

Bihar Public Service Commission (Conditions of Service) Regulations, 1960

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BIHAR-PUBLIC-SERVICE-COMMISSION-CONDITIONS-OF-SERVICE-REGULATIONS, 1960

- Published on 12 August 1960
- Commenced on 12 August 1960
- [This is the version of this document from 12 August 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Public Service Commission (Conditions of Service) Regulations, 1960Published vide Notification No. III/PSC-201/60-A - 11224, dated 12.08.1960Last Updated 1st February, 2020Notification No. III/PSC-201/60-A - 11224, the 12th August, 1960/21st Shravan 1882. - In exercise of the powers conferred by Article 318 of the Constitution of India and in supersession of the Regulations published with the Appointment Department's Notification No. 2654, dated the 31st March, 1953, the Governor of Bihar is pleased to make the following Regulations determining the number of member for the Public Service Commission, Bihar and their conditions of service and making provision with respect to the staff of the Commission and their conditions of service : -

Part I – Preliminary

1.

These Regulations may be called the Bihar Public Service Commission (Conditions of Service) Regulations, 1960.

2.

In these Regulations unless there is anything repugnant in the subject or context, -(a)"The Commission" means the Public Service Commission for Bihar;(b)"compensatory allowance" means an allowance granted in consideration of personal expenditure or loss of amenities or private practice necessitated by the special circumstances in which duty is performed. It includes a

travelling allowance but does not include a sumptuary allowance or the grant of a free passage by sea to or from any place outside India;(c)"Governor" means the Governor of Bihar;(d)"Member" means a Member of the Commission and includes the Chairman;(e)"Service Member" means a person who, before his appointment as Member, was in the service of the Government of India or of a State in India, irrespective of whether he joins as Member before or after his retirement from such service;(f)"Parent Service" means, in relation to a Service Member, the Service under the Government in which he was employed before his appointment as such Member; and(g)"service pension" means the pension granted", to a Service Member, under the Rules of the parent Service and signifies the gross amount of such pension prior to commutation, and includes the pension equivalent of service gratuity.

Part II – Composition of the Commission and Pay of Members

3.

(i)The Commission shall consist of a Chairman and three other members :Provided that in the case of absence of one or more Members on leave or otherwise, the remaining Members or Member, as the case may be, shall constitute the Commission.(ii)The Governor may appoint an additional member when a member proceeds on leave preparatory to demitting office.

4.

The Chairman may receive a pay of Rs. 2,500 a month and each of the other Members may receive a pay of Rs. 1,750 a month :Provided that if the Chairman or members is in receipt of a service pension at the time of his appointment as Chairman or Member, or if he qualifies for a service pension at any time during his tenure as Chairman or Member, the pay fixed by this Regulation shall, with effect from the date on which he begins to draw the service pension, be reduced by an amount which shall be determined by the Governor but such amount of reduction shall in no case exceed the amount of the service pension.

Part III – Conditions of Service of Members

Section I (Leave)

5.

(1)A Member who at the date of his appointment was in the service of the Government of India or of a State in India, may be granted leave under the Rules applicable to the service to which he belongs, and his service as Member up to the date of his retirement from the service shall count for such leave.(2)Subject to the provisions of clause (3), all leave at the credit of such Member shall lapse on the date of his retirement from the Service which he belongs, and he may, thereafter, be granted leave under Regulation 6.(3)If, on the date of his retirement from the service to which he belongs, there is any leave on average pay or earned leave at the credit of such Member under the Rules

applicable to that Service, such leave, up to an amounts not exceeding six months in all, may, by special order of the Governor, be added to the leave admissible under sub-rule (a) of clause (1) of Regulation 6.(4)The provision of clause (3) shall apply, mutatis mutandis, also to a Member who was in the service of the Union or of a State in India immediately before his appointment as Member, and who voluntarily retired from or resigned his service in order to take up the appointment.

6.

(1)Member who, at the date of his appointment was not in the service of the Government of India or of a State in India, may be granted leave as follows : (a)Leave on leave salary equivalent to average pay up to 1/11th of the period spent on duty as a Member, subject to a maximum of four months at any one time. (b)Leave on medical certificate on leave salary equivalent to half the pay admissible on earned leave, subject to a maximum of three months at any one time. (c)Extraordinary leave without allowance, subject to a maximum of three months at any one time. Explanation. - All or any two of these kinds of leave may be granted in a combination at one time. (2)A Member may, in addition to any leave salary he may be entitled to under clause (1), draw the Service pension under the proviso to Regulation 4. (3)Leave at the credit of a Member shall lapse on the date on which he vacates office : Provided that if, in the exigencies of the public service a Member is refused leave preparatory to retirement, he may for 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 four months 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 instalments, not exceeding four. (4)For the purpose of determining the amount of compensation payable to a Member under clause (3), 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 gratuity) 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 referred to in item (ii) shall then be deducted from the total amount of leave salary referred to in item (i) and the balance shall be the amount of compensation payable to the Member under clause (3).

7.

The power to grant or refuse leave to a Member or to revoke or curtail leave granted to a Member shall in all cases be exercised by the Governor.

8.

When the Chairman is absent on leave or otherwise, the senior most Member may hold current charge of the administrative duties of the Chairman and be allowed a special pay of Rs. 200 per month during such period. Section 2 (Pension)

9.

In this Section, unless the context otherwise : (1) "actual service" includes - (i) time spent on duty as a Member of the Bihar Public Service Commission; (ii) time spent on duty by a Member referred to in sub-clause (i) in the performance of such other functions as he may, at the request of the Governor, undertake to discharge, and (iii) joining time on transfer to the office of Member from a post or an office under the Union or a State; (2) "service for pension" includes - (i) actual service; (ii) one month or the amount actually taken, whichever is less of each period of leave on full allowances; (iii) joining time on return from leave outside India; and (iv) any period not exceeding three months which, under the orders of the Governor, may for special reasons, be added to the service for pension of a Member; (3) "pay" includes, where the pay drawn by a Member during his tenure of office was varied on account of any change in the rate of pay, on deputation, leave, promotion from the office of Member to the office of Chairman or any other reason the average monthly salary for the full term for such the Member has held office. Explanation. - The expression "Full term" in this clause means any period not exceeding six years preceding the date on which the Member has vacated office.

10.

Subject to the provisions of these Regulations, a pension shall be payable to a member on ceasing to hold office only if he has completed not less than three years' service for pension. No pension shall be payable to a Member on his removal from office, but in case a Member who has completed three years' service or more for pension, resigns from his office, and such Resignation is accepted by the Governor, the pension admissible under these Regulations shall be payable.

11.

Pension under these Regulations shall be payable to a Member, for life, subject to the condition that the pension shall be held in abeyance for any period during which he may subsequently be appointed to hold the office of a Member of the Union Public Service Commission or of a Member of a Public Service Commission of another State: Provided that the provision of this Regulation shall not apply to a Member who is, or becomes, qualified to receive a service pension, irrespective of whether he actually draws the service pension or the higher pension admissible under the proviso to Regulation 13.

12.

(1) In the case of a Member who on the date of appointment was not in the service of the Union or a State, the pension to which such Member will be entitled shall - (i) in the case of a Chairman, if he has completed six years' service for pension and has drawn pay at the rate of Rs. 2,500 a month, be Rs. 5,075 per annum; and (ii) in the case of a Member, other than the Chairman, if he has completed six years' service for pension and has drawn pay at the rate of Rs. 1,750 a month, be Rs. 3,553 per annum. (2) If a Member has completed three years', four years' or five years' service for pension, be three-sixths, four-sixths or five-sixths, respectively, of the full pension which would be payable to

him, as the case may be, in accordance with clause (1). (3) Where the pay determined under clause (3) of Regulation 9 in respect of a period of six years of service for pension of a Member is less than the pay specified in relation to such period in sub-clause (i) or (ii) of clause (1) the amount of pension admissible per annum shall be the amount arrived at by multiplying the average monthly pay determined under clause (3) of Regulation 9 with the amount of pension to which the Member would be entitled if his full, and not average, monthly pay had been taken into account, and the product then being divided by the full pay mentioned in sub-clause (i) or (ii) of clause (1), as the case may be. (4) In cases specified in clause (2) if the average monthly pay determined under clause (3) of Regulation 9 is less than the full pay to be taken into account for purposes of the clause, the pension admissible shall be the relative proportion, in each case, specified in the said clause, of the amount of pension arrived at in accordance with clause (3).

13.

In the case of a Service Member, the period of his service as Member shall, until he retires from the Parent service, count for service pension. After such retirement he shall not be entitled to any pension admissible under Regulation 12 : Provided that if a Member, at the date of his appointment, had been granted or had qualified for a "service pension", or if at any time thereafter during the tenure of his office as Member is granted or qualifies for a service pension, and the service pension is lower in amount than the pension that would be admissible to him under Regulation 12, he may draw in lieu of his service pension, pension as a Member as may be admissible under Regulation 12.

14.

The pension payable under Regulation 12 shall not be commuted but the pension under Regulation 13 may be commuted.

15.

The authority competent to grant a pension to a Member shall be the Governor. Section 3 (Travelling Allowance)

16.

The Travelling Allowance of a Member will be regulated by the Rules in force applicable to Government servants of the first grade : Provided that -(i) the Chairman shall be entitled to draw halting allowance at the rate of Rs. 10 and a Member other than the Chairman shall be entitled to draw halting allowance at the rate of Rs. 7.50; and (ii) if he was not at the date of his appointment in the service of the Government of India or of a State, a Member shall be entitled to draw, for the journey to join his post, travelling allowance as for a journey on transfer. Section 4 (Other conditions of service)

17.

Subject to the general condition that the amount of compensatory allowance should be regulated that allowance is not on the whole a source of profit to the recipient, the Governor may, subject to any conditions which he sees fit to impose, grant to any Member any compensatory allowance other than travelling allowance and may fix the amount thereof.

18.

The medical and surgical treatment of a member and his family shall be provided in accordance with the Rules which for the time being apply to [officers of the All India Service] [Substituted for 'Govt, servants of the first grade'. Vide S.O.628 dated 31.7.1969],.

19.

The Chairman and Members of the Commission may recess at Ranchi at their own expense for a period not exceeding three months in any calendar year subject to the following conditions :(a)That the recess will be continuous; and(b)that the Chairman and other Members may take one stenographer and two orderly peons each at Government expenses.

20.

A Member shall be entitled to subscribe to the General Provident Fund in accordance with the Rules regulating that fund.

21.

If a residence owned or leased by Government is allotted to a Member, his occupation of the residence shall be subject to the Rules which apply to an officer of the I.A.S.:Provided that, if the residence is one specially meant for a Member, the Member shall be liable to pay the standard rent of the residence or rent at rate equal to 10 per cent of his monthly emoluments, whichever is less. Irrespective of whether he occupies the residence or not.

21A. [[Inserted Vide Notification No. 111/PSC - 202/60A - 10967, dated 16.8.1961]

A House building advance and an advance for the purchase of Motor Car to a member will be regulated by appropriate Rules in force applicable to Govt, servants drawing comparable emoluments],.

Part IV – Section 1 (Composition)

22.

The staff of the Commission shall include a Secretary, an assistant Secretary and such other Gazetted and non-Gazetted staff as the Governor may, from time to time, determine in consultation with the Commission. Section 2 (The Secretary and the Assistant Secretary)

23.

The Secretary and the Assistant Secretary shall be appointed by the Commission with the approval of the Governor.

24.

(1) If at the date of his appointment, the Secretary was in the service of the Government of India or of a State, he shall hold office for a period of five years or till he attains the age of 55 years, whichever is earlier: Provided that the Commission may, with the approval of the Governor, extend his term by successive periods not exceeding five years till he reaches the age of 55 years. (2) If at the date of his appointment the Secretary was not in the service of the Government of India, or of a State, he shall hold office during the pleasure of the Governor and shall normally serve till he attains the age of 55 years unless his services are terminated earlier for any special reason.

25. [[Regulations 25(1) Substituted by Notification No. A - 13927, dated 6.11.1965.]

(1) If at the date of his appointment the Secretary was not in the service of the Government of India or of a State, he shall receive the pay which he would have drawn but for his appointment as Secretary and in addition a special pay of Rs. 150 a month: Provided that if Ministerial Officer is appointed to the post of Secretary, his initial pay shall be fixed at the stage in the time-scale of Rs. 500 - 20 - 650 - E. B. - 35 - 1,000 next above the amount arrived at by adding Rs. 150 to his substantive pay. (2) If at the date of his appointment, the Secretary was not in the service of the Government of India, or of a State, and is not a retired Government servant, he shall draw as initial pay the minimum of the scale of Rs. 450 - 35 - 660 - E. B. - 35 - 870 - 40 - 1,070 - E. B. - 45 - 1,250 unless the State Government sanction advance increments under Rule 86 of the Bihar Service Code. (3) If the Secretary is a retired Government servant, he shall be allowed to draw the initial pay in the scale of Rs. 450 - 35 - 660 - E. B. - 35 - 870 - 40 - 1,070 - E. B. - 45 - 1,250 unless the State Government sanction advance increments provided that the sum total of pay plus pension shall not exceed the substantive pay last drawn by him before retirement.]

26.

In respect of all other matters, the conditions of service of the Secretary shall be such as are applicable to members of the State services drawing comparable emoluments except that if the Secretary is a member of an All India Service his conditions of service shall be the same as those of members of that service.

27.

The post of Assistant Secretary shall be filled either permanently or for a specified period as the Commission may with the approval of the Governor, decide.

28. [[Substituted for old scale of Rs. 500 - 20 - 600. Vide Replacement scales.]

The Assistant Secretary shall receive pay during the tenure of his office in the scale of Rs. 300 - 25 - 450 - E. B - 25 - 700 - E. B - 25 - 750.]

29.

In respect of all other matters the conditions of service of the Assistant Secretary shall be such as are applicable to officers of the State Government drawing comparable emoluments.

30.

In exceptional circumstances, for reasons to be specially recorded, the Commission may with the approval of the Governor, appoint or reappoint as Secretary or any other officer on the staff of the Commission, a person who has already attained the age of 55 years, but such appointment shall be made for one year at a time, and it shall in no case be extended beyond the date on which the person attains the age of 60 years. Section 3 (Ministerial Officers and inferior servants)

31.

(1) The Ministerial officers and inferior servants shall, subject to the control of the Chairman, be appointed by the Secretary. (2) The scales of pay, Rules for recruitment and promotion and other conditions of service of the Ministerial officers and inferior staff of the Commission shall be similar to those prescribed for the corresponding posts in the Bihar Secretariat. (3) The authority, which may impose any of the penalties prescribed in Rule 2 of the Bihar Subordinate Services (Discipline and Appeal) Rules, shall be the Secretary and the appellate authority shall be the Chairman.

32.

In respect of all matters not specifically provided for in these Rules the conditions of service of the staff of the Commission will be regulated by the general law or Rules framed by the State Government under Article 309 of the Constitution of India for persons appointed to public services in connection with the affairs of the State.

33.

If any question arises relating to the interpretation of these Regulations, the decisions of the Governor thereon shall be final.