

MADHYA PRADESH PANCHAYAT (RESIGNATION BY OFFICE BEARER) RULES, 1995

PAN. RESIGNATION BY OFFICE BEARER RULES, 1995 (PR)273 60 When the notice or document is served by affixing a copy thereof in accordance with the proviso of rule 3 or clause (c) of rule 4 the employee serving it shall return the duplicate copy to officer -issuing the notice or document with report endorsed thereon or annexed thereto. The said employee shall also obtain the signature of two witness identifying the addressees residence or place of business and certifying the affixing of notice or document to his report

7. When service is made by post, the service shall be deemed to be effected by properly addressing, prepaying and posting the notice or document and unless the contrary is proved, the service shall be deemed to have been effected at the time at which the notice or document would be delivered in the course by post

8. Every notice which the Act requires or empowers a panchayat to give or to serve either as a public notice or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in notice board of Panchayat office during such period or is published in such local newspapers or in such other manners as Panchayat may in this behalf direct

9. No notice or other document shall be invalid for defect of form

10. Whenever in any notice or other document served under the Act or the rules, bye laws or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any other work executed or anything provided such period shall in the absence of any provision to the contrary in the Act or the said rules, bye-laws, or orders thereunder be calculated from the date of such service or in case of public notice under rule (30 from the date of its publication

11. When any notice under the Act, or any rule or bye-laws or order requires any act to be done for which no time is fixed, the notice shall fix a reasonable time for doing the same

12. Repeal.-All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed. MADHYA PRADESH PANCHAYAT (RESIGNA- 1. 2. 3

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6. Repeal.THE MADHYA PRADESH PANCHAYAT (RESIGNATION BY OFFICE BEARER) RULES, 1995 [NoCfn. No. B-1-41-95-n01-P-2, dt. 23-12-1995, Pub. in M.P. Rqjpatra (Ashadharan), dt. 26-12-95, p. 1212(3)]-In exercise of the powers conferred by sub-section (1) of Section 95 read with Section 37 of the Madhya Pradesh Panchayat Raj Adhiniy xn, 1993 (No. 1 of 1994) the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely:— PART-I PRELIMINARY 1. Short title.-These rules may be called the Madhya Pradesh Panchayat (Resignation by office bearer) Rules, 1995

2. Definitions.-In these rules, unless the context otherwise requires,— (a) 'Act' means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994); (b) 'Chief Executive Officer' means Chief Executive Officer of Janpad or Zila Panchayat, as the case may be; (c) 'Form' means form appended to these rules; (d) 'Secretary' means a Secretary of the Gram Panchayat; (e) 'Section' means a Section of the Act. PART-II RESIGNATION OF PANCH OR MEMBER 3. Manner of giving notice.-(1) Any member who desires to resign his office shall give notice, thereof in writing in Form 'A' duly signed by him to the Sarpanch or president as the case may be either in person or through his representative authorised by him in writing in this behalf, a copy of the said notice shall also be sent to the Secretary or Chief Executive Officer, as the case may be. (2) On receiving the notice under sub-rule (1) the Secretary or Chief Executive Officer as the case may be, shall record on the notice the date on which and the time at which the notice was given to him and give a receipt thereof in Form 'B'

4. Acceptance of Resignation.-(1) On receipt of the notice under rule 3, the Secretary or Chief Executive Officer shall forward such notice immediate to the District Deputy Director, Panchayat and Social Welfare and the Collector. (2) The notice of resignation given by the member shall be considered by the Panchayat at its next meeting. Notice of the meeting shall also be PAN. RESIGNATION BY OFFICE BEARER RULES, 1995 (PR)275 given to the member who has submitted the resignation. (3) The Panchayat shall in its meeting may as certain from the member concerned whether he desires to withdraw his resignation and if the member desires to withdraw his resignation, he shall give in writing to that effect in Form 'C'. (4) If the member concerned furnishes the statement in Form 'C' his resignation shall become infructuous. If the member does not withdraw his resignation, then his resignation shall be accepted by the panchayat. (5) The member whose resignation has been accepted shall cease to be a member immediately after the termination of the said meeting. (6) If the member who has submitted his resignation, does not attend the meeting called for considering his resignation after valid service of the notice on him and without sufficient reasons, his resignation shall be deemed to have been accepted after termination of such meeting and he shall cease to be a member of the panchayat. If any member does not attend the meeting due to sufficient reasons his resignation shall be considered in the next meeting of the Panchayat. (7) The Secretary or Chief Executive Officer of the Panchayat, as the case may be shall give intimation to the Collector and to the District Deputy Director Panchayat and Social Welfare about the acceptance of the resignation by the Panchayat. COMMENTARY Validity of acceptance of resignation order.-Under S.37 the resignation could not be accepted without affording him an opportunity to reconsider the decision, the Rules have been framed under Section 37 namely the M.P. Panchayat (Resignation by Office bearers) Rules 1995 and according to its Rules 3 & 4, the resignation could be accepted under sub-rule (4) of Rule 4 only after a full and complete compliance with the provisions of preceding two sub-rules of Rule 4, contemplating consideration thereon by Panchayat at its next meeting under notice to the petitioner. A bare perusal of the record would reveal that the resignation has been accepted by circumventing the provisions of sub-rules (2) and (3) is sufficient to hold that the resignation was not validly accepted. *Bihari Das v. State of M.P.*, 2014(1) MPLJ 148 = 2013(4) MPHT 542 = ILR 2013 MP 1069. PART-III RESIGNATION BY SARPANCH/UPSARPANCH OF GRAM PANCHAYAT, PRESIDENT/VICE PRESIDENT OF JANPAD AND ZILA PANCHAYAT 5. (1) A Sarpanch or Up-Sarpanch of Gram Panchayat, President or, Vice-President of Janpad and Zila Panchayat at may resign his office by giving a notice in Form 'A' in writing to that effect to the prescribed authority. Manner of tendering resignation shall be the same as laid down in rule 3. (PR)276 PAN RESIGNATION BY OFFICE BEARER RULES, 1995 (2) The Prescribed Authority shall make an enquiry to his satisfaction that the resignation tendered by the concerned office bearer is genuine and shall accept it within thirty days: Provided that if the prescribed authority does not accept the resignation within thirty days of receipt of the notice, the resignation shall become effective on the expiry of thirty days from the date of notice. (3) The Prescribed Authority shall inform the concerned Panchayat, District Deputy Director, Panchayat and Social Welfare and the Collector about acceptance of resignation. (4) The Office bearer may withdraw his resignation by giving a notice to that effect to the Prescribed Authority before the resignation becomes effective

6. Repeal-All previous rules on the subject shall stand repealed from the date of final publication of these rules in the "Madhya Pradesh Gazette". FORM 'A' [See sub-rule (1) of rule (3) and rule (6)] NOTICE From To, The Sarpanch/President Gram Panchayat/Janpad Panchayat/ Zila Panchayat District Block Prescribed Authority I hereby resign from the Office of Panch/Up Sarpanch/Sarpanch of the Gram Panchayat/ Member/ President/ Vice President of Janpad/Zila Madhya Pradesh. of District Panchayat Date Signature. FORM 'B' [See sub-rule (2) of rule 31 RECEIPT FOR NOTICE OF RESIGNATION Panch/Sarpanch/ Up- Sar- Notice of resignation of Shri panch/Member/President/Vice President/ of Gram/Janpad/Zila has been delivered to me District Panchayat by said/ Shri / his representative on Shri Date Secretary/Chief Executive Officer Gram/Janpad/Zila Panchayat. District I Score out the word not applicable I do not rat, *or since the 'ila 'ila me tve UPSARPANCH, PRESIDENT ... NIRVACHANNIYAM, 1995 (PR)277 FORM 'C' [See sub-rule (5) of rule 4] Panch/Member of Gram/ Jan- son of 1 ward No. / constituency pad/ Zila Panchayat do hereby state that I tendered my resignation as a No Panch/Member of the Gram/Janpad/Zila Panchayat but I withdraw my resignation of my own accord.

Date Signature Panch/Member THE MADHYA PRADESH PANCHAYAT (UPSAR- PANCH, PRESIDENT AND VICE PRESIDENT) 1. 2. 3. 4

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