

***THE KERALA PANCHAYAT RAJ (RESIGNATION OF PRESIDENT, VICE-PRESIDENT OR MEMBERS) RULES, 2000**

S.R.O. No. 177/2001.— In exercise of the powers conferred by Section 254 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 155 thereof, the Government of Kerala hereby make the following rules namely:-

RULES

1. Short title and commencement.— (1) These rules may be called the Kerala Panchayat Raj (Resignation of President, Vice-President or Members) Rules, 2000.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) “Section” means a section of the Act;

(c) “Form” means a form appended to these rules.

(2) Words and expressions used but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Resignation of President, Vice-President or Members.— (1) If the President or Vice-President or a Member of a Panchayat intends to resign his office under Section 155 of the Act, he may tender his resignation in the form appended to these rules to the Secretary.

(2) The person intending to resign shall sign the resignation letter before the Secretary and tender it in person to the Secretary and in any event it is not possible to do so, the resignation letter shall be got attested by a Gazetted Officer in the State Government service and sent to the Secretary by registered post.

(3) Every resignation letter received by the Secretary not complying with the conditions under sub-rule (2) shall be rejected after recording the reasons thereof.

(4) The Secretary shall, immediately on receipt of a proper resignation letter, write down the time and date of its receipt, the fact whether it was received in person or by post on the letter and sign it and give an acknowledgement receipt in person or sent the same by post, as the case may be, to the person concerned.

Explanation.— Acknowledgement receipt sent through post does not include an acknowledgement receipt of the Postal Department.

The resignation shall take effect from the date on which the resignation letter is received by the Secretary and the person resigned shall hand over the charge of his official functions, records and properties of the Panchayat to the President or the Vice-President or the person holding charge of the President or the Secretary, as the case may be.

4. Notice of resignation.— (1) The information regarding the receipt of resignation of the President or Vice-President or the Member of a Panchayat and the information as to its coming into force shall be reported to the State Election Commission also by the Secretary on the same date itself.

(2) Along with the intimation under sub-rule (1) the fact regarding the resignation shall be reported-

- (a) in the case of President, to the Government and the Vice-President;
- (b) in the case of Vice-President or Member, to the President;
- (c) in the case of President of a Village Panchayat or Block Panchayat, to the President and the Secretary of the Block Panchayat or the District Panchayat, as the case may be, in which he is a member.

(3) Where a resignation has come into force, the fact shall be published by the Secretary in the Notice Board of the Panchayat and reported in the next meeting of the Panchayat.

5. Settlement of dispute regarding resignation.— (1) Any person having a dispute regarding the resignation of the President or the Vice-President or the Member may, within fifteen days from the date on which the resignation is deemed to have taken effect, prefer a petition before the State Election Commission for its decision and the decision of the Commission thereon shall be final.

(2) Every petition filed before the State Election Commission under sub-rule (1) shall be disposed of by the Commission as early as possible.

APPENDIX FORM

[See sub-rule (1) of Rule (3)]

LETTER OF RESIGNATION

I,.....the elected President/Vice-President/Member of
*Village / Block / District Panchayat hereby voluntarily resign the Presidentship / Vice-Presidentship / Membership of the Panchayat.

Place:

Signature,

Date:

Name and address.

Signature, Name, Official address and seal

Of the Gazetted Officer attesting

(To be filled in only in the case where the resignation letter cannot be delivered in person to the Secretary)

(To be filled in by the Secretary)

*This resignation letter has been signed by.....before me and delivered in person to me at.....(time) on.....(date)/ Received this resignation letter by post at.....(time) on.....(date).

Signature of the Secretary.

Acknowledgement Receipt of Resignation letter

(To be filled in by the Secretary and given to the person resigned)

Received by me the resignation letter of Sri.....resigning the Presidentship/ Vice-Presidentship / Membership of the Village*/ Block / District Panchayat at.....(time) on.....(date) in person / by post. The resignation has come into force with effect from the above said date.

Place:

Secretary,

Date:

.....Panchayat.

*(Strike off which is not applicable)