

Thesis Title	The Disciplinary Procedure and the Complaint Against the Chief District and Leader of the Village
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### ABSTRACT

This research has an aim to analyse any problems concerning with disciplinary and complaining action by the Chief District and Leader of the Village who are considered as a government officer but not a civil servant. To potentially command the Chief District and Leader of the Village, it is essential to apply the provision relating with the disciplinary procedure to them. The discipline of person is important to the state administration and a key factor in making a success to people, society and nation. This leads the nation to be peaceful, well – mannered and prosperous. According to article 61 bis of the Provincial Administration Act B.E. 2457, it stipulates that the discipline and disciplinary punishment of the Chief District and Leader of the Village shall be subject to the Civil Service Act B.E. 2535 mutatis mutandis. However the provision relating to the discipline has many problems : - the overlap of provision, the indistinctive provision and ineffective application of provision which the commanders or investigating committee face with problems in applying facts to provision and which it causes unfairness to the Chief District and Leader of the Village Who are taken in disciplinary action. As overlapping of disciplinary provision, when they commit only one offence, such offence shall be applied to many articles. The discretion in taking disciplinary penalty is higher than it should be. Moreover, the surety of fairness for the Chief District and Leader of the Village taken disciplinary action is to complain, while the surety for civil servant taken disciplinary action is to appeal. It is found that the surety of fairness is less in term of a right of complaining and complainant, duration of complaint filing and complaining proceedings. Therefore, it is necessary to study these problems in order to find solutions for them.

This research is a documentary study in term of analysing the legal problems by studying laws, rules, regulations and commanding letters relating to the disciplinary action and complaint of the Chief District and Leader of the Village. From this research, the status of the Chief District and Leader of the Village who derive from the election is not a civil servant. Therefore, it should impose one provision concerning with the discipline of the Chief District and Leader of the Village on the Provincial Administration B.E. 2457. Comparing the provision of discipline relating to the disciplinary keeping and disciplinary proceedings on the Civil Service Act, it should merge all provisions which have same proposal and aim together. It should amend any provisions to be distinct and cancel any ineffectively practised provisions. To ask for fairness by the Chief District and Leader of the Village, who are punished in discipline, the word of “complaining” should be replaced by the word of “appealing” in order to be consistent with the provision of appealing the disciplinary action of the Civil servant on the Civil Service Act B.E. 2535. It should stipulate the right of complainant to be distinctive and extend the duration of filing the complaint from 15 days to 30 days as from the date of knowing the punishment order. In consideration of complaint, the committee should be set up for taking disciplinary action of the Chief District and Leader of the Village in accordance with the surety of fairness that is a righteousness of legislation, a de facto righteousness, equality without privilege and fastness with the most righteousness.