

Rajasthan Public Service Commission (Conditions of Service) Regulations, 1974

RAJASTHAN

India

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Rule

RAJASTHAN-PUBLIC-SERVICE-COMMISSION-CONDITIONS-OF-SERVICE of 1974

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Rajasthan Public Service Commission (Conditions of Service) Regulations, 1974Published vide Notification No. F.8(17) DOP/A-II/73, dated 11.05.1974No. F.8(17) DOP/A-II/73. - In exercise of the powers conferred by sub-clause (a) of Articles 318 of the Constitution, the Governor hereby makes the following regulations, namely: -

1. Short title, commencement and application.

(1)These Regulations may be called the Rajasthan Public Service Commission (Conditions of Service) Regulations, 1974.(2)They shall come into force on the date of their publication in the Official Gazette (published on 6-6-74).(3)They shall also apply to Members of the Commission holding office at the commencement of these regulations except in so far as they may have the effect of varying to the disadvantage of a Member, the conditions of service to which he was entitled immediately before the commencement of these regulations.

2. Definitions.

- In these Regulations, unless the context otherwise requires,-(a)"Chairman" means a Chairman of the Commission and includes an acting Chairman appointed by the Governor under article 316(IA) of the Constitution.(b)"Commission" means the Rajasthan Public Service Commission.(c)"Member" means a member of the Commission and includes the Chairman thereof.

3. Number of Members.

(1)The maximum number of member of the Commission excluding the Chairman, shall be [Seven] [Substituted for 'Five' Vide Notification dated 27-06-2011]. Provided that the Commission shall not be precluded from functioning as such nor shall its acts and proceedings be invalidated merely because a temporary vacancy has occurred in the office of the Chairman or a Member for any reason, whatsoever.

(2)A Member may be appointed by the Governor to perform the duties of Chairman absent on leave or on the occurrence of a vacancy in the Office of the Chairman until some person has been permanently appointed to the office and has entered upon the duties thereof.

[[4. Pay. [Substituted by Notification No. F.8(18) D.O.P./ A-II/ 84 dated 17-07-1985 effective from 05-07-1984, Substituted Vide Notification dated 01-08-1989 w.e.f.

01-09-1986.](1)The Chairman shall receive pay of Rs.80,000/- (Fixed) p.m. and each of the other Members shall receive pay of Rs.79,000/- (Fixed) p.m:Provided that. - (i) an Officer of All India service appointed to the Commission shall be entitled to have his pay fixed at the same stage from the date of such appointment as was admissible in All India Service;(ii)the pay of an Officer who was already drawing pay of Rs. 79,000/- or more shall be fixed on his appointment to the Commission at Rs. 79,000/- (Fixed) and he shall be allowed to draw pension and pension equivalent to other forms of retirement benefits subject to the aggregate of such pay, pension and pension equivalent to other forms of retirement benefits not exceeding the amount he had drawn as pay immediately before his retirement or Rs. 80,000/- whichever is less.(iii)the pay of an officer who has retired from a Board, Corporation, University, local body or any other body wholly or substantially owned or controlled by any State Government or Central Government on his appointment to the commission shall also be fixed in accordance with the provisions contained in proviso (ii) above.(iv)no arrear of pay and allowances on account of revision of the pay shall be paid for the period from 01.09.2006 to 31.12.2006, both days inclusive. Actual cash benefit shall be payable from 01.01.2007.](2)The Member appointed under Regulation 3(2) to perform the duties of the Chairman shall receive for the period that he performs such duties the salary to which he is entitled as a Member of the Commission plus Rupees two hundred per month as additional remuneration provided that such additional remuneration shall not be admissible if the period is less than 30 days and it will be admissible only for a maximum period of 4 months.]]

4A. [Dearness Allowance. [Substituted vide notification no.F.8(106)DOP/A-II/79 dated 04.06.1983]

- The Chairman and Members shall receive dearness allowance at the rates applicable from time to time to the officers of the Government of India].

5. Retirement from parent service on appointment as Member.

- A Member who, on the date of his appointment to the Commission, was in the service of the Central or a state Government shall be deemed to have retired from such service with effect from the date & he takes over as Member of the Commission.

6. [Leave admissible to a member and cash payment in lieu of unutilized earned leave. [Substituted for Regulation 6 vide notification No.F.8(17)DOP/A-II/73 dated 30.06.79.]

(1)A member of the Commission who at the time of appointment to the Commission was in the service of Central or State Government shall be entitled to leave under the rules applicable to him immediately before his appointment and his service as member shall count for such leave.(2)A member of the Commission shall also be paid cash payment in lieu of unutilized leave at his credit at the time of his retirement on superannuation from Government service during his tenure as a member in accordance with the rules applicable to him as Government servant in this behalf.(3)A member of the Commission who was in the Service of Central or State Government and retires from Service under Government during the tenure of his service in the Commission shall, for the period of service as a member subsequent to his retirement from Government service, earn leave under regulation 7.(4)A member of the Commission irrespective of whether he was in the service of Central or State Government at the time of his appointment in the Commission or not shall also be paid cash equivalent of leave salary in respect of the unutilized earned leave at his credit upto a maximum of [240 days] at the time he vacates his office.]

7. Leave admissible to a Member who was not in the service of the Central or a State Government.

- A Member who at the time of his appointment to the Commission was not in the service of the Central or a State Government shall be entitled to leave as provided for in the schedule appended to these regulations.

7A. [[Deleted vide Notification No. F.8(17)DOP/A-II/73 dated 30.06.79.]

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7A. Payment of compensation in certain cases of refusal of leave.- (1) Leave of a member shall lapse on the date on which he vacates office. Provided that if, in the requirements of the public service, a member is or has been refused leave preparatory to the expiry of his term of office, he may, for the hardship caused by such refusal, be granted compensation for leave so refused, subject to the condition that such compensation shall be granted in respect of not more than one hundred and twenty days of leave refused, and the amount of such compensation shall be determined in the manner hereinafter set out and paid to the member in equal monthly installments, not exceeding four.(2) For the purpose of determining the amount of compensation payable to a member under sub-regulation (1), the total amount of: (i) the leave salary that the member would have drawn if the leave had not been refused, and (ii) the pension (including the pension equivalent of other retirement benefits) to which the member is entitled from the date of vacation of office for a period equivalent to the period of leave refused, shall be calculated separately and the total amount of pension (including the pension equivalent of other retirement benefits) referred to in clause (ii) shall then be deducted from the total amount of leave salary' referred to in clause (i) and the

balance shall be the amount of compensation payable to the member under sub-regulation (1).
(Deleted)

8. [[Serial Number 8 Deleted Vide Notification Dated 21-07-2015 (w.e.f. 01-09-2006).]

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8. Pension payable to Members who were in the service of the Central or a State Government.- (1) A Member who, at the time of his appointment as such, was in the service of the Central or a State Government, shall at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belongs with effect from the date of his appointment as Member: Provided that, in such an event, his pay as Member shall be reduced by an amount equivalent to the gross pension (including any portion of the pension which may have been commuted) and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately. (2) Notwithstanding anything contained in regulation 5, a Member, who at the time of his appointment as such, was in the Service of the Central or a State Government, if he does not exercise the option mentioned in sub-regulation (1), Shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

9. [Pension payable to members. [Serial Number 9 Substituted Vide Notification Dated 21-07-2015 (w.e.f. 01-09-2006).]

- Pension under these regulation shall be paid at the following rates, namely: -(i) in the case of the Chairman, Rupees Sixteen thousand per annum for each completed year of service in the Commission. (ii) in the case of a Member, Rupees Fifteen thousand per annum for each completed year of service in the Commission: Provided that no such pension shall be payable to Chairman/Member of the Commission, -(a) unless he has completed minimum three years of service as Chairman/Member; or (b) if he has been removed from office as Chairman/Member. Provided further that Chairman/Member who, at the time of his appointment in Commission, was in the service of the Central or a State Government, his service as Chairman/Member shall not be countable for grant of pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment. However the cases of the Chairman/Member who at the time of appointment as such have opted to draw his pension and other retirement benefits under the rules applicable to the service to which he belongs, shall not be reopened. Provided also that no arrear shall be payable for the period from 01.09.2006 to 31.12.2006. Cash payment shall be payable from 01.01.2007.]

10. [[Serial Number 10 Deleted Vide Notification Dated 21-07-2015 (w.e.f. 01-09-2006)]

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10. Pension when not payable.- (1) No pension shall be payable under these regulations to a Member: -(i) Who, on the date of his appointment as such, was in the service of a local body or any other body wholly or substantially owned or controlled by Government; or(ii) Who, on the date of his appointment as such had retired from service under the Central or a State Government, a local body or any other body wholly or substantially owned or controlled by Government, if he is in receipt of, had received or has become entitled to receive, any retirement benefit by way of pension, gratuity, payment from any Contributory Provident Fund or otherwise, but such person may, at his option, come under the pension scheme under these Regulations, if the amount of the pension or the pension equivalent or the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these Regulations.(2) A Member holding office as such shall communicate the option referred to in sub-regulation (1) in writing to the Governor during his tenure as such Member, the option once exercised shall be final.(3) If a Member exercising his option under this regulation received any gratuity on retirement from the service under the Central or a State Government, a local body or any other body wholly or substantially owned or controlled by the Government, he shall refund -(i) The amount of the gratuity so received in lump sum;(ii) The pension, if any, drawn by him; and(iii) Where the pension has been commuted, the value of the amount of pension so commuted.(4) If a Member exercising his option under this regulation received any benefits of contributory Provident Fund on retirement from the service under the Central or a State Government, a local body or other body wholly or substantially owned or controlled by the Government, he shall not become eligible for pension under these regulations unless he refunds in lump sum the Government's or employer's contribution, as the case may be, with interest thereon together with other retirement benefits, if any, received by him.

11. [[Serial Number 11 Deleted Vide Notification Dated 21-07-2015 (w.e.f. 01-09-2006)]

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11. Provisions for provident fund in respect of a Member who was in the service of the Central or a State Government.- A Member who on the date of his appointment to the Commission was in the service of the Central or a State Government and who had been admitted to the benefits of a contributory Provident Fund, may continue to subscribe to that fund until the date on which he must compulsorily retire according to the rules applicable to him in his service. The employer's contributions payable to the fund, shall as from the date of the Member's appointment to the Commission, be payable by the Government on the basis of the emoluments which he would have drawn in the post which he held immediately before such appointment: Provided that if the pension equivalent of Government contribution to the contributory Provident Fund together with the interest thereon falls short of the amount of the pension admissible to a Member in respect of the service rendered by him as such, such member may, at his option, come under the pension scheme under regulation 9.Explanation 1.- A Member exercising his option under the above proviso shall communicate his option in writing to the Governor during his tenure as such Member the option once exercised being final.Explanation II.- If a Member exercising his option has received any benefits of contributory Provident Fund on retirement from service under the Central or a State

Government, he shall not become eligible for pension under these regulations unless he refunds in lump sum the Government contribution to that Provident Fund with interest thereon together with other retirement benefits, if any.

12. Option to subscribe to the Central Provident Fund.

- Every Member may, at his option, subscribe to the General Provident Fund, in accordance with the General Provident Fund (Rajasthan Services) Rules, 1981 or orders governing that fund: Provided that a Member who on the date of his appointment was in the service of the Central or a State Government and who had been admitted to the benefits of any other Provident Fund, may instead be allowed to continue to subscribe to that fund in accordance with the rules or regulations applicable to that fund, until he reaches the date on which he must compulsorily retire from service in accordance with the rules applicable to him in his service. On that date, his accumulated balance in that Provident Fund, including the Government's contribution, if any, shall, if the Member has exercised his option in favour of subscribing to the General Provident Fund, be transferred to the said fund.

13. Travelling allowance to Member who were in the Service of the Central or a State Government.

- A Member who on the date of his appointment was in the service of the Central or a State Government, may, on a journey by Railway/ [Road to join his post draw travelling allowance at the rates provided for a journey on transfer by the rules applicable to him immediately before his appointment.] [Inserted Vide Notification dated 14.08.2001]

14. [Travelling allowance to Members who are not in the service of the Central or a State Government. [Substituted by vide Notification dated 14.08.01]

- A Member who on the date of his appointment was not in the Service of the Central or a State Government may, on a journey by Railway/Road to join his post draw travelling allowance at the rates provided for a journey on transfer as admissible to a Government Servant of Category "A" under the Rajasthan Travelling allowance Rules, 1971.]

15. Travelling allowance to a Member.

- A Member, when travelling on duty, is entitled to such travelling and halting allowances (including incidental charges) and at the rate at which these are admissible under the Rajasthan Travelling Allowance Rules, to a Government Servant drawing pay of Rs. 1800/- or above, notwithstanding the provisions of the said rules, he shall have the option to undertake journey by road between places connected by Rail.

15A. [Travelling allowance to Chairman/Members on retirement/Completion of tenure of office. [Inserted vide Notification dated 09.09.85]

- The Chairman or, as the case may be, a Member shall, on his retirement or completion of the tenure of his office, be entitled to travelling allowance, for himself as well as for the members of his family, for the journey undertaken from the last station of his duty to his home town, at the same rates as are admissible to a Government Officer of category I.]

16. [Facilities for medical treatment. [Substituted by Vide Notification dated 21.12.2002.]

- A member shall be entitled to such facilities for medical treatment as are provided under the All India Services (Medical Attendance) Rules, 1954 as amended from time to time.]

17. Advance for purchase of conveyance.

- A Member shall be entitled to the grant of an advance for the purchase of a Motor car in accordance with rules and orders applicable to the officers of the State Government from time to time. Provided that after receipt of the loan there is possibility of repayment of principal and interest is not less than twenty equated monthly installments before the conclusion of the term of appointment: Provided further that where repayment of principle and interest is not less than twenty equated installments is not possible, Government may, by specific order, grant an advance which shall be repaid with principal and interest in less than twenty equated monthly installments before the completion of the term of appointment.

17A. [Allotment of accommodation. [Added vide Notification No. F.8(17)DOP/A-2/73 dated 15.07.75 w.e.f. 06.06.74]

- In respect of allotment of buildings owned or leased or requisitioned by the Government of Rajasthan, the Chairman and Members shall be governed by the rules and orders for the time being applicable to a Secretary to the Government of Rajasthan.]

18. Conditions of Service in residuary matters.

- In respect of any matter for which special provision is not made by these Regulation, the Chairman and other members of the Commission shall be governed by the rules and orders of the time being applicable to such classes of Government servants as shall be specified by the Governor.

19. Repeal and Savings.

(1) On the commencement of these regulations the Rajasthan Public Service Commission (Conditions of Service) Regulations, 1951 issued with Notification No. F.20(2) Appts. (c)/50 dated

the 8th March, 1951 as amended from time to time shall stand repealed.(2)Nothing contained in these regulations shall have effect so as to give a Member who is serving as such at the commencement of these regulations less favorable terms in respect of his allowances or his rights in respect of leave of absence or pension than those to which he would have been entitled if these regulations had not been made.[Schedule] [Inserted vide Notification dated 05.07.75 w.e.f. 06.06.74](See Regulation 7)A Member who at the time of his appointment to the Commission was not in the service of the Central or a State Government may be granted leave by the Governor as follows: -(a)Earned leave at the rate of one eleventh of the period spent on duty, on leave salary equivalent to full pay subject to a maximum of 120 days at any one time.(b)Leave on medical certificate or on private affairs on leave salary at the rate of 20 days in respect of each completed year of service on leave salary equivalent to half pay:Provided that commuted leave on full pay not exceeding half the amount of half-pay leave due may be granted if the leave is taken on medical certificate and the authority competent to sanction leave has reason to believe that the Member will return to duty on its expiry.(c)Extraordinary leave without allowances when not other leave is by rule admissible or when other leave is admissible, but the Member concerned applies in writing for the grant extraordinary leave.Note. - All or any two of the above kinds of leave may be granted in combination of any occasions.