairman and in case the Chairman is not elected, to the newly elected Vice-Chairman.

5. Transfer of charge on dissolution.

- In the case of the dissolution of the Panchayat Union Council under section 215 or District Panchayat under section 216 of the Act, the outgoing Chairman of the Panchayat Union Council or District Panchayat as the case may be, shall hand over charge to the person appointed by the Inspector to exercise the powers and discharge the duties of the Panchayat Union Council or District Panchayat and of its Chairman, as the case may be. The person or officer shall, in turn hand over charge to the newly elected Chairman on the reconstitution of the Panchayat Union Council or District Panchayat as the case may be: Provided that in case no person is elected as Chairman on

reconstitution of the Panchayat Union Council or District Panchayat, as the case may be, the person or officer shall hand over charge to the Officer specified in sub-rule (1) of Rule 3 who in turn, shall hand over charge to the Chairman as soon as he is elected.

6. Transfer of charge on the Vice-Chairman vacating office.

- If before filling up of the casual vacancy in the office of the Chairman, the Vice-Chairman has to vacate his office due to resignation, disqualification or of his otherwise ceasing to be member of the Panchayat Union Council or District Panchayat, as the case may be, the Vice-Chairman shall immediately hand over charge to the Officer specified in sub-rule (1) of rule 3 and he shall in turn, hand over charge to the newly elected Chairman or Vice-Chairman, as the case may be.

7. Assumption of charge by the Vice-Chairman on the demise of Chairman.

(1) In case of death of the Chairman, while in office, the Vice-Chairman shall immediately take over charge of the office of Chairman and he shall in turn hand over charge to the person elected as Chairman in the casual election. (2) If the office of the Vice-Chairman is vacant, the officer specified in sub-rule (1) of rule 3, shall take over charge of the office of Chairman, who shall hand over charge to the person elected as Chairman or Vice-Chairman, as the case may be.

8. Procedure in cases of failure or refusal of Chairman to hand over charge.

(1) In case the Chairman of the Panchayat Union Council or District Panchayat as the case may be, on ceasing to hold office, fails or refuses to hand over charge within twenty-four hours of his ceasing to be the Chairman, to the Vice-Chairman or the Officer specified in sub-rule (1) of rule 3, as the case may be, the Vice-Chairman or the Officer specified in sub-rule (1) of rule 3, as the case may be, shall take over charge of the office of the Chairman in the form specified below and send a report to the Inspector. The Vice-Chairman or the officer specified in sub-rule (1) of Rule 3, as the case may be, shall hand over charge to the person elected as the Chairman in the casual/ordinary election. Form Certificate of taking over the charge of the office of the Chairman of the Panchayat Union Council/District Panchayat. Certified that Thiru.....who ceased to hold the office as Chairman of the.....Panchayat Union Council/District Panchayat consequent on(reason) refused /failed to hand over charge of the office of the Chairman of.....Panchayat Union Council/District Panchayat and that I (name), the Vice-Chairman/Revenue Divisional Officerhave taken over charge of the office of the Chairman of the said Panchayat Union Council/District Panchayat on this day of..... month of.....year of. *(Strike out whichever is not applicable) Signature. (2) As soon as the report mention in sub-rule (1) above is received, the Inspector shall take action to secure the documents, records, etc. left with the outgoing Chairman and also, if found necessary, to prosecute him for his failure or refusal to hand over charge of the office of the Chairman of the Panchayat Union Council or District Panchayat, as the case may be, under sub-section (3) of the Section 246 of the Act.

9. Certificate of transfer of charges.

- The certificate of transfer of charge of the office of Chairman shall be in the form specified below:
-FormCertificate on Transfer of charge of the office of the Chairman of thePanchayat Union Council/District Panchayat Certified that I have handed over the charge of the office of the Chairman Panchayat Union Council/District Panchayat together with records, etc., mentioned in the annexure, to Thiru.....Vice-Chairman; Revenue Divisional Officer* this day of month of year of.SignatureCertified that I have taken over the charge of the office of the Chairman of Panchayat Union Council/District Panchayat together with records, etc. mentioned in the annexure, from Thiru.....the outgoing Chairman / Vice-Chairman / Revenue Divisional Officer* on this day of.....month of.....year of.* (Strike out whichever is not applicable)Signature

10. Intimation of transfer of charge.

- Intimation regarding the handing over and taking over of charge of the office of the Chairman of the Panchayat Union Council or District Panchayat, as the case may be, should be sent to the Director of Rural Development and the Inspector. It shall be the duty of the Commissioner of the Panchayat Union Council and or the Secretary of the District Panchayat to bring immediately to the notice of the Tamil Nadu State Election Commission and the Inspector, any vacancy arising in the office of the Chairman or Vice-Chairman.