

The U.P. Electricity Regulatory Commission (Appointment and Conditions of Service of the Chairperson and Members) Rules, 2008

UTTAR PRADESH

India

The U.P. Electricity Regulatory Commission (Appointment and Conditions of Service of the Chairperson and Members) Rules, 2008

Rule

THE-U-P-ELECTRICITY-REGULATORY-COMMISSION-APPOINTMENT- of 2008

- Published on 1 January 2009
- Commenced on 1 January 2009
- [This is the version of this document from 1 January 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Electricity Regulatory Commission (Appointment and Conditions of Service of the Chairperson and Members) Rules, 2008 Published Vide Notification No. 1/24-U.N.N.P.-2009, dated 01.01.2009, published in the U.P. Gazette, Extraordinary, Part 4, Section (Kha), dated 01.01.2009. In exercise of the powers under sub-section (1) read with clause (d) of sub-section (2) of Section 180 of the Electricity Act, 2003 (Act No. 36 of 2003) and Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897) and in supersession of Government Notification No. 123/Prako/P/99-24, dated February 1, 1999, the Governor is pleased to make the following rules to regulate the salary, allowances and other terms and conditions of the Chairperson and the Members of the Uttar Pradesh Electricity Regulatory Commission :-

1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh Electricity Regulatory Commission (Appointment and Conditions of Service of the Chairperson and Members) Rules, 2008. (2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Electricity Act, 2003;(b)"Chairperson" means the Chairperson of the Commission;(c)"Commission" means the Uttar Pradesh Electricity Regulatory Commission constituted under Section 82;(d)"Convener" means the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Energy Department;(e)"Member" means a Member of the Commission;(f)"Section" means a section of the Act;(g)"Selection Committee" means the Selection Committee constituted under Section 85 ;

3. Manner of selection of Members.

(1)The Secretary of the Commission shall intimate in writing to the State Government in the case of the vacancy occurring by reason of death, resignation or removal without any delay and in the case of a vacancy occurring by reason of superannuation or end of the tenure of a member, before seven months of the date of such superannuation or end of tenure.(2)The State Government shall on receiving the intimation referred to in sub-rule (1) or otherwise on the knowledge of the vacancy, make a reference to the Selection Committee within the period specified in sub-section (2) of Section 85 for filling the vacancy.(3)For the purpose of selecting suitable person to the office of a member, the Convener shall send requisition to various State Governments and the Central Government Departments, Public and Private Undertakings, Industrial Organisations and other Organisations engaged in generation, transmission, distribution and supply of electricity, financial institutions, educational institutions and to the High Court and shall also invite applications directly from eligible persons by notifying the vacancy in the Gazette. The eligible persons may send their applications directly or through the officer or Authority under whom he is for the time being working.(4)The Convener shall prepare a list of candidates who have duly applied for the office of a member and place the same before the Selection Committee with all relevant records pertaining to such candidates.(5)The criteria for selection of candidates shall be such as may be determined by the Selection Committee from time to time.(6)Selection of a member shall be made by majority decision of the Selection Committee.(7)Selection Committee shall recommend a panel of two names of short-listed candidates in order of merit and forward the same to the State Government for appointment.(8)The State Government shall publish the names of the selected candidates in the Gazette within 30 days from the date of receipt of selection list.

4. Appointment of the Chairperson.

- Subject to the provisions of sub-section (2) of Section 84, the State Government shall appoint from amongst the members, one member as the chairperson whenever the vacancy occurs in the post of the chairperson.

5. Oath of Office and Secrecy.

- Any person appointed as the chairperson or a member of the Commission shall before entering upon his office, make and subscribe before the Governor or some person appointed in that behalf by

The U.P. Electricity Regulatory Commission (Appointment and Conditions of Service of the Chairperson and Members) Rules, 2008
him an oath of office and of secrecy in the Forms appended to these rules.

6. Pay.

- The salary of the chairperson shall be the same as that of an Election Commissioner of India and of the member shall be the same as that of the Chief Secretary to the State Government: Provided that the salary of a person appointed as chairperson or a member who has retired as a Judge of the High Court or who has retired from service under the Central or a State Government shall not be less than the salary paid or payable to him at the time of such retirement: Provided further that a person referred to in the first proviso who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, the aforementioned pay shall be reduced by the gross amount of pension including commuted portion of pension, if any.

7. Dearness Allowance and City Compensatory Allowance.

- The chairperson or a member shall be entitled to Dearness Allowance and City Compensatory Allowance same as the Election Commissioner of India and Chief Secretary of the State Government respectively.

8. Accommodation.

(a) The chairperson or a member shall be entitled to a rent free accommodation of the type admissible to the Chief Secretary in the case of Chairperson and the Principal Secretary in the case of a member. (b) When the chairperson or a member is not provided with or does not avail himself of the accommodation referred to in clause (a) he may be paid House Rent Allowance every month as is admissible to the Chief Secretary in the case of Chairperson and a Principal Secretary' in the case of a member. (c) Where the chairperson or a member occupies an official residence beyond the permissible period he shall be liable to pay license fee or penal rent, as the case may be, and also liable to eviction in accordance with the law for the time being in force.

9. Conveyance.

- The chairperson or a member shall be entitled to the facility of staff car for a journey for official and private purpose in accordance with the orders of the State Government in this behalf.

10. Travelling Allowances.

- The chairperson or a member while on tour or on journey (including the journey undertaken to join the Commission or on expiry of his term with the Commission to proceed to his home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scale and at the same rates as are prescribed in the High Court Judges (Travelling Allowances) Rules, 1956 or as are admissible to an Election Commissioner of India in case of the Chairperson and Chief Secretary of the State Government in the case of a

11. Facilities for Medical Treatment.

- The chairperson or a member shall be entitled to Medical Treatment and Hospital facilities as are provided in the Uttar Pradesh Medical Attendance Rules, 1946 and the orders of the State Government issued in this behalf from time to time.

12. Sumptuary Allowance.

- The chairperson or a member shall be entitled to a sumptuary allowance of five thousand rupees per month.

13. Leave.

(1)The chairperson or a member shall be entitled to leave as follows -(a)earned leave at the rate of fifteen days for every completed six months of service;(b)half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;(c)leave on half pay can be commuted to full pay leave at the discretion of the member provided it is taken on medical grounds and is supported by a medical certificate from the competent Medical authority;(d)Extraordinary leave without pay and allowance up to a maximum period of one hundred eighty days in one term of office.(2)On the expiry of his term of office in the Commission, the chairperson or a member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, provided that the quantum of the leave encashed under this sub-rule together with any leave encashment to which he was entitled prior to his appointment in the Commission shall not exceed two hundred forty days.(3)The chairperson shall be the authority competent to sanction leave to the members and the Governor shall be the Authority competent to sanction leave to the chairperson

14. Leave Travel Allowance.

- The chairperson or a member shall be entitled to the leave travel concession at the same rates and at the same scale and on the same conditions as are applicable to an Election Commissioner of India in the case of chairperson and the Chief Secretary in the case of a member.

15. Pension.

- The chairperson and the members shall be entitled to pension provided that no such pension shall be payable,(i)if he has put in less than two years of service; or(ii)if he has been removed from an office in the Commission; as per the provisions of the Act:Provided further that the aggregate amount of the pension payable to any person under this rule together with amount of any pension (including commuted portion of pension), if any, admissible to him in respect of the service

rendered by him prior admissible to him in respect of the service rendered by him prior to his appointment in the Commission as a Judge of the High Court or a Government Servant shall not exceed the maximum amount of pension admissible to a Judge of the High Court or a Secretary to the Government of India, whichever is more.

16. Residuary Provisions.

- The conditions of service of the chairperson or a member for which no express provisions is available in these rules shall be determined by the rules and orders for the time being applicable to an Election Commissioner of India in the case of chairperson and the Chief Secretary in the case of member.

17. Assuming of office of chairperson or member.

- No person shall assume the office of the chairperson or a member, as the case may be, unless he has resigned or retired from, as the case may be, the judgeship of the High Court, or any service in which he was serving.

18. Powers to relax rules.

- Where the State Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, by order relax the requirements of that rule to such extent and subject to such condition as it may consider necessary for dealing with the case in just and equitable manner. Form I (See Rule 5) (Form of an oath of office for chairperson or member of the Commission) I, having been appointed as chairperson/member of the Commission do swear in the name of God/solemnly affirm that I will faithfully and conscientiously discharge my duties as chairperson/member to the best of my ability, knowledge and judgment, without fear or favour, affection or ill will. Form II (See Rule 5) (Form of an oath of secrecy for Chairperson/Member of the Commission) I, having been appointed as chairperson/member of the Commission do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration shall become known to me as Chairperson/Member of the said Commission except as may be required for the due discharge of my duties as chairperson/member.