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No. VPE-1081/2978/CR-1016/XXIII-B,  
Rural Development Department,  
Mantralaya, Bombay-400 032.  
Dated the 5th November 1981.

To

(91)  
All Commissioners of Divisions,  
(except the Commissioner Bombay Division).

Subject:- Disqualification of a member of Village  
Panchayats under section 14 read with  
section 16 of the Bombay Village Panchayats  
Act, 1958.

...

Sub-section (2) of section 16 of the Bombay Village Panchayats Act, 1958 provides that if question whether a vacancy has occurred under the said section is raised by the Collector *sou motu* or on an application made to him by any person in that behalf, the Collector shall decide the question as far as possible within 60 days from the date of receipt of such application. Any person aggrieved by the decision of the Collector may, within a period of 15 days from the date of such decision, appeal to the State Government. Powers of the State Government under Section 16(2) of the Bombay Village Panchayats Act, 1958 have been delegated to the Divisional Commissioners.

2. According to the provisions contained in section 16(2) a person aggrieved by the decision of the Collector is entitled to prefer an appeal, if he so desires, to the Divisional Commissioner within a period of 15 days from the date of the decision given by the Collector and the Commissioner is required to entertain such appeal made within the stipulated period of 15 days. But it is not binding on the Commissioner to admit an appeal preferred to him after expiry of the statutory period of 15 days. However, if the Commissioner wants to admit the time-barred appeal for the one or other reason, he should invariably ascertain, before admitting such time barred appeal, from the Collector whether the vacancy occurred due to disqualification of the aggrieved person (i.e. the person who has come in appeal) has been filled by holding the bye-election. If such vacancy is not filled by the Collector by holding the bye-election, then only the Commissioner may admit the time barred appeal and also inform the Collector concerned not to fill up the vacancy in question till the orders are passed by the Commissioner in the appeal.

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*Wamph*  
(D.D. Wagh)

Desk Officer,  
Rural Development Department.

Copy forwarded for information and guidance to all  
Collectors of District (except the Collectors of Bombay and  
Bombay Suburban Districts).