

# The Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973

MAHARASHTRA

India

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### Rule

### THE-MAHARASHTRA-UPA-LOKAYUKTAS-CONDITIONS-OF-SERVICE of 1973

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The Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973 Published vide Notification G.N., GAD., No. LPL. 1173-D-1, dated 24th September, 1973 (M. G., Part 4B, page 1649) In exercise of the powers conferred by clause (b) of sub-section (2) of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Maharashtra XLVI of 1971), and of all other powers enabling him in this behalf, the Governor of Maharashtra hereby makes the following rules, namely

#### 1. Short title and commencement.

(1) These rules may be called the Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973. (2) They shall come into force on the 1st October, 1973.

#### 2. [ Residential accommodation. [Substituted by G. N. of 24.10.1975.]

(1) An Upa-Lokayukta shall be entitled, without payment of rent, to the use of a residence provided by the State Government in Bombay, throughout his term of office. (2) [ The State Government shall be responsible for the maintenance of the residence (including the payment of rates and taxes due to Government or any local authority [\* \* \*] [Substituted by G. N. of 2.11.1976.] provided under sub-rule (1) and shall bear the expenditure incurred on such maintenance. (3) Where an Upa Lokayukta occupies any accommodation other than that provided by the State Government, he shall be entitled to a consolidated house allowance of [equivalent to an amount of thirty per cent, of salary plus thirty per cent, of the dearness pay] [These words were substituted for the letters and figures 'Rs. 10,000' by G. N. of 7.6.2006 (w.e.f. 1.4.2004). Previously 'Rs. 10,000' were substituted for 'Rs.

9,000' by G. N. of 7.6.2006 (w.e.f. 8.1.1999 upto 31.3.2004).]] per month, in lieu of residence and maintenance as aforesaid.(4)The Upa-Lokayukta, irrespective of the fact whether he resides in an official residence or not, shall be entitled to reimbursement of charges on account of 3,600 kilolitres of water and 10,000 units of Electricity per annum consumed at his residence.

### **3. [ Conveyance. [Substituted by G. N. of 2.11.1976.]**

- The State Government shall provide a motor car for the use of Upa-Lokayukta and shall bear all expenditure on its maintenance and repairs including expenditure on petrol and oil. The State Government shall also provide free of charge the services of a chauffeur for the motor car so provided.]

### **4. Travelling and Daily Allowance.**

- An Upa-Lokayukta shall be entitled to travelling allowance and daily allowance for journeys under taken by him in the performance of his duties, at the rates admissible to a Minister under the Bombay Minister's Salaries and Allowances Act, 1956 (Bombay XLVIII of 1956) and the rules and orders made thereunder.

### **4A. [ [Rule 4A was Inserted by G. N. of 22.8.1989 (w.e.f. 7.11.1986).]**

An Upa-Lokayukta shall be entitled to leave travel concession for himself, and dependent members of the family residing with him, for visiting any place in India (including permanent residence in his home State) during his leave, twice a year in accordance with the rules applicable in this regard to a member of the Indian Administrative Service, holding the rank of Secretary to the Government.]

[The Upa-Lokayukta shall have the option to travel by air or by air-conditioned first class by railway.] [Inserted by G. N. of 18.12.1992.]Explanation. - For the purpose of this rule, the expression 'members of the family' means the husband, wife, son, daughter, father, mother, brother, or sister.]

### **5. Leave.**

- An Upa-Lokayukta shall be entitled to leave, in accordance with the provisions of the High Court Judges (Conditions of Services) Act, 1954 (XXVIII of 1954) and the rules made thereunder applicable to a Judge of the High Court, subject to the following modifications, namely :-(a)The Upa-Lokayukta shall be entitled to leave on full allowances at the rate of one month for each completed year of service and proportionately for the remaining period of service.(b)The Upa-Lokayukta shall, every year, be entitled to a vacation of fifteen days in summer and [seven days] [Substituted by G. N. of 29.10.1996.] in winter.(c)[ The Upa-Lokayukta shall be entitled, at the time of retirement, to encash the earned leave at his credit.] [Clause (c) was added by G. N. of 18.12.1992.]

**6. [ Provident Fund. [Rule 6 was substituted by G. N. of 22.8.1989 (w.e.f. 28.12.1988).]**

- An Upa-Lokayukta, shall be entitled to subscribe to the Contributory Provident Fund in accordance with the provisions of the Contributory Provident Fund Rules, (Bombay), and subject to the conditions as laid down in Government Resolution, General Administration Department, No. PFR. 1060-J, dated the 20th April, 1961 [and Government Resolution, General Administration Department, No. GPF. 1185/CR-52/XIII-A, dated the 28th May, 1986] :Provided that, a person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) shall be entitled to subscribe only to the General Provident Fund in accordance with the Bombay General Provident Fund Rules :][Provided further that, the conditions laid down in Government Resolution, General Administration Department, No. GPF. 1185/ CR-52/XIII-A dated the 28th May, 1986 shall not apply to the person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Upa-Lokayukta (Conditions of Service) (Amendment) Rules, 1997.] [Added by G. N. of 17.5.1997.]

**7. [ Pension. [Rule 7 was substituted by G. N. of 22.8.1989 (w.e.f. 28.12.1988).]**

- A person appointed to the office of the Upa-Lokayukta on or after the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) shall not be entitled to pension :Provided that, a person holding the office of the Upa-Lokayukta before the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988), shall be entitled to a pension for life, at the rate of [Rs. 6,580] per year for each completed year of service as the Upa-Lokayukta or proportionately for part thereof :Provided further that, the maximum amount of such pension shall not exceed [Rs. 32,900] [Substituted for letters and figures 'Rs. 10,125' by G. N. of 15.1.2001 (w.e.f. 1.1.1996).] per annum:Provided also that, in computing the service for part of a year, only six monthly period of completed service shall be taken into account and not any broken period less than six months.]

**8. [ Charge allowance to Upa-Lokayukta performing duties of office of Lokayukta. [Added by G. N. of 2.7.1975.]**

- An Upa-Lokayukta who is directed to perform the duties of the office of the Lokayukta under clause (a) of sub-section (2) of Section 5 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, shall in addition to his salary as an Upa Lokayukta, be entitled to draw [per month difference between his:](i)Salary, Dearness Allowance, and Sumptuary Allowance, with effect from 1st January, 1996; and(ii)House Rent Allowance, with effect from 1st August, 1997, and the salaries and allowances aforesaid entitled to the post of Lokayukta as a charge allowances during the period he performed such duties.]

**9. [ Dearness Allowance. [Added by G. N. of 20.8.1981 (w.e.f. 1.12.1978).]**

- The Upa-Lokayukta shall be entitled to dearness allowance and additional dearness allowance at the rates admissible to the members of the Indian Administrative Service drawing pay of [Rs. 26,000] and above per mensem.]

**10. [ Medical attendance. [Substituted by G. N. of 7.6.2006.]**

- Save as otherwise provided in these rules or in the absence of any other specific order in this behalf, the Upa-Lokayukta and the members of the family of the Upa-Lokayukta residing with and dependent on him shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment. Explanation. - For the purposes of the rule, the expression "a member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.]

**11. [ Sumptuary Allowance. [Rule 11 was added by G. N. of 18.12.1992.]**

- The Upa-Lokayukta shall be entitled to a sumptuary allowance of [Rs. 6000] per month.]

**12. [ City Compensatory Allowance. [Substituted by G. N. of 27.4.1995.]**

- The Upa-Lokayukta shall be entitled to the City Compensatory Allowance [with effect from the 1st August, 1997] at the rate admissible to the members of "Indian Administrative Service" of the rank of Secretary to the Government.]