

Bihar State Election Commissioner (Appointment and Conditions of Service) Rules, 2008

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Rule

BIHAR-STATE-ELECTION-COMMISSIONER-APPOINTMENT-AND-CON of 2008

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Bihar State Election Commissioner (Appointment and Conditions of Service) Rules, 2008Published vide Notification No. 5571 Patna, dated 31.10.2008Government of Bihar, Panchayati Raj Department, Notification No. 5571 Patna, Dated 31.10.2008. - In exercise of the powers vested under sub-section (1) and (2) of Section 123 read with Section 146 of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006), the Governor of Bihar is pleased to frame the following Rules for appointment and determination of service conditions of the Bihar State Election Commissioner:-

1. Short title, extent and commencement.

(1)These Rules may be called the State Election Commissioner (appointment and conditions of service) Rules, 2008.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In these Rules, unless otherwise required in the context-(a)"Governor" means the Governor of Bihar;(b)"Government" means the Government of Bihar;(c)"State Election Commissioner" means the State Election Commissioner appointed by the Governor under Section 123(1) of Bihar Panchayat Raj Act 2006; and(d)"Commission" means the State Election Commission.

3. Appointment of State Election Commissioner.

- Only such person shall be appointed as State Election Commissioner by the Governor who holds or has held the post of Additional Secretary or above rank in the Union Government or equivalent post to such posts in the State Government on the date of his appointment or on the date of his superannuation from service: Provided that if the person appointed as State Election Commissioner is already in government service, he shall not assume the office of State Election Commissioner unless he has superannuated or resigns from the service of which he is a member.

4. Salary.

- State Election Commissioner shall be entitled to the similar salary and allowances [Which are admissible to the Chief Secretary of the State:] [Substituted 'which were admissible to him on his post held prior to his superannuation or resignation:' by Notification No. 6Pa/stha./Ra. Ni.-02/2016/2449/P.R., dated 10.5.2018 (w.e.f. 31.10.2008).] Provided that if he is superannuated, then his salary shall be reduced -(a) by the amount of present pension, and (b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

5. Term of Office.

- The State Election Commissioner shall hold office for a term of 5 (Five) years from the date of assuming his office: Provided that if the State Election Commissioner attains the age of 65 (sixty five) years before the expiry of the term of five years, he shall vacate his office on the date on which he attained the said age: Provided also that if the appointment of the State Election Commissioner has been made before enforcement of this Rule then his/her tenure shall be determined under the aforesaid provision: Provided further that the State Election Commissioner may at any time by a letter with his signature addressed to the Governor, resign from his/her post.

6. Removal.

- The State Election Commissioner shall be removed from his office in the like manner and on the similar grounds that of removal of the Judge of a High Court.

7. Leave.

(1) The State Election Commissioner shall be entitled to all such leave as admissible to an officer of Indian Administrative Services. Leave shall be sanctioned to him by the Governor in accordance with the Rules applicable to the Indian Administrative Services. (2) The Governor may make working arrangements for the period of absence of the State Election Commissioner due to leave or some other reasons.

8. Contribution to General Provident Fund Scheme.

- The person assuming office as State Election Commissioner shall be entitled to contribute in General Provident Fund and receive benefit in accordance with the rules for the time being in force.

9. Use of Government Residence and Vehicle.

- The State Election Commissioner shall be entitled to use of free and furnished Government Accommodation and staff car of appropriate kind: Provided that if the State Election Commissioner does not use Government Residence, then, he shall be entitled to a house allowance of three thousand rupees per month; Provided further that he shall vacate the accommodation within a period of one month from the day of vacating his post.

10. Other Conditions of Service.

- Save as otherwise provided in these Rules, the conditions of service relating to travelling allowance, rent free accommodation, and exemption from paying income tax on the value of such rent free accommodation, conveyance facilities, sumptuary allowances and such other conditions of service as are for the time being, applicable to a Indian Administrative Service Officer of the rank of Chief Secretary to the State Government shall be admissible to him.

11. Repeal and Savings.

(1) The Bihar State Election Commissioner (Appointment and Service Conditions) Rules, 1998 and the Bihar State Election Commissioner (Appointment and Service Conditions Amendment) Rules, 2000 are hereby, repealed. (2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the repealed Rules shall be deemed to have been done or taken in exercise of the powers conferred under these Rules, as if these Rules were in force on the day on which such things or actions were done or taken. (3) State Election Commissioner appointed under the repealed Rules shall be entitled to service/retirement benefits not provided under these Rules, till his superannuation.