
BOMBAY VILLAGE PANCHAYATS SERVANTS (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1960

CONTENTS

1. Short title
2. Definitions
3. Disqualifications
- 4 . Powers of panchayats regarding appointment and service conditions of its servants
- 4A. Upper and lower age limits for appointment of panchayat servants
- 4B. Retirement age of panchayat servant
5. Panchayat servant to perform duties as entrusted by Sarpanch
6. Pay and allowances of panchayat servant
7. Panchayat servant to reside at place of appointment
8. Leave of panchayat servants
- 9 . Panchayat servant prohibited from taking part in political movement
10. Panchayat servant prohibited form canvassing or taking part in election to a legislative body or any local body
11. Panchayat not to reinstate person convicted in Criminal Court
- 1 2 . Panchayat servant prohibited from engaging in trade or business without permission

BOMBAY VILLAGE PANCHAYATS SERVANTS (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1960

In exercise of the powers conferred by Section 176 of the Bombay Village Panchayats Act, 1958 (Bom.III of 1959), and in supersession of all previous rules made in this behalf under any of the enactments repealed by Section 185 of the said Act, the Government of Bombay hereby makes the following rules, namely:-

1. Short title :-

These rules may be called the BOMBAY VILLAGE PANCHAYATS SERVANTS (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1960 .

2. Definitions :-

In these Rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Bombay Village Panchayats Act, 1958 ;

(b) "Panchayat servant" means a servant of a panchayat appointed under Section 61 of the Act.

3. Disqualifications :-

No person shall be employed as a servant of the panchayat, if-

(a) he is not of good character; or.

(b) he has been dismissed for misconduct from the service of any other panchayat or any local body or from Government service; or

(c) he has been convicted by a Criminal Court of any offence relating to elections or involving moral turpitude.

4. Powers of panchayats regarding appointment and service conditions of its servants :-

A panchayat shall, subject to the provisions of the Act and these rules have power in respect of appointment, allotment of duties, fixation of pay, grant of leave, promotion and punishment of any panchayat servant.

4A. Upper and lower age limits for appointment of panchayat servants :-

No person shall be appointed as a panchayat servant if he is less than eighteen years of age or, more than [thirty three years] of age in the case of a person belonging to a Scheduled Caste or [Scheduled Caste converted to Buddhism, Scheduled Tribes, Nomadic Tribe, or Vimukta Jati] or to any class of citizens declared by the State Government [from time to time to be other Backward Class] more than [twenty eight years] of age in any other case, on the date of his appointment:

Provided that, where the candidate has experience and possesses academic qualifications, the Block Development Officer may for reasons to be recorded in writing relax the upper age limit up to thirty-five years, if the candidate belongs to a Scheduled Caste, [Scheduled Caste converted to Buddhism, Scheduled Tribes, Nomadic Tribe, or Vimukta Jati] or other Backward Class and upto thirty years if he belongs to any other class.

Explanation:- For the purpose of this rule, 'Academic qualification',
-

(i) in relation to a candidate for any class III post, means a

Certificate of having passed a final examination conducted by a Divisional Board established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (Mah.XLI of 1965) or, any other qualification which the State Government may declare to be equivalent to the aforesaid certificate, and ;

(ii) in relation to a candidate for any class IV post, means a certificate issued by the Commissioner, Bureau of Government Examinations of having passed the Primary School Certificate Examination or the Vernacular VII Standard Examination] [or a school Leaving Certificate issued by the authority of a recognised Primary or Secondary Schools School of having passed the Std.VII examination.

4B. Retirement age of panchayat servant :-

A panchayat servant shall retire on the date on which he attains the age of superannuation which is fixed for a Zilla parishad servant of the corresponding category.

Explanation:- For the purpose of this rule, "corresponding category" in relation to any post held by a panchayat servant, means such category in the services under the Zilla Parishads as may be declared by the Chief Executive Officers of the Zilla Parishads to be corresponding to that post.

5. Panchayat servant to perform duties as entrusted by Sarpanch :-

A panchayat servant shall be subject to the orders of the panchayat, perform such duties as may be entrusted to him by the Sarpanch.

6. Pay and allowances of panchayat servant :-

The pay and allowances of a panchayat servant shall be such as may be fixed by the panchayat having regard to its financial position, and not exceeding the pay and allowances fixed for [Government servants or Zilla Parishad servants of corresponding category, whichever is less].

7. Panchayat servant to reside at place of appointment :-

Except with the permission of the Sarpanch no panchayat servant shall reside at a place other than the place of his appointment.

8. Leave of panchayat servants :-

The leave of the panchayat servants shall be regulated according to the [Maharashtra Zilla Parishads District Services Rules, 1968, and they shall be deemed to have the status of Class IV servants for

this purpose. They may also be granted casual leave on the same terms and to the same extent as admissible to Class IV servants. All kinds of leave shall be granted by the Sarpanch. Leave other than casual leave granted to any panchayat servant shall be recorded in the service book of the panchayat servant maintained by the panchayat.

9. Panchayat servant prohibited from taking part in political movement :-

(1) No panchayat servant shall take part in , subscribe in aid of or assist in any way any political movement in India or any political movement relating to Indian affairs.

(2) If there is any doubt whether any action which a panchayat servant proposes to take would contravene the provisions of sub-rule (1) [the Sarpanch suo motu or such panchayat servant (through the Sarpanch) may refer the matter to the Chief Executive Officer for decision.

Explanation:- For the purposes of sub-rule (1), the expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against or to embarrass the Government as by law established or to promote feeling of hatred or enmity between different classes of citizens of India or to disturb the public peace.

10. Panchayat servant prohibited form canvassing or taking part in election to a legislative body or any local body :-

(1) A panchayat servant shall not canvass or otherwise interfere with or use his influence in connection with or take part in any election to a legislative body:

Provided that a panchayat servant who is qualified to vote at such election may exercise his right to vote, but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(2) A panchayat servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or a prospective candidate for election to a legislative body shall be deemed for the purposes of sub-rules (1), to take part in any election to such body.

(3) The provisions of sub-rules (1) and (2) shall also apply in the

case of an election of any municipal corporation, municipality, [Zilla Parishad, panchayat Samiti], school board, village panchayat or any other local body.

11. Panchayat not to reinstate person convicted in Criminal Court :-

The panchayat shall not reinstate any panchayat servant who has been convicted in a Criminal Court unless he is honorably acquitted in appeal or revision.

12. Panchayat servant prohibited from engaging in trade or business without permission :-

No servant of the panchayat shall engage hi any trade or business or undertake any other appointment without obtaining previous permission in writing of the panchayat.