

GUJARAT PANCHAYAT SERVICE (DISCIPLINE AND APPEAL) RULES, 1997

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GUJARAT PANCHAYAT SERVICE (DISCIPLINE AND APPEAL) RULES, 1997

In exercise of the powers conferred by Section 274 read with sub-section (5) of section 227 of the Gujarat Panchayats Act, 1993. (Guj. 18 of 1993), the Government of Gujarat hereby makes the following rules namely

PART 1

GENERAL

1. Short title, commencement and application :-

(1) these rules may be called the Gujarat Panchayat Service (Discipline and Appeal) Rules, 1997.

(2) They shall come into force at once.

(3) Except as otherwise provided by or under these rules, they shall apply to all persons allocated and appointed to the panchayat service and persons holding posts under a panchayat :

Provided that nothing in these rules shall apply to Officers and Servants of the State Service who are posted under the panchayats under section 232 or are on loan service to the panchayat under section 233 of the Act.

2. Definitions :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Gujarat Panchayats Act, 1993:

(b) "Appointing authority" in relation to a person appointed in the Panchayat Service means :

(i) the authority empowered under the Gujarat Panchayat Service (Appointing Authorities) Rules, 1996 to make appointment to the post for the time being held by him, or the authority who is, or under, the powers delegated powered to make appointment to the services of the class or grade of which he is for the time being a members: or

(ii) the authority which appointed him to the posts which he for the time being holds, whether in a permanent or officiating capacity.

(c) "Board" means the Gujarat Panchayat Service Selection Board as constituted under section 235 of the Act;

(d) "Disciplinary Authority" means the authority declared to be the disciplinary authority under the Appendix appended to these rules for imposition of penalty upon a member of the Panchayat Service:

(e) "Government" means the Government of the State of Gujarat.

(f) "Member of panchayat Service or a Panchayat Servant" means any person appointed to the Panchayat Service and includes an officer or servant allocated to the panchayat service under section, 231 of the Act:

(g) "Minor Penalty" means any of the penalties specified in clauses (1) and (2) of rule 6:

(h) "Panchayat" means a District Panchayat, a Taluka Panchayat or as the case may be, a Village Panchayat.

(i) "Panchayat Service" means the Panchayat Service as constituted under section 227 of the Act.

3. Special Provision by Agreement :-

Where it is considered necessary to make any special provisions in respect of a member of the panchayat Service inconsistent with any of these rules, the appointing authority may, by agreement with such member and with the prior approval of the Government, make such a special provision and thereupon these rules shall not apply to such member to the extent to which the special provisions so made are inconsistent therewith.

4. Protection of right and privileges conferred by any law or agreement :-

Nothing in these rules shall operate to deprive any member of the Panchayat Service or any right or privilege to which he is entitled

(a) by or under any law applicable to him, or

(b) by the terms of any agreement subsisting between such member and the relevant Panchayat at the time of the commencement of the rules.

PART 2

SUSPENSION

5. Suspension :-

(1) The appointing authority, or any authority to which it is a subordinate, or the disciplinary authority in that behalf may place a member of Panchayat Service under suspension:

(a) where a disciplinary proceeding against him is contemplated, or is pending: or

(b) where a case against him in respect of any criminal offence involving moral turpitude is under investigation inquiry or trial:

Provided that where the order of suspension is made by an authority subordinate to or lower in rank than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A member of Panchayat Service shall be deemed to have been placed under suspension by an order of appointing authority

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period of exceeding forty eight hours:

(b) with effect from the date of the conviction if the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequents upon such conviction. Explanation.- The period of forty eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent periods of imprisonment, if any, shall be taken into account.

(3) When a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of Panchayat Service under suspension is set aside in appeal or on review under these rules, and the case is remitted for further enquiry of action or with any other directions, the order of his suspension shall be deemed to have continued in force with effect on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of Panchayat Service is set aside or declared or rendered void in consequence of or, by a decision of a court of law, and the Disciplinary authority on a

consideration of the circumstance of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed the member of Panchayat Service shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5)

(a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) where a member of panchayat Service is suspended or is deemed to have suspended in connection with any disciplinary proceeding or otherwise and any other disciplinary proceeding is commenced against him during the continuance of such suspension. the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the member of panchayat Service shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule, may at any time be modified or revoked by the authority which made or is deemed to have made it or by any authority to which that authority is subordinate.

PART 3 DISCIPLINE

6. Penalties :-

The following penalties may, for good and sufficient reasons, and s hereinafter provided to imposed on a member of the Panchayat Service, namely :-

(1) With holding of increments or promotions.

(2) Recovery from pay of the whole or part of any pecuniary loss caused to the Panchayat by negligence or breach of orders.

(3) Reduction in rank including reduction to a lower post or time-scale or to a lower stage in a time-scale.

(4) Compulsory retirement.

(5) Removal from service not disqualifying for future employment.

(6) Dismissal from service which shall ordinarily be a disqualification for future employment. Explanation - The following shall not amount to a penalty within the meaning of this rule.

(i) Withholding of increments of a member of the panchayat Service for failure to pass a departmental or language examination in accordance with the rules or orders governing the service to which he belongs or the post which he for the time being holds or the terms governing his appointment.

(ii) Stoppage at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.

(iii) Non promotion of a member of the panchayat service, after consideration of his case to a post or grade to which he is eligible, on administrative grounds unconnected with his conduct.

(iv) Reversion of a member of the Panchayat Service who is efficiating in a higher service grade or post to a lower service grade or post on the ground that after trials he is considered to be unsuitable for such higher service, grade or post or on administrative grounds not connected with his conduct.

(v) Reversion of a member of panchayat Service appointed on probation to another service grade or post, during or at the end of the period of probation to his permanent service. grade or post, in accordance, with the terms of his appointment to the rules or under governing such probation.

(vi)

(a) Termination of the services of a member of the panchayat service appointed on probation during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probation.

(b) Termination of the service of a member of the Panchayat Service employed under and agreement in accordance with the terms of such agreement.

(vii) Compulsory retirement of a member of a Panchayat Services in accordance with the provisions relating to his superannuation or retirement in the panchayat service and not on ground of his conduct.

7. Authority to impose penalties :-

Subject to the provisions of these rules the disciplinary authority or any authority to whom such authority is subordinate may impose any of the penalties specified in rules - 6 on any member of the panchayat service to the extent shown against in the Appendix appended to these rules.

8. Procedure for imposing major penalties :-

(1) No order, imposing on a member of the Panchayat Service any of the penalties specified in clauses (3) to (6) of rule 6, shall be passed except after a formal inquiry is held as far as may be, in the manner hereinafter provided.

(2) In case where the allegations against a member of the Panchayat Service are grave or are such as would entail a major punishment such as reduction in rank, compulsory retirement removal or dismissal from service, a preliminary inquiry shall, as far as possible, be held by an officer superior to the person against whom the allegations are to be inquired into : Provided that, if there has been an investigation or inquiry by police in the matter and a report has been received thereon, the same may be considered an equivalent to a preliminary inquiry and no further preliminary inquiry shall be necessary :

Provided further that where, however, the disciplinary authority thinks that any matter needs to be clarified further it shall refer the matter to the police for such further clarification and shall not entrust it to the departmental officers.

(3) On receipt of the report of the preliminary inquiry or the police report, the disciplinary authority shall determine

(i) whether there is a prima facie case for a formal inquiry.

(ii) whether the member of the Panchayat Service should be prosecuted in a court of law.

(4) When an order for formal inquiry has been made, the disciplinary authority shall frame definite charges on the basis of allegations and shall communicate such charges along with the statement of the allegations to the member of the Panchayat Service and also require him to submit within such time as may be specified a written statement of defence and also to state whether he desires to be heard in person.

(5) The person against whom inquiry is to be held shall for the purpose of preparing the defence be permitted to inspect and take extracts from such records as he may specify: Provided that such permission may be refused if for reasons to be recorded in writing in the opinion of the inquiry officer such records are not relevant for the purpose or it is against the public interest to allow his success thereto.

(6) On receipt of the written statement of defence or if any such statement is not received within the time specified, the disciplinary authority may himself enquire into such of the charges as are not admitted or appoint an Enquiry Officer to hold the inquiry and forward to him his report and, if advised, his recommendation along with all inquiry papers.

(7) the disciplinary authority may nominate any person to present the case in support of the charges before the Enquiry Officer. A member of the Panchayat Service may present his case with the assistance of any other panchayat servant approved by the Enquiry Officer, but may not engage a legal practitioner for the purpose, unless the person nominated by the disciplinary authority as aforesaid is a legal practitioner or unless the disciplinary authority having regard to the circumstances of the case so permits.

(8) If the member of the panchayat service desires to be heard in person, he shall be so heard. If he so desires or if the disciplinary authority so directs, an oral enquiry shall be held by the Enquiry Officer. At such inquiry evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross examine the witnesses, to give evidence in person, to produce documentary evidence, if any, and to have such witnesses called as he may wish :

Provided that the Enquiry Officer may, for reasons to be recorded in writing, refuse to call a witness.

(9) At the conclusion of the inquiry, the Enquiry Officer shall prepare a report of the inquiry, recording his findings on each of the charges together with reasons therefore. If in the opinion of the

Provided that findings on such charges not be recorded unless the Panchayat Servant has admitted the facts constituting such charges or has had an opportunity of defending himself against such charges.

(10) The proceedings conducted against the person charged shall contain sufficient record of

(i) the charges framed against such person and the statement of allegations;

(ii) the written statement of defence, if any :

(iii) the oral evidence taken in the course of the inquiry :

(iv) the documentary evidence considered in the course of the inquiry

(v) the orders, if any, made by the Enquiry Officer or the disciplinary authority as the case may be, with regard to the inquiry:

(vi) a report setting out the findings on each charge and the reasons therefore.

(11) The Enquiry Officer, if he is other than the disciplinary authority, shall submit the records of the proceedings mentioned in clause (10) above to the disciplinary authority without recommendation relating to the penalty to be imposed, unless the disciplinary authority has specifically called for such recommendation. The disciplinary authority shall consider the record of the enquiry and its findings on each charge, having regard to the findings on the charges and the record of the proceedings, he is of the opinion that any of the penalties specified in clauses (3) to (6) of rule 6 should be imposed, he shall

(a) furnish to the person charged a copy of the report of the Enquiry Officer and, where the disciplinary authority is not the Enquiry Officer a Statement of its findings together with brief reasons for disagreement, if any, with the findings of the Enquiry Officer,

(b) [xxx]

(12)

(a) In every case in which it is necessary to consult the Board in accordance with the rules framed in that behalf the record of the inquiry, (x x x] shall be forwarded by the disciplinary authority to the Board for its advice. On receipt of the advice, the disciplinary authority shall consider the representation if any, made by the person charged, . which were as under : "together with the. copy of

the notice given under sub-clause (b) of clause (11) above and the representation made in response to such notice if any" and the advice given by the Board and determine what penalty should be imposed on the person charged and pass appropriate orders in the case.

(b) In a case in which it is not necessary to consult the Board or the Selection Committee, the disciplinary authority shall consider the representation, if any, made by the person charged in response to the notice and determine what penalty, if any, should be imposed and shall pass appropriate order on the case.

(13) If the disciplinary authority, having regard to the findings, is of the opinion that any of the penalties specified in clauses (1) to (3) of rule 6 should be imposed, it shall pass appropriate order in the case subject to the condition that in every case in which it is necessary to consult the Board the record of the inquiry shall be forwarded to the Board for its advice and such advice shall be taken into consideration before passing final orders.

(14) the orders passed by the disciplinary authority shall be communicated to the member of the Panchayat service who shall also be supplied with a copy of the report of the inquiry officer and where, disciplinary authority is not the Enquiry Officer, a Statement of its findings together with the brief reasons for disagreement, if any, with the findings of the Enquiry Officer unless they have already been supplied to the person charged, and also a copy of the advice, if any, given by the Board.

9. Procedure for imposing minor Penalties :-

(1) No order imposing any of the penalties specified in clauses (1) and (2) of rule 6 shall be passed except after-

(a) the person charged is informed in writing of the proposal to take action against him and of the allegations on which such action is proposed to be taken and is given an opportunity to make any re-representation which he may wish to make:

(b) such representation, if any, is taken into consideration by the disciplinary authority: and

(c) the Board is consulted in case where such consultation is necessary.

(d) the Board is consulted in case where such consultation is

necessary.

(2) The record of the proceedings in such cases shall include

(i) a copy of intimation to the person charged of the proposal to take action against him:

(ii) a copy of the statement of allegations communicated to him, his representation, if any, the advice of the Board and the orders on the case together with the reasons therefore.

(3) A copy of the orders passed along with a copy of the allegations, if any, if not already supplied, and a copy of the advice of the Board if any shall be supplied to the member of the Panchayat Service charged.

10. Common Proceedings :-

(1) Where two or more members of the panchayat service are concerned in any matter relating to disciplinary action, the authority competent to impose the penalty of dismissal from service on all such members of Panchayat Service may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) If the authorities competent to impose the penalty of dismissal on such members of Panchayat Service are different, an order for taking disciplinary action in a common proceeding may be made by the authority highest in rank of such authorities with the consent of other authorities.

(3) Subject to the provisions of rule 7 read with Appendix in so far as they relate to imposition of penalties specified in clauses (3) to (6) of rule 6, any such order shall specify

(a) the authority which may function as the disciplinary authority for the purpose of such common proceeding:

(b) the penalties specified in rule 6 which such disciplinary authority shall be competent to impose:

(c) whether the procedure laid down in rule 8 or rule 9 shall be followed in the proceedings.

11. Special procedure in certain cases :-

(1) Nothing contained in rules 8, 9 and 10 shall apply

(i) where a penalty is to be imposed on a Panchayat servant on the ground of conduct which has led to his conviction on criminal charge, or

(ii) where a Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure in the said rules:

(iii) where the Government is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure.

(2) In case to which the provisions of sub-rule (1) shall, apply the Disciplinary Authority may consider the circumstances of the case concerned and pass such order thereon as it deems fit :

Provided that where prior consultation is necessary with the Board it shall be consulted before passing such orders.

12. Subsistence allowance during suspension :-

A member of the panchayat service who is placed under suspension shall during the period of such suspension be paid subsistence allowance according to the relevant rules applicable to him.

13. Reinstatement :-

When a member of the Panchayat Service who has been dismissed, removed or suspended from service, is reinstated the authority passing the order of reinstatement shall make an order as to

(a) the pay and allowances which shall be paid to him for the period of his suspension; and

(b) whether or not the said period shall be treated as a period spent on duty: in accordance with the relevant rules applicable to him.

PART 4

APPEALS

14. Appeals against orders imposing penalties other than suspension :-

(1) A member of the panchayat service may appeal against an order imposing any penalty other than suspension on him to the authority specified as appellate authority in the Appendix Appended to those rules within a period of forty five days from the date on which he receives the order:

Provided that the appellate authority may entertain an appeal after

expiry of the said period, if it is satisfied that the appellant has had sufficient cause for not submitting the appeal in time.

(2) Every person submitting an appeal shall do so separately and in his own name.

(3) The appeal shall be addressed to the authority competent to hear appeals and shall contain a material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language. A copy of the order appealed against shall invariably be enclosed with the Appeal.

(4) Every appeal shall be submitted through the officer to whom the appellant is subordinate at the the time of submitting the appeal. Such officer shall, in turn forward it to the authority which made the order:

Provided that an advance copy of the appeal may be submitted direct to the appellate authority.

15. Appeals against order of suspension :-

A member of Panchayat Service may appeal to the State government against an order of his suspension, within a period of forty five days from the date on which he receive such order.

16. Withholding of appeals :-

(1) The authority which made the order, which has been appealed against, may withhold the appeal if

(a) it is an appeal against an order from which no appeal lies. or

(b) it does not comply with any of the provisions of rule 14 or 15 or

(c) it is not submitted within the period specified in rule 14 or 15 and no cause is shown for the delay, or

(d) it is a repetition of an appeal already decided and no new facts or circumstances are adduced: Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 14 or 15 shall be returned to the appellant and if resubmitted within one month thereof, after compliance with the said provisions, it shall not be withheld.

(2) where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefore.

(3) At the commencement of each quarter, a list of the appeals

withheld by any authority during the previous quarter, together with the reasons for withholding them shall be furnished by such authority to the appellant authority.

17. Transmission of Appeals :-

(1) The authority which made the order appealed against shall, without any avoidable delay transit to the appellate authority every appeal which is not withheld under rule 16 together with its comments therein the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 16 and thereupon such appeal shall be transmitted to that authority together with the relevant records.

18. Consideration of appeals :-

(1) In the case of an appeal against an order of suspension, the State Government shall consider whether, having regard to the provisions of rule 16 and the circumstances of the case the order of suspension is Justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 6, the appellate authority shall consider.

(a) Whether the procedure prescribed in these rules has been complied with and if not, whether such non-compliance has resulted in violation of any provisions of the Constitution of India or in failure of Justice:

(b) Whether the findings are justified, and

(c) Whether the penalty, imposed is excessive, adequate or inadequate and after, consultation with the Board, if such consultation is necessary in the case, pass orders

(i) setting aside, reducing, confirming or enhancing the penalty, or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

Provided that

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the

order appealed against is competent in the case to impose :

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty proposed to be imposed on him: and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (3) to (6) of rule 6 and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 11, itself hold, such inquiry or direct that such inquiry be held and there after on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, and after obtaining the advice of the Board where necessary, pass such orders, as it may deem fit.

(3) In the case of an appeal against any order specified in rule 23, the appellate authority shall consider at all the circumstances of the case and passed such orders as it deems just and equitable.

19. Implementation of orders in appeal :-

The authority which made the order appealed against, shall give effect to the orders passed by the appellate authority.

20. Second Appeal :-

Where an appeal has been preferred and an order is passed thereon by an authority specified in column 5 of the Appendix second appeal against the decision in such first appeal, shall lie to the authority specified in column 6 of the said Appendix. Such second appeal may be preferred within a period of forty five days from the date of the receipt of the order passed in first appeal.

21. Appeals in other cases :-

(1) A member of the Panchayat Service may appeal against an order which

(a) denies or varies to his disadvantage his pay, allowance, pension or other conditions of service as regulated by any rules or by agreement, or

(b) denies promotion to a higher post or service to which is otherwise eligible according to the recruitment rules and which is due to him according to seniority, or

(c) interprets to his disadvantage the provisions of any such rules or agreement, or

(d) stops him at the efficiency bar in the time scale on the ground of his unfitness to cross the bar. or

(e) reverts him to a lower service, or post, otherwise than as a penalty or

(f) determines the pay and allowance for the period of suspension to be paid on reinstatement or determine whether or not such period shall be treated as a period spent on duty;

(g) reduce or withholds the pension or denies the maximum pension admissible under the rules to the District Development Officer and where the order is passed by the District Development Officer either directly or in appeal, top the State Government or an Officer authorised by the Government in this behalf:

(h) discharges him from service, or

(i) denies to him confirmation in service or has the effect of his non-confirmation in service.

(2) The District Development Officer or the State Government or the Officer so authorised, as the case may be, shall call for the relevant, records, consider the appeal and pass suitable orders.

(3) The orders passed by the State Government of the Officer so authorised under sub-rule (2) shall be final.

(4) No appeal under sub-rule (1) shall be entertained unless it is submitted within a period of forty five days from the date on which the appellant received a copy of the order appealed against :

Provided that appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

PART 5 REVIEW

22. Governments power to review :-

Notwithstanding anything contained in these rules, the Government may. on its own motion or otherwise after calling for the record of the case, review any order passed by any authority which is made or is appealable, or which is deemed to have been made or to be appealable, under these rules, and, after consultation with the

Board where such consultation is necessary and may

(a) confirm, modify or set aside the order :

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order:

(c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case, or

(d) pass such other order as it deems fit:

Provided that

(i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty :

(ii) If the Government proposes to impose any of the penalties specified in items (3) to (6) of rule 6 in a case where an inquiry under rule 8 has not been held, it shall, subject to the provisions of rule 11, itself hold such inquiry in accordance with the provisions of rule 8 and thereafter on consideration of the proceedings and record of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(iii) the Government shall not review orders or decisions of any officer or authority in relation to a specified Civil Servant as defined in clause (b) of section 2 of the Gujarat Civil Services Tribunal Act, 1972 (Guj. Act No. 2 of 1973) (hereinafter referred to as "the said Act") with respect to any of the matters specified in the schedule to the said Act, in the cases where an appeal lies to the Gujarat Civil Services Tribunal constituted under section 3 of the said Act against such orders of decision under section 11 of the said Act.

23. Review of orders in disciplinary cases :-

The authority to which an appeal against an order imposing any of the penalties specified in rule 6 lies may, of its own motion or otherwise, call for the record of any proceeding under these rules and review any order passed in such a case and, may, after consultation with the Board where such consultation is necessary pass such orders as it deems fit as if the Panchayat servant had preferred an appeal against orders : Provided that no action under

this rule shall be taken after the expiry of a period of more than six months from the date of such order.

24. Review by Government of its own order :-

(1) The Government may review its own order provided the following conditions are fulfilled, namely :

- (i) there is some error apparent on the face of the record, or
- (ii) there are other sufficient reasons for review :

Provided that the penalty inflicted on panchayat servant shall not be enhanced unless he has been given an opportunity to show cause why such penalty should not be enhanced :

Provided further that none of the penalties specified in clauses (1) and (2) of rule 6 shall be changed to any of the penalties specified in clauses (3) to (6) of the said rule 6 under the procedure laid down in rule 4 has been followed.

(2) No proceedings of review under this rule shall be commenced until after

- (i) the expiry of the period of limitation for an appeal, or,
- (ii) the disposal of the appeal, when any such appeal has been preferred.

PART 6
MISCELLANEOUS

25. Power to relax time limit and condone delay :-

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order, may, for good and sufficient reasons or if sufficient cause is shown extend the time specified in these rules for anything required to be done under these rules or condone any delay.

26. Supply of copy of Boards advice :-

Wherever the Board is consulted as provided in these rules, a copy of the advice by the Board and, where such advice has not been accepted, also a brief statements of the reasons for such non-acceptance, shall be furnished to the panchayat servant concerned along with a copy of the order passed in the cases by the authority making the order.

27. Repeal and Saving :-

(1) The Gujarat Panchayat Service (Discipline and Appeal) Rules, 1994 are hereby repealed.

Provided that

(a) such repeal shall not affect the previous operation of the said rules or anything done or any action taken there under:

(b) any order passed under the rules hereby repealed shall so far as it is not inconsistent with these rules, be deemed to have been passed under these rules :

(c) any proceedings under the said rules pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules hereby repealed in respect of any order passed before the commencement of these rules and such, right, if not exercising under these rules shall be exercisable as if the rules referred to in sub-rule (1) had not been repealed.

(3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

28. Removal of doubts :-

Where a doubt arises as to who is the Head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government whose decision thereon shall be final.