

THE ANDHRA PRADESH ABOLITION OF POSTS OF PART-TIME VILLAGE
OFFICERS ACT, 1985

ACT No. 8 OF 1985

ARRANGEMENT OF SECTIONS

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THE ANDHRA PRADESH ABOLITION OF POSTS OF PART-TIME VILLAGE OFFICERS ACT, 1985

ACT 8 OF 1985

[8th April, 1985]

AN ACT TO ABOLISH THE POSTS OF PAT-TIME VILLAGE OFFICERS IN THE STATE OF ANDHRA PRADESH

Whereas the State Government are of the opinion that the system of part-time Village Officers is outmoded and does not fit in with the modern needs of Village administration;

And whereas the State Government have, after careful consideration, taken a policy decision to abolish all the posts of part-time Village Officers on grounds of administrative necessary and to introduce a system of whole-time officers to be in-charge of village administration.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-sixth Year of the Republic of India as follows:-

1. Short title and commencement – (1) This Act may be called the Andhra Pradesh Abolition of Posts of Part-time Village Officers Act, 1985.

(2) It shall be deemed to have come into force on the 6th January, 1984.

2. Definitions – In this Act, unless the context otherwise requires:-

(a) "Competent authority" means the Revenue Divisional officer having jurisdiction over the revenue village within his division;

(b) "Government" means the State Government of Andhra Pradesh;

(c) "law" includes any rule, by-law, regulation notification, scheme, form or order;

(d) "Part-time Village Officer" means any person who holds any of the village office of headman, munisiff, reddy, monigar, peddakapu, patel, karnam or patwari or triune officer or holder of any such village office by whatever designation it may be locally known including their assistants appointed under:-

(i) the Andhra Pradesh (Andhra Area) Village Officers Services Rules, 1969;

(ii) the Andhra Pradesh (Telangana Area) Village Offices Service Rules, 1978; or

(iii) any other law;

(e) "Prescribed" means prescribed by rules made under this Act;

(f) "revenue village" means any area which is notified as revenue village under the provisions of the Andhra Pradesh District (Formation) act, 1974;

(g) "Village Assistant" means an officer appointed under sub-section (1) of section 4.

3. Abolition of the posts of part-time Village Officers and persons holding such posts to cease to hold office – The posts of part-time Village Officers in the State of Andhra Pradesh are hereby abolished with effect on and from the date of the commencement of this Act, and every person who holds the post of

part-time Village Officer in any part of the State of Andhra Pradesh shall, with effect on and from such date, cease to hold such post.

4. Appointment of Village Assistants – (1) Subject to the provisions of sub-section (2) and the rules made under the proviso to article 309 of Constitution, the District Collector may appoint a person as Village Assistant for one or more revenue villages.

(2) No person shall be eligible for appointment to the post of Village Assistant unless he possess the Minimum General Educational Qualification referred to in rule 12 (a) (i) of Part-II of the Andhra Pradesh State and Subordinate Services Rules and prescribed in the Schedule to the said Part-II.

(3) The Village Assistant shall be whole-time Government servant.

(4) The Village Assistant shall perform the duties relating to the collection of land revenue, taxes, cesses and other sums due to the Government, maintenance of the village records and such other duties (including the implementation at the village level of the schemes of the Government as may be assigned to him by the Government) or Commissioner of Land Revenue or the Collector or any other authority or officer authorized in this behalf.

(5) The Government or any officer or authority authorised by them in this behalf may sanction, from time to time, the creation of such number of posts of Village Assistants as may be necessary for the purpose of this Act.

5. Amount to be paid on abolition of posts of part-time Village Officers –

(1) Every person who ceases to hold the post of part-time Village Officer by reason of section 3, shall be paid an amount for the total service put in by him as part-time Village Officer and such amount shall be determined in accordance with the provisions of sub-section(2).

(2) The amount referred to in sub-section (1) shall be calculated at the rate of one-half of the monthly emoluments for every year of total service put in by the person referred to in sub-section (1).

Explanation:- For the purpose of this section,-

(a) where the total service,-

(i) includes a period which is a portion of a year; or

(ii) is a period less than a year;

the amount payable for the period referred to in sub-clause (i) or sub-clause(ii), as the case may be, shall be an amount bearing to the amount payable for one year of total service, the same proportion as the said period bears to the period of one year of total service.

(b) "monthly emoluments" shall mean,-

(i) honorarium, which was payable to the part-time Village Officer for the whole of the calendar month immediately preceding the date of the commencement of this Act;

(ii) an amount equal to one-twelfth of the consolidated annual travelling allowance for the year ending with the 31st December, 1983:

Provided that where the part-time Village Officer was on leave other than casual leave or was absent without authorisation or was under suspension, during the whole or part of the month

immediately preceding the date of commencement of this Act, the monthly emoluments shall mean,-

(i) honorarium, which would have been payable to him for the whole of the said month but for such leave, absence or suspension, and

(ii) an amount equal to one-twelfth of the consolidated annual travelling allowance for the year ending with the 31st December, 1983;

(c) "total service" shall not include any period during which a part-time Village Officer was-

(i) on leave other than casual leave; or

(ii) absent without authorization; or

(iii) under suspension.

(3) (a) The competent authority shall,, either suo motu or on an application made, determine by an order in writing the amount to be paid under sub-section(1) and such order shall, subject to the provisions of sub-section (6) and section 6, be final.

(b) The application referred to in clause (a) shall be made by the persons referred to in sub-section (1), or in the event of the death of such person, by his legal heir or heirs, within such time and in such form and in such manner as may be prescribed:

Provided that before passing an order under this sub-section, the competent authority shall give a reasonable opportunity of being heard to the person or persons concerned.

(4) The amount payable under sub-section (1) shall be paid within a period of one year,-

(a) in case where there is no appeal, from the date of the order of the competent authority under sub-section (3);

(b) in case where there is an appeal, from the date of the order of the District collector under sub-section (6);

(c) in case where an application for appointment as Village Assistant is filed, from the date on which such application is rejected.

(5) In the event of the death of the person concerned before payment of the amount under sub-section (1), the amount remaining so unpaid on his death shall be paid to his legal heir or heirs.

(6) Any person aggrieved by an order of the competent authority under sub-section (3) may prefer an appeal to the District Collector within the prescribed period and the District Collector may pass an order on the appeal as he deems fit:

Provided that the District Collector may entertain the appeal after the expiry of the prescribed period if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time:

Provided further that the District Collector shall, before passing the order on the appeal preferred to him under this sub-section, give a reasonable opportunity of being heard to the appellant.

(7) The order passed by the District Collector under sub-section (6) shall, subject to the provisions of section 6, be final.

6. Revision - (1) The Commissioner of Land Revenue may of his own motion or on application made to him, call for and examine the record of the appellate authority and the Government may, of their own motion or on application made to them, call for and examine the record of the Commissioner of Land Revenue, in respect of any proceeding to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision passed or order made therein; and if, in any case it appears to the Commissioner of Land Revenue or the Government, that any such decision or order should be modified, annulled,, reserved or remitted for reconsideration he or they may pass orders accordingly.

Provided that every application to the Commissioner of Land Revenue or the Government for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order adversely affecting any party shall be passed under sub-section (1) unless he has been given an opportunity of making his representation.

(3) The commissioner of Land Revenue or the Government, as the case may be, may suspend the decision or order pending exercise of his or their power under sub-section (1) in respect thereof.

(4) The decision passed or the order made by the Commissioner of Land Revenue or the Government under sub-section (1) shall be final.

7. Act to override other laws - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. Construction of reference to Village Officers - In the application of any law, reference to the Village Offices of headman, munsiff, reddy, monigar, peddakapu, patel, karnam or patwari or triune officer or village officer shall, unless the context otherwise requires, be deemed to be a reference to the Village Assistant appointed in respect of one or more revenue villages under sub-section (1) of section 4 or a person appointed under section 13.

9. Power to remove difficulties - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date of commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before each House of the State Legislature.

10. Certain pending proceedings to abate - (1) Subject to the provisions of sub-section (2) and notwithstanding anything contained in anyother law for the time being in force,-

(a) all proceedings including appeals and revisions relating to the appointment of part-time Village Officers; and

(b) all departmental disciplinary proceedings including appeals and revisions against part-time Village Officers;

Pending before any authority or Government on the date of the commencement of this act shall abate.

(2) Nothing contained in sub-section (1) shall affect:-

(a) any criminal proceedings (including investigation, trial, appeal or revision) against part-time Village Officers in respect of any offence falling under the Indian Penal Code or under any other criminal law, and accordingly all such criminal proceedings shall be instituted or continued;

(b) any other proceedings (including any proceedings relating to the recovery of any amount due to the Government from a part-time Village Officer) before any Civil, Revenue or any other Court; and accordingly all such proceedings shall be continued or instituted.

11. Power to make rules – (1) The government may, by notification in the Andhra Pradesh Gazette make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done other law:-

12. Penalty for not handing over of records and other properties of village administration – Notwithstanding anything contained in any other law,-

(a) any part-time Village Officer who ceases to be such part-time village Officer under section 3, shall, on demand, hand over immediately any records any properties of the Village Administration, which are in, or have come into his possession or control,, to the officer appointed under section 13;

(b) if any such part-time Village Officer fails to comply with the provisions of clause (a),-

(i) it shall be lawful for any officer of the Revenue Department not below the rank of a Deputy Tahsildar authorized by the competent authority to enter any building or place where such officer has reason to believe that the part-time Village Officer keeps or is for the time being keeping and records and properties of the village administration and search and seize any such records and properties in accordance with the provisions of the Code of Criminal Procedure, 1973; and the power to search and seize shall include the power to break open any box or receptacle in which such records and properties may be kept or to break open the door of any premises where the records and properties may be kept.

(ii) without prejudice to any action being taken under sub-clause (i), such part-time Village Officer shall be liable for prosecution and on conviction by a Metropolitan Magistrate or a Judicial Magistrate of the first class, be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

13. Interim arrangements – Notwithstanding anything contained in sub-section (1) of section 4, until the Village Assistants are appointed in respect of one or more revenue villages under sub-section (1) of section 4, the competent authority, may as an interim arrangement, appoint any officer of the State Government not below the rank of a junior Assistant to discharge the functions of the Village Assistant under this Act for one or more revenue villages.

14. Bar of jurisdiction to civil courts – No civil court shall have jurisdiction in respect of any order passed by any officer or authority under this Act and no stay or injunction shall be granted by a court in respect of any action taken or to be taken by such officer or authority under this Act in pursuance of any power conferred by or under this Act.

15. Repeal of Ordinance 21 of 1994 – The Andhra Pradesh Abolition of Posts of part-time Village Officers Fifth Ordinance, 1984, is hereby repealed.