

The Orissa Public Service Commission (Conditions of Service) Regulations, 1952

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Rule

THE-ORISSA-PUBLIC-SERVICE-COMMISSION-CONDITIONS-OF-SERVICE of 1952

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The Orissa Public Service Commission (Conditions of Service) Regulations, 1952Published vide Notification No. 38-Reforms, dated 15th January, 1953Notification No. 38-Reforms, dated 15th January, 1953. - In exercise of the powers conferred by Article 318 of the Constitution and in supersession of all previous Regulations on the subject, the Governor of Orissa is pleased to make the following regulations :Part-I Preliminary

1.

These regulations may be called the Orissa Public Service Commission (Conditions of Service) Regulations, 1952.

2.

In these Regulations, unless there is something repugnant in the subject or context-(a)"the Commission" means the Orissa Public Service Commission;(b)"member" means a member of the Commission and includes the Chairman thereof;(c)"compensatory allowance" means all allowances granted to meet personal expenditure necessitated by the special circumstances in which duty is performed;(d)"Government" means the Government of India or the State Government as the case may be.(e)["Pay last draw" means the pay drawn last by the person concerned while in Government service or the minimum of the corresponding revised scales of pay, if any, of the post last held by him, whichever is higher.] [Inserted vide O.G.E. No. 664 dated 29.5.1998.]Part-II Composition of the Commission and pay and tenure of members

3.

The Commission shall consist of a Chairman and [five] [Substituted vide Orissa Gazette Extraordinary No. 540 dated 24.5.1996.] other members-Provided that the proceedings of the Commission shall not be invalidated by any vacancy in the office of a member.

4. [[Substituted vide Orissa Gazette Extraordinary No. 33 Part-III-A/19-8-1994.]

[(a) The Chairman shall receive a pay of Rs.20,450/- (fixed) a month and each of the Member shall receive pay of Rs.19,500/- (fixed) a month.](b)Notwithstanding anything contained in Clause (a),-(i)if a person is appointed as Chairman or Member while in Government service, he shall have to retire from Government service before assuming the office of the Chairman or Member of the Commission as the case may be, and in such case, he shall be entitled to receive the pay last drawn by him from Government service minus the gross amount of pension including any portion thereof which might have been commuted :Provided that in a case where such person was in receipt of pay less than the pay specified under Clause (a), he shall be entitled to receive the pay so specified reduced by gross amount of pension including any portion thereof which might have been commuted; or(ii)[if a person, after retirement from service under the Government, is appointed as the Chairman or a Member, he shall also be entitled to receive the pay as specified in sub-clause (i).] [Substituted vide O.G.E. No. 146 dated 6.2.1997.](c)The Chairman or member will also be entitled to such dearness allowance as may be admissible to him from time to time according to the general rules of Government governing this matter :Provided that the pay of the Chairman or member shall be deemed to include the pension (if any) drawn by him in determining the admissibility for dearness allowance but not for the purpose of calculating its amount.[Provided also that with effect from the 1st January 1990 the Chairman or Member appointed as such on retirement from any of the All-India Services will be notified by the State Government from time to time for this purpose.] [Inserted vide O.G.E. No. 664 dated 29.5.1998.](d)A member shall, in addition to his basis pay and allowance, be entitled to an additional allowance equal to half of the full difference between his salary and the salary of the Chairman for the time during which he holds current charge of the administrative duties of the Chairman in the latter's absence on leave or otherwise, in addition to his own duties.]

5.

A member shall hold office for a term of six years from the date he enters upon his office or until he attains the age of sixty-two years whichever is earlier :Provided that a member holding office immediately before the commencement of the Constitution shall become on such commencement the Member of the Commission and shall continue to hold office until the expiration of his term of office, that is, for four years from the date of his first appointment, as determined under the rules which were applicable to him immediately before such commencement.Part-III Conditions of service of MembersSection 1-Leave

6.

A member who on the date of his appointment as such was in the service of Government shall, until he retires from such service continue 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 Regulation 7 of the Regulations as if he were a member who had entered on his duties as such immediately after such retirement :Provided that subject to the foregoing provision 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 six months expressed in terms of leave on average pay and to take the said leave, in such terms and on such conditions as were admissible under the rules in accordance with which it was earned.

7.

(1)A member, who, at the date of his appointment, was not in the service of the Government, may be granted leave as follows :(a)leave on leave salary equivalent to full pay up to 1/11th of the period spent on duty as member subject to a maximum of four months at any one time ;(b)leave on medical certificate on leave salary equivalent to half-pay, subject to a maximum of three months at any one time;(c)extraordinary leave without allowance subject to a maximum of three months at any one time.Explanation. - All or any two of these kinds of leave may be granted in combination at any one 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 one hundred and eighty days earned leave;(b)the cash so admissible shall become payable on retirement and be paid in one lump as a one time settlement;(c)the rate of leave salary and dearness allowance admissible under this clause shall be the same as admissible to a member for earned leave on the date of retirement. No compensatory allowance and/or house rent allowance will be payable;(d)the authority competent to grant earned leave shall also be competent to issue order granting cash equivalent of earned leave.(3)A member may in addition to any leave salary he may be entitled to under Clause (1), draw any pension to which he is entitled on the date of his leave.Section 2-Pension

8.

(1)In this regulation unless the context otherwise requires-(a)"Service" includes-(i)time spent on duty as Member of the Commission;(ii)time spent on duty as 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 on the amount actually taken whichever is less, of each period of leave on full allowances;(b)"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 regulations, [on or after the 28th March 1998] [Inserted vide O.G.E. No. 101 dated 19.1.1999.] pension shall be

payable to a member only if he has completed not less than [two] [Substituted vide O.G.E. No. 664 dated 29.5.1998.] years of service. No pension shall be payable to a member on his removal from service. If a member, who has completed [two] [Substituted vide O.G.E. No. 664 dated 29.5.1998.] 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 regulations.(3) Pension under these regulations shall be payable to a member for life and shall be hold in abeyance for any period during which he may hold the office of Member of the Union Public Service Commission or of the Member of Public Service Commission of another State :[* * *] [Deleted vide O.G.E. No. 1285 dated 16.11.1995.](4) In the case of a member who at the date of appointment was not in service of the Union or of any State, the pension to which such member shall be entitled shall be-(a)[in the case of the Chairman, rupees thirty six thousand per annum if he has completed 6 (six) years of service; [Substituted vide O.G.E. No. 1379 dated 24.7.2001.](b) in the case of a Member other than the Chairman, rupees twenty-seven thousand per annum if he has completed 6 (six) years of service;](c)[if a Member has completed 2 years, 3 years, 4 years or 5 years of service, [on or after the 28th March 1998] [Substituted vide O.G.E. No. 664 dated 29.5.1998.] 2/6th, 3/6th, 4/6th or 5/6th respectively of the full pension which is payable to him in accordance with sub-clause (a) or (b) as the case may be;(d) In the case of a person who has completed 2 years of service or more as Member and subsequently completes 2 years of service or more [on or after the 28th March 1998] [Inserted vide O.G.E. No. 101 dated 19.1.1999.] as Chairman, 2/6th, 3/6th, 4/6th or 5/6th respectively of the full pension which is payable to a Member under sub-clause (b) as well as to Chairman under sub-clause (a)] :Provided that in the case of a person who has rendered service as a Member and also as Chairman, the whole of the period of service rendered as Chairman or any portion thereof may, at his option to be exercised within six moths from the date on which he ceased to hold the office of the Chairman, be added to the service rendered by him as a Member, for the purpose of fixing the pension payable to him as Member, so, however, that the pension to be so fixed shall in no event exceed the amount specified in Clause (b); and the additional pension, if any, payable to him as Chairman shall be fixed an the residue of the period of service as Chairman only when such residue is not less than three years; Provided further that in the ease of a person who has ceased to hold the office of Chairman on or after the 28th February, 1965 but prior to the 23rd July, 1973 the option under the preceding proviso shall be exercised within six months from the latter date.(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 at the date of his appointment had been granted or had qualified for service pension or if at any time thereafter during the tenure of his service as Member, would have been under the rules of the service to which he belonged immediately before the said date, granted or qualified for service pension and if such service pension is less than the amount admissible to a Member under Clause

(4), he may, in lieu of his service pension, draw pension admissible under Clause (4) as if on the date of his appointment as a Member he had not been in the service of Government. Note. - "Service pension" under this clause means gross pension prior to commutation. (6) The pension payable under Clause (4) shall not be commuted but pension under Clause (5) may be commuted. (7) The authority competent to grant pension to a Member shall be the Governor of Orissa. (8) A Member is deemed to have retired from service to which he belongs even if, at the time of completion of his term as Member, he has not attained the age of superannuation. Without prejudice to the foregoing provisions of this regulation a Member, other than a Member of Indian Administrative Service or a person whose pension is governed by Army Regulations who on the date of his appointment was in the service of the Union or of any State and who has retired on completion of term as a Member of the Commission before the seventeenth day of July, 1960, shall be entitled to the higher additional pension, if he is a Chairman or to the lower additional pension, if he is a Member other than the Chairman as is payable to an officer under Article 475-A of the Civil Service Regulations. (9) [The Chairman and Members shall also be entitled to the benefit of gratuity at the rate of 15 days pay for each completed year of service, if they have completed not less than [two] [Inserted vide Orissa Gazette Extraordinary No. 1475/1989.] years service in the Commission [on or after the 28th March 1998] [Added vide O.G.E. No. 101 dated 19.1.1999.]. (10) The Chairman and Member 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 per annum for each completed year of service and irrespective of the number of years of service in the Commission, the maximum amount of pension shall not exceed rupees three thousand five hundred per annum : Provided that in order to be eligible for pension under this clause he must have completed not less than [two] [Substituted vide O.G.E. No. 664 dated 29.5.1998.] years of service [on or after the 28th March 1998] [Inserted vide O.G.E. No. 101 dated 19.1.1999.] as Chairman or Member, as the case may be, in the Commission.] Section 3- Travelling allowance

9.

For journey on duty, inside or outside the State, a Member may draw such travelling allowance and daily allowance as would be admissible to a Government servant of the First Grade in respect of similar journeys under the rules and orders as have been or may be made from time to time by the Government: Provided that claims for journeys which had not been made or made but not encashed at the date of this amendment shall be governed by this regulation : Provided further that if a Member was not at the date of his appointment in the service of the Government, he shall be entitled to draw for the journey to join his post, travelling allowance as a journey on transfer : Provided also that on retirement from service a member and his family shall be entitled to draw travelling allowance for the journey from the last station of duty of the member to his home town as per provision laid down under Rule 120 of the Orissa Travelling Allowance Rules.

9A. [[Inserted vide Orissa Gazette Extraordinary No. 1475/1989.]

The Chairman and the Members shall be entitled to the benefit of leave travel concession as admissible to the officers of All-India Services.] Section 4- Other conditions of service

10.

Subject to the general condition that the amount of compensatory allowance should be so regulated that the allowance is not on the, whole a source of profit to the recipient, the Governor may, subject to any conditions which he sees fit to impose, grant to any Member any compensatory allowance other than travelling allowance and fix the amount thereof.

10A. [[Inserted vide Orissa Gazette Extraordinary No. 1475/1989.]

[With effect from the 28th March 1998] the Chairman shall only be entitled to a sumptuary allowance at the rate of [Rs. 500/-] [Substituted vide O.G.E. No. 664 dated 29.5.1998.] per month.]

10B. [[Substituted vide O.G.E. No. 35 dated 13.1.1997.]

The Chairman and Members shall be entitled to use the Government vehicles for private purposes up to 500 K.Ms. per month on payment of hire fixed by the Government of Orissa in the Finance Department from time to time.]

11.

The medical and surgical treatment of 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.

11A.

In respect of any matter for which special provision is not made by these regulations, 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 such classes of Government servants as shall be specified by the State Government.

12. [[Substituted vide Orissa Gazette Extraordinary No. 1752/1990.]

A Member shall be ineligible to hold during his service any other office either under the Government or elsewhere and shall devote his whole time to the work of the Commission.]

13.

(a)Notwithstanding any provision to the contrary in the General Provident Fund (Orissa) Rules, a Member shall be entitled to subscribe to the General Provident Fund (Orissa) in accordance with the provision of the regulations.(b)A Government servant who is appointed as a Member after his retirement from service under the Government of India or State Government shall be eligible to subscribe to the General Provident Fund (Orissa) from the date of his re-employment as a

Member.(c)A Government servant who is appointed as a Member before retirement shall be eligible to continue to subscribe to the General Provident Fund (Orissa), A.I.S., P. F. or the Central Provident Fund, as the case may be, till he retires from his parent service. On retirement, the Fund Account of the Member shall be closed and balance paid to him, and he shall be entitled to subscribe to the General Provident Fund (Orissa) from the date of his retirement and a new account will be opened in his name.(d)Any other person appointed as a Member shall be eligible to subscribe to the General Provident Fund (Orissa) with effect from the date of his appointment.(e)Subject to the provisions of this regulation, the rules of the General Provident Fund (Orissa), A.I.S., P.F. or the Central Provident Fund, as the case may be, shall apply to the subscribing member.

13A. [[Inserted vide Orissa Gazette Extraordinary No. 405/1987.]

A member shall be entitled to be admitted to the benefits of the Contributory Provident Fund and shall be governed by the Contributory Provident Fund Rules (Orissa), as amended from time to time, if he opts not to come under the pension scheme under these regulations.]

14.

If a residence owned or leased by Government is allotted to a Member, his occupation of the residence shall be subject to the rule which apply to an officer of the Indian Administrative Service in the State :Provided that if a residence is one especially meant for a Member, the Member shall be liable to pay rent, irrespective of whether he occupies the residence or not, at a rate determined in accordance with the first paragraph of this rule.

Part-IV Staff of the Commission
1-Composition

15.

(1)The staff of the Commission shall include a Special Secretary, Secretary, an Additional or Assistant Secretary, a Superintendent and a Private Secretary and such number of Ministerial Officials and Class IV Government servants as the Governor may, from time to time, determine.(2)The Special Secretary shall remain in overall charge of conduct of various competitive examinations, matters connected thereto and establishment matters and may delegate some of his powers to the Secretary, if it is felt expedient to do so with the approval of the Chairman.

Section
2-Conditions of service

16.

The Secretary, the Additional or Assistant Secretary, the Superintendent and the Private Secretary shall be appointed by the Commission with the approval of the Governor:Provided that the post of Special Secretary shall be filled up from among the I.A.S. Officers (Senior time-scale) borne in the State cadre [or an Orissa Administrative Service Class I (Super time Scale) Officer.] [Inserted vide Notification No. 22260/26-12-1986.]

17.

(1) If the Secretary or the Additional Secretary was, at the date of his appointment, in the service of the Government and had lien on a permanent post under the Government he shall hold office for a period of five years : Provided that the Commission, with the consent of the Governor may extend the Secretary's or the Additional Secretary's tenure by successive period not exceeding five years each till he reaches the age of superannuation. (2) If the Secretary or the Additional Secretary was, not at the date of his appointment, in the service of the Government or having been in the service of the Government had no lien on a permanent post under the Government he shall be initially appointed on probation for one year and if he is found suitable for confirmation at the end of the probationary period he shall, hold office till he attains the age of superannuation or, if he is appointed for any specific period, till the expiry of such period : Provided that the Commission, with the approval of the Governor, may confirm a Secretary or an Additional Secretary immediately on his appointment as such, without requiring him, to undergo an initial probationary period.

18.

The post of Assistant Secretary, if and when it is filled up, shall be filled either permanently or for a specified period as the Commission, with the approval of the Governor, may decide.

19.

(1) If at the date of his appointment, the Secretary or the Additional Secretary was in the service of the Government and has a lien on a permanent post under the Government he shall receive pay according to the time-scale of the service to which he belongs (where a senior time-scale exists, on the senior time-scale) and in addition a special pay of Rs. 150 a month, the total pay being subject to a maximum of Rs. 1,750 or as revised by the Government from time to time : Provided that if the Assistant Secretary is appointed to act as Secretary or is substantively appointed as such or is appointed as such or is appointed as Additional Secretary, he shall draw pay in the timescale of Rs. 1,150-55-1,425-E.B.-65-1,750 or as revised by Government from time to time. (2) If at the date of his appointment, the Secretary or the Additional Secretary was not in the service of the Government or having been in the service of the Government, had no lien on a permanent post under the Government he shall receive pay in the time-scale of Rs. 1,150-55-1,425-E.B.-65-1,750 or as revised by Government from time to time. (3) The Assistant Secretary shall receive pay in the time scale of Rs. 850-50-1,150 or as revised by Government from time to time. (4) The Superintendent shall receive pay in the time-scale of Rs. 730-35-940 or as revised by Government from time to time : Provided that where the Government of Orissa is satisfied that the operation of Clauses (2) and (3) in the case of any particular person holding the post of Secretary, Additional Secretary or Assistant Secretary and Superintendent causes undue hardship he may by order revise the scale of pay in respect of such persons, to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner. (5) The Private Secretary shall receive pay in the time-scale of Rs. 730-35-940 or as revised by Government from time to time.

20.

(1) In respect of other matters the conditions of service of the Secretary, the Additional or Assistant Secretary, Superintendent and Private Secretary shall be the same as those of other members of the service to which they belong. (2) If the Secretary or the Additional Secretary, was not at the date of his appointment, in the Service of the Government or having been in the service of the Government had no lien on a permanent post under the Government his conditions of service shall be the same as those of servants of the first grade in superior service serving under the State Government. (3) If the Assistant Secretary or the Superintendent or the Private Secretary was not, at the date of his appointment in the service of the Government had no lien on a permanent post under the Government his condition of service shall be the same as those of Government servants of the second grade in superior service serving under the State Government. Section 3-Ministerial establishment and inferior service

21.

The Class III and Class IV Government servants in the office of the Commission, shall, subject to the control of the Chairman, be appointed by the Special Secretary to the Commission and shall receive such pay and allowances as the Commission may with the approval of the Governor, determine.

22.

(1) The ministerial establishment and the inferior servants shall be subject to the same conditions of service as the personnel of the corresponding grades serving in the Secretariat. (2) The authority who may impose any of the penalties prescribed in Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 shall be the Special Secretary and the appellate authority, the Chairman.