

# **The Orissa State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994**

ODISHA

India

## **The Orissa State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994**

### **Rule**

### **THE-ORISSA-STATE-ELECTION-COMMISSIONER-APPOINTMENT-CO of 1994**

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The Orissa State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994Published vide Notification Orissa Gazette Extraordinary No.

566/19.5.1994-Notification SRO No. 442/94/18.5.1994S.R.O. No. 442/94 - In exercise of the powers conferred by Clause (2) of Article 243-K of the Constitution of India and in cancellation of the notification of the Government of Orissa in the Panchayati Raj (G. P.) Department No. 1685, dated the 29th January, 1994 published in the Extraordinary issue No. 120 of the Orissa Gazette dated the 31st January, 1994, the Governor of Orissa has been pleased to make the following rules, namely:

### **1. Short title and commencement.**

(1)These rules may be called the Orissa State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994.(2)They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

- Unless the context otherwise requires-(a)"Chairman" means the Chairman of the Orissa Public Service Commission;(b)"Commissioner" means the State Election Commissioner, appointed under Article 243-K of the Constitution;(c)"Civil Servant" means and includes a member of the All India

Service or State Civil Service.

### **3. Qualification for appointment as the Election Commissioner.**

(1) No person shall be qualified for being appointed as the Commissioner, if he is not—(a) a retired Judge of the High Court ; or (b) a retired District Judge ; or (c) a retired Civil Servant ; or (d) a serving Civil Servant (2) If a person, immediately before his appointment, was under employment as a Civil Servant under the State or Central Government, he shall be deemed to have demitted his office as such with effect from the date of his appointment as Commissioner.

### **4. Terms of Office.**

(1) The tenure of the office of the Commissioner shall be three years or till the Commissioner attains the age of sixty-five years, whichever is earlier. (2) Notwithstanding anything contained in Sub-rule (1), the Commissioner may, by writing under his hand, addressed to the Governor, resign from his office at any time.

### **5. Oath of allegiance.**

- The Commissioner shall, before entering upon his office ; make an oath or affirmation of his allegiance to the Constitution in the following form, namely : "I..... having been appointed as the State Election Commissioner, swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

### **6. Salary and allowances.**

(1) The Commissioner shall be entitled to a salary equal to the last salary drawn by him minus pension, if any, including the commuted amount. (2) Perquisites of the office of the Commissioner shall be the same as that of the Chairman. (3) The Commissioner shall be entitled to Travelling Allowances or Daily Allowances for his journeys on tour at par with the Chairman. (4) The Commissioner shall be entitled to leave and pension at the same scale, rate and in the same manner as that of the Chairman.

### **7. Filling of casual vacancy.**

- The casual vacancy in the office of the Commissioner due to death, resignation, removal or otherwise shall be filled up by the Governor by fresh appointment in accordance with the provisions of these rules.

## **8. Interim period to be within the term of office.**

- The term of office of the Commissioner shall be deemed to include any period which may elapse between the date on which the Commissioner ceases to be in office and the date from which the succeeding Commissioner enters upon office.

## **9. Power to remove difficulties.**

(1) If any doubt or difficulty arises in implementing these rules the Governor may, subject to the proviso to Clause (2) of Article 243-K, by order published in the Official Gazette, make orders, as may be necessary, for removing the doubt or difficulty. (2) Every order made under this rule shall be laid before the State Legislature as soon as may be after it is made.