

State Commission for Backward Classes (Salaries and Allowance and other Conditions of Service of Chairman and Members) Rules, 1996

BIHAR

India

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Rule

STATE-COMMISSION-FOR-BACKWARD-CLASSES-SALARIES-AND-A of 1996

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State Commission for Backward Classes (Salaries and Allowance and other Conditions of Service of Chairman and Members) Rules, 1996Published vide Notification No. G.S.R. 2, dated 6th April, 1998, Published in Bihar Gazette (extraordinary) dated 13th April, 1998No. G.S.R. 2, dated the 13th April, 1998 :- In exercise of the powers conferred by sub-section (2)(a) of Section 17 of State Commission for Backward Classes Act, 1993 (Bihar Act 12 of 1993) the State Government hereby make the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the State Commission for Backward Classes (Salaries and Allowances and Other Conditions of Service of Chairman and Members) Rules, 1996.(2)It shall come into force from the date of joining of Chairman and Members.

2. Definitions.

- In these rules unless the context otherwise requires:-(a)"Act" means the State Commission for Backward Classes Act, 1993 (Bihar Act 12 of 1993);(b)"Commission" means the State Commission for Backward Classes;(c)"Chairman" means the Chairman of the Commission nominated under sub-section (2)(a) of Section 3 of the Act;(d)"Member" means a Member of the Commission and

includes the Chairman;(e)The words and expressions used herein but not defined shall have the same meaning assigned to them in the Act.

3. Salaries and Allowances.

(1)The Chairman shall be entitled to such pay and allowance as admissible to the Chairman of Bihar Public Service Commission.(2)Every member other than the Chairman shall be entitled to such pay and allowance as admissible to the member of Bihar Public Service Commission.

4. Rank and Status.

- The Chairman and Member shall have the same rank and status as Chairman and Member of Bihar Public Service Commission.

5. Retirement from parent service on appointment as Member.

- The Members 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 of his appointment as Member of the Commission.

6. Leave.

- The Chairman and every Member shall be entitled to leave as follows:-(a)Earned Leave, half pay leave and commuted leave in accordance with the Bihar Service Code as amended from time to time;(b)Extraordinary leave as admissible to the temporary Government servants under the Bihar Service Code as amended from time to time.

7. Pension.

(1)The Chairman or a Member who, at the time of his appointment as such was in the service of the Central or State Government, shall at his option to be exercised within a period of six months from the date of his appointment or till he attains the age of superannuation whichever is earlier, be entitled to draw his pension and other retirements benefits as per the rules applicable to the service to which he belonged with effect from the date of his appointment as Chairman or Member (as the case may be) provided that, in such an event his pay as Chairman or 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 benefit and he shall be entitled to draw his pension and other retirement benefits separately.(2)The Chairman or a Member, who at the time of his appointment as such was in the service of the Central or State Governments, if he does not exercise the option specified in sub-rule (1), shall count his service as Chairman or Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.(3)No pension shall be payable to the Chairman or a Member who immediately before assuming office as the Chairman or a Member, was not in any service of the

8. Provident Fund.

(1)The Chairman or a Member who on the date of his appointment to the Commission was in the service of the Central or State Government and who had been admitted to the benefits of General Provident Fund or Contributory Provident Fund, may continue to subscribe to that fund until the date on which he retires according to rules applicable to him in his service. In the case of the Contributory Provident Fund, the employers contribution payable to that Fund shall be from the date of the Chairman or Member's appointment to the Commission be payable by the Commission on the basis of the emoluments which he would have drawn in the post he held immediately before appointment. Explanation. - Member exercising his option under this sub-rule shall communicate his option in writing to the State Government within six months of his appointment and option so exercised shall be final. (2)The Chairman or a Member who at the time of his appointment as such Member:- (i) was in service of the Central or State Government and had opted to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged prior to such appointment; or (ii) had retired from service under the Central or State Government, a local body or other authority wholly or substantially owned or controlled by the Government; or (iii) was not in the service of the Central or State Government or a local body or any other authority wholly or substantially owned by the Government. Shall be entitled to be admitted to the benefit of the Contributory Provident Fund Scheme and for this purpose shall be governed by the Contributory Provident Fund (India) Rules, 1962 as amended from time to time.

9. Residuary Provision.

(1)The conditions of service of the Chairman for which no express provision has been made in these rules, shall be- (a) In the case of sitting Judge of the Supreme Court or High Court appointed as Chairman, the same as admissible to a sitting Judge of the Supreme Court or a High Court as the case may be; and (b) In the case of a retired Judge of the Supreme Court or a High Court appoints as Chairman the same as those admissible under the Government's instructions relating to fixation of pay and other terms admissible to retired Judges on their appointment to Commissions/Committees of Enquiry as amended from time to time; (c) Sumptuary allowance. - The Chairman, in case of sitting/retired Judge, shall be entitled to a sumptuary allowance as per the entitlement of a sitting Judge of a High Court. (2)The conditions of service of the members for which no express provision has been made in these rules shall be as that applicable to member of Bihar Public Service Commission from time to time.