

The Orissa Electricity Regulatory Commission (Conditions of Service of Chairman and Members) Rules, 1997

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Rule

THE-ORISSA-ELECTRICITY-REGULATORY-COMMISSION-CONDITIONS of 1997

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The Orissa Electricity Regulatory Commission (Conditions of Service of Chairman and Members) Rules, 1997 Published vide Notification No. 12578-R.E.R.-2-12/97, dated 8th August 1997, O.G.E. No. 1072, dated 21.8.1997 Department of Energy No. 12578-R.E.R.-II-12/97 - In exercise of the powers conferred by Section 55 read with Sub-section (2) of Section 6 of the Orissa Electricity Reform Act, 1995 (Orissa Act 2 of 1996), the State Government do hereby make the following rules, prescribing the conditions of the service of the Chairman and Members of the Orissa Electricity Regulatory Commission, namely:-Part-I Preliminary

1.

(1) These rules may be called the Orissa Electricity Regulatory Commission (Conditions of Service of Chairman and Members) Rules, 1997. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2.

(1) In these rules, unless the context otherwise requires, -(a) "Act" means the Orissa Electricity Reform Act, 1995; (b) "Chairman" means the Chairman of the Orissa Electricity Regulatory Commission; (c) "Commission" means the Orissa Electricity Regulatory Commission; (d) "Compensatory Allowance" means all allowances granted to meet personal

expenditure necessitated by the special circumstances in which duty is performed; and(e)"Member" means member of the Commission and includes the Chairman thereof.(2)Words and expressions used in these rules and not defined shall have the meaning respectively assigned to them in the Act.Part-II Pay and Allowance of Chairman and Member

3.

(1)The Chairman and Members shall receive a pay of rupees eight thousand and rupees seven thousand six hundred respectively per month or the last pay drawn by him whichever is more if he is appointed from Government service after his retirement subject to deduction of the gross amount of pension including any commuted portion thereof.Note - The pay of Chairman and Members shall be at par with the Officers of corresponding grade of Indian Administrative Service.(2)The Chairman or Members shall be entitled to receive such Dearness Allowances as may be admissible to the corresponding grade Officers of the Indian Administrative Service posted in the State :Provided that the pay of the Chairman or Member shall be deemed to include the pension if any, and not the temporary increase in pension drawn by him in determining the admissibility for Dearness Allowances but not for the purpose of calculating its amount.(3)A Member shall be entitled to receive the pay and allowances of the Chairman for the time during which he holds charges of the duties of the Chairman in his absence on leave or otherwise in addition to his own duties.Part-III Leave

4.

A Member who on the date of his appointment as such was in the service of Government shall, until he retires from such service, continues to be governed by the leave rules applicable to him in such service and his service as Member during the said period shall count for leave in accordance with the said rules. After such retirement, he shall be governed, in respect of leave, by Rule 5 of the rules as if he were a Member who had entered on his duties as such immediately after such retirement :Provided that such Member shall be entitled to carry forward the leave which remained to his credit at the time of such retirement up to a maximum period of eight months expressed in terms of leave on average pay and to take the said leave, in such terms and in such conditions as were admissible under the rules in accordance with which it was earned.

5.

(1)A Member, who, on the date of his appointment, was not in the service of the Government, shall be entitled to leave and payment of leave salary as is admissible to permanent Government servant belonging to Class-I State Service, from time to time.(2)A Member may be paid cash equivalent to leave salary and dearness allowance in respect of the period of earned leave at his credit at the time of retirement on superannuation subject to the following conditions, namely:(a)the admissibility and such payment shall be limited to a maximum period of two hundred and forty days earned leave;(b)the cash so admissible shall become payable on retirement and be paid in one lump as one time settlement;(c)the rate of leave salary and dearness allowance admissible under this rule shall be the same as admissible to a Member for earned leave on the date of retirement and no

compensatory allowance and/or house rent allowance will be payable;(d)the authority competent to grant earned leave shall be competent to issue order granting cash equivalent of earned leave.(3)A Member may, in addition to any leave salary, be entitled to under Sub-rule (1), draw an pension to which he is entitled on the date of his leave.

6.

(1)Leave admissible under this rules to a Member, shall also be admissible to Chairman.(2)The authority competent to sanction leave to a Member and Chairman shall be the Governor of Orissa.Part-IV Pension

7.

(1)In this rule unless the context otherwise requires, -(a)"Service" includes -(i)time spent on duty as Member of the Commission;(ii)time spent on duty by a Member in the performance of such other functions as he may, at the request of the Governor, undertake to discharge;(iii)joining time on transfer to the office of Member from a post or an office under the Union or a State; and(iv)one month or the number of days actually taken whichever is less, of each period of leave on full allowances."Service pension" in relation to a Member who before or at the date of appointment as Member was in the service of the Union or of a State, means the pension admissible to him under the rules of the Service of which he was a Member.(2)Subject to the provisions of these rules, pension shall be payable to a Member only if he has completed not less than two years of service. No pension shall be payable to a Member on his removal from service. If a Member, who has completed two years of service or more, resigns from his office and such resignation is accepted by the Governor, he shall be entitled to the pension as admissible under these rules.(3)Pension under these rules shall be payable to a Member for life.(4)In the case of a Member who at the date of appointment was not in service of the Union or of any State he shall be entitled to following amount of pension, namely :(a)in the case of the Chairman, Rupees twelve thousand per year if he has completed 5 (five) years of service;(b)in the case of a Member other than the Chairman, Rupees nine thousand per year if he has completed 5 (five) years of service;(c)if a Member has completed 2 years, 3 years or 4 years of service, th, th or th respectively of the full pension which is payable to him in accordance with Clause (a) or (b) as the case may be; and(d)in the case of a person who has rendered service as a member and also as Chairman and the total period is 2 years or more, he shall be entitled for payment of pension, which shall be equivalent to one fifth of pension admissible to him under Clause (b) and clause (a) respectively and multiplied by the number of years of service rendered in each post;(5)In the case of a Member who at the date of his appointment, was in the service of Government the pension of such Member on ceasing to be a Member shall be the service pension to which he would have been entitled if he had continued in the service to which he belonged immediately before the date of appointment as such Member with the period of service as Member added to the qualifying service for the purpose of determining the service pension :Provided that if a Member, who at the date of his appointment was in the service of the Union or of any State, retires after completion of the term of his appointment before he attains the age of superannuation under the rules applicable to the service to which he belongs, the number of completed years by which the age on the date of retirement falls short of the age of superannuation

may be added to his qualifying service for the purpose of pension subject to a maximum of five years :Provided, further that if a Member or Chairman at the date of his appointment had been granted or had qualified for service pension and if such service pension is less than the amount admissible to a Member under Sub-rule (4), he may, in lieu of his service pension, draw pension admissible under Sub-rule (4) as if on the date of his appointment as Member, he had not been in the service of Government. Note - "Service pension" under this sub-rule means gross pension prior to communication. (6) The pension payable under Sub-rule (4) shall not be commuted but pension under Sub-rule (5) may be commuted. (7) The authority competent to grant pension to a Member or Chairman shall be the Governor of Orissa. (8) A Member is deemed to have retired from service to which he belongs even if, at the date of his appointment, he has not attained the age of superannuation. (9) The Chairman and Member shall also be entitled to the benefit or gratuity at the rate of 15 days pay for each completed year of service, if they have completed not less than two years of service in the Commission. (10) The Chairman and Members who on the date of appointment was in the service of Government or has retired from service, shall be entitled to pension calculated at the rate of rupees seven hundred with a maximum limit of Rs. 3500/- (Rupees three thousand five hundred) per annum for each completed year of service and irrespective of number of years of service in the Commission. This pension shall be payable to him in addition to service pension admissible under Sub-rule (5) :Provided that in order to be eligible for pension under this sub-rule, he must have completed not less than two years service as Chairman or Member, as the case may be, in the Commission. Part-V Travelling Allowance

8.

For journey on duty, inside or outside the State the Chairman or a Member may draw such travelling allowance and daily allowance as may be admissible to a Government Servant of the First Grade in respect of similar journeys under the rules and/or orders applicable to him :Provided that if the Chairman or a Member was not at the date of his appointment in the service of the Government, he shall be entitled to draw travelling allowance for the journey to join his post as if for a journey on transfer :Provided further that on retirement from service the Chairman or a Member and his family shall be entitled to draw travelling allowance for the journey from the last station of duty to his home town as per provision of the Orissa Travel Allowance Rules as would be admissible to First Grade Officers of the State Government.

9.

The Chairman and the Members shall be entitled to the benefit or leave travel concession as admissible to the officers of All India Services. Part-VI Miscellaneous

10.

The Medical and surgical treatment of Chairman or a Member and his family shall be provided in accordance with the rules which for the time being apply to Government servants of the First Grade in superior service in the State.

11.

In respect of any matter for which special provision is not made by these rules the conditions of service of a person serving as the Chairman or a Member of the Commission shall be governed by the rules and orders for the time being applicable to members of the Indian Administrative Service working under the State Government.

12.

Notwithstanding any provision to the contrary in the General Provident Fund (Orissa) Rules, the Chairman and a Member shall be entitled to subscribe to the General Provident Fund (Orissa) in accordance with the provision of this rule with effect from the date of his appointment.

13.

If a residence owned or leased by Government is allotted to the Chairman or a Member, his occupation of the residence shall be subject to the rules which apply to an Officer of the Indian Administrative Service in the State.

14.

The Chairman shall only be entitled to a sumptuary allowance of at the rate of Rs. 300 (Rupees three hundred) per month.

15.

The Chairman and Members shall be entitled to use Government Vehicle for private purpose as applicable to members of corresponding grade belonging to Indian Administrative Service of the State.

16.

The pay and allowances, leave, pension and other service benefits admissible to Chairman and Members of the Commission under these rules shall not be varied to their disadvantage during their tenure.