

U.P. State Election Commission (Panchayat Raj and Local Bodies) (Appointment and Conditions of Service) Rules, 1994

UTTAR PRADESH

India

U.P. State Election Commission (Panchayat Raj and Local Bodies) (Appointment and Conditions of Service) Rules, 1994

Rule

U-P-STATE-ELECTION-COMMISSION-PANCHAYAT-RAJ-AND-LOCAL- of 1994

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U.P. State Election Commission (Panchayat Raj and Local Bodies) (Appointment and Conditions of Service) Rules, 1994Published vide Notification No. 2156/33-1-94-93-93, dated 23rd April, 1994 and published in the U.P. Gazette (Extraordinary), dated 23rd April, 1994In exercise of the powers conferred by Article 243-K of the Constitution read with the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules regulating the appointment and conditions of service to the post of State Election Commissioner in the State Election Commission for Panchayat Raj and Local Bodies in Uttar Pradesh.

Chapter I

Preliminary

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh State Election Commission (Panchayat Raj and Local Bodies) (Appointment and Conditions of Service) Rules, 1994.(2)They shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Appointing Authority" means the Governor;(b)"Commissioner" means the Commissioner of the Commission;(c)"Commission" means the Uttar Pradesh State Election Commission (Panchayat Raj and Local Bodies);(d)"Government" means the Government of Uttar Pradesh;(e)"Governor" means the Governor of Uttar Pradesh.

Chapter II

Appointment

3. Appointment of Commissioner.

- The Commissioner shall be appointed by the Governor :Provided that a person appointed as Commissioner, if he is already in Government service, shall not assume office of the Commissioner unless he has resigned or retired from the service in which he was serving.

4. Term of office.

- The Commissioner shall hold office for a term of five years :Provided that no Commissioner shall hold office after he has attained the age of sixty-five years.

5. Qualification and eligibility.

- A persons to be eligible for appointment to the post of the Commissioner must be an officer of the level of Joint Secretary or above in the Central Government and must have held the post of District Magistrate or Divisional Commissioner and a Senior Administrative post in the Secretariat.

Chapter III

Pay and Allowances

6. Pay and allowances.

(1)A person appointed to the post of Commissioner shall be paid pay and allowances as admissible to him in his parent department.(2)[A person retired from Government service and appointed as Commissioner shall get the pay of Rs. 80,000 per month and allowances as may be admissible :Provided that if the Commissioner at the time of his appointment is, in receipt of a pension, in respect of any previous service under the Government of India or under the Government of the State, his salary in respect of the service as the Commissioner shall be reduced by the amount of that gross pension, that is before commutation :Provided further that present incumbent of the post shall

get the pay of Rs. 80,000 per month and allowances as may be admissible along with the pension in respect of any previous service. Note. - For the purposes of this sub-rule the expression "present incumbent" means the person appointed to the post of Commissioner on June 1, 2007.](3)The Commissioner shall have the facility of rent free accommodation and if such accommodation is not available, he shall be entitled to house rent allowance at the rates fixed by the Government from time to time in respect of its Group 'A' employees :Provided that facility of rent free accommodation shall be available till the Commissioner holds his office, as such, and he shall be bound to vacate the accommodation within a period of one month of his ceasing to hold such office.

Chapter IV

Miscellaneous

7. Leave.

- The Commissioner shall be entitled, to all such leave as is admissible to Group 'A' employees of the Government.

8. Pension.

- The Commissioner on attaining the age of superannuation, shall be entitled to retirement benefits as admissible to him under the rules or regulations applicable to his parent department.

9. Medical facilities.

- The Commissioner shall be entitled to such medical facilities as are admissible to Group 'A' employees of the Government.

10. Regulation of other matters.

- In regard to the matters not specifically covered by these rules, the Commissioner shall be governed by the rules, regulations and orders for the time being applicable generally to Group 'A' Government servants serving in connection with the affairs of the State. [[Substituted by Notification No. 2439/33-3-2009-146-2007, dated 21st October, 2009, published in the U.P. Gazette, Extraordinary, dated 21st October, 2009. Before substitution sub-rule (2) was stood as under : '(2) A person retired from Government service and appointed as Commissioner shall have the option to draw his pay and allowances either on the principle of last pay drawn minus the total amount of pension or the pay of Rs. 8,000 per month and allowances as may be admissible.']]