

Bihar Lokayukta T.A. Rules, 1974

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Rule BIHAR-LOKAYUKTA-T-A-RULES-1974 of 1974

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Bihar Lokayukta T.A. Rules, 1974Published vide Notification No. G.S.R. 58G.S.R.58. - In exercise of the powers conferred by Section 20 of the Bihar Lokayukta Act, 1973 (Bihar Act VI of 1974) and in supersession of Notification No. G.S.R. 170, dated the 11th December 1973 of the department of Personnel Organization and Method Section), the Governor of Bihar is pleased to make the following Rules:-

1.

These Rules may be called the Bihar Lokayukta Travelling Allowance Rules, 1974.

2.

In these Rules, unless the context otherwise requires-(a)"headquarters" means the principal seat of the State Government;(b)"travelling allowance" means an allowance granted to cover the expenses incurred in travelling in the interest of public servant;(c)"family of Lokayukta" means the wife of the Lokayukta, his children and step-children actually residing with, and wholly dependent upon him;(d)"mileage allowance" means an allowance given to meet the cost of a particular journey and is calculated on the distance travelled;(e)"Holiday" means-(i)a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881; and(ii)a day on which any particular office is ordered by notification of Government in the Official Gazette, to be closed for the transaction of official business without any reservation or qualification; and(f)"Government" means the State Government of Bihar;(g)"Full Wagon" means-(i)between places connected by rail-(a)by goods train-any quantity upto the maximum carrying capacity of wagon, and "wagon" means a four-wheeler wagon only; and(b)by passenger train or by road the mileage allowance will be limited to the amount chargeable for 6,000 kilograms by goods train, and(ii)between places not connected by rail-6,000 kilograms".

3. (i) When Lokayukta performs a journey on duty he is entitled

-(a)When travelling by railway to a reserved two-berth compartment of the highest class including Air-conditioned; and if one such compartment is not available, then to a reserved four-berth compartment of the highest class (but excluding Air-conditioned) and to take his wife along with him without payment of the fare, if such a compartment is available; and to the fare at the lowest class rates actually paid for servants not exceeding two in number."(b)When travelling by a steamer service, to one reserved first class cabin, if available, or to fare actually paid for himself, and the fare at lowest class rates actually paid to the steamer service for servants not exceeding two in number subject to usual deductions on accounts of messing charges;(c)When travelling by a public air transport service to the fare paid for himself and if actually paid, the cost of transporting upto 75 kilograms of luggage by rail at passenger rates or steamer and the railway or steamer fares of the lowest class for servants not exceeding two in number, and the "expenditure actually incurred upto a maximum of 32 paise per kilometer" the words "expenditure actually incurred upto half of the maximum of rate per kilometers admissible to the Lokayukta, shall be substituted.(d)"When travelling by road in his own car, the rate of T1A. per kilometer will be the same as is admissible under Bihar T.A. Rules to an officer of Indian Administrative Service holding rank of Secretary to Government". Provided that-(i)no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) for the air journey;(ii)no mileage allowance shall be admissible for journey undertaken within a radius of eight kilometers from the residence of the Lokayukta or for a journey between such residence or temporary residence and the place of sitting of the Lokayukta ;(iii)Where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey undertaken by road within a radius of eight kilometers from the temporary residence of the Lokayukta at the place of halt;(iv)no such allowance shall be payable in cases where the Lokayukta uses transport provided at Government expense;"but where the Lokayukta performs a journey or part of a journey by staff car or station wagon for which travelling allowance is admissible, he will be reimbursed as road allowance whatever he has paid by way of hire charge of such Government vehicle.If in any case or emergency the Lokayukta releases the staff car or the station wagon at a place beyond 8 kilometers of the garage, he may be allowed reimbursement of any amount paid as staff car charge".(v)"Provided that where the Lokayukta performs a journey or part of a journey by taxi in localities like Bombay, Calcutta, Delhi or in any other locality declared for this purpose by the Governor, in the course of his normal duties the actual expense incurred by him on the hire charge of such public conveyance shall be reimbursed to him as road allowance".(e)to an allowance for incidental charges limited to the actual expenses incurred by the Lokayukta not exceeding one-half of first class railway fare in the case of rail journeys;(f)When travelling by air, to an allowance for incidental charges at one-fifth of the standard air fare subject to a maximum allowance of Rs. 20 for each journey by air;(g)the daily allowance so admissible shall be regulated as follows:(i)full daily allowance for each completed day, that is reckoned from midnight to midnight;(ii)for absence from headquarters for less than twenty four hours, the daily allowance shall be at the following rates, namely:-(a)if the absence from headquarters does not exceed six hours 30 per cent of full daily allowance ;(b)if the absence from headquarters exceeds six hours but it does not exceed twelve hours, 50 per cent of the full daily allowance ;(c)if the absence from headquarters exceeds twelve

hours, full daily allowance;(iii)if the date of departure from and return to headquarters fall on different dates the period of absence from headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (i):Provided that-(ii)When the Lokayukta is required to perform functions outside his normal duties in localities away from his headquarters, he may subject to such conditions as the Governor may, in each case, determine, be granted daily allowance not exceeding Rs. 100 in respect of ordinary localities and transport charges not exceeding Rs. 20 per day in respect of specially expensive localities like Bombay, Calcutta, Delhi or in any other locality so declared hereafter by the Governor, and shall also be entitled to Government accommodation at the rate fixed for Government servants;(iii)When the Lokayukta is required to perform his normal duties away from his headquarters and in specially expensive localities like Bombay, Calcutta, Delhi or in any other locality so declared hereafter by the Governor, he may be granted a daily allowance of Rs. 100.(iv)When the Lokayukta is a State Guest, or is allowed free board and lodging at the expense of the Central or the State Government or an autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority in which Government funds have been invested or in which Government have any other interest the daily allowance shall be restricted to 25 percent of the amount admissible or sanctioned; and if only boarding or lodging is allowed free, the Lokayukta may draw daily allowance at one - half of the admissible .rate. The Lokayukta may also draw allowance at one half of the admissible rate if he stays in Circuit houses, Inspection bungalows or the like without having to pay any charges for accommodation;(v)To the expenditure, if any, actually incurred on the transport by passenger train or steamer at owner's risk of motor car, and the fare at the lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car.(2)If any person (other than wife and servants) accompanies the Lokayukta in a compartment or cabin reserved for him under sub-rule (1), fares shall be payable by him on his account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to the Government.(3)For the purposes of this Rule-(i)All journeys to and from headquarters shall be deemed to commence and terminate at the Lokayukta's residence at headquarters or as the case may be, at an outstation ;(ii)The Lokayukta shall be deemed to be travelling on duty when, during leave or leave combined with holidays, he proceeds from any place in India where he was spending the leave or holidays to any place or places in India for the purpose of performing duty and returns to such place or to his headquarters after completion of his duty:Provided that in case of return to headquarters after performing duty the travelling allowance in relation to that journey shall be restricted to what the Lokayukta would have drawn had he returned to the place from where he had proceeded;(iii)"Actual expenses" means the ordinary and normal expenses incidental to the journey and includes any charge for a ferry payment of tolls and amount spent on transport of camp equipment, but does not include such other charges as hotel charges, rent for occupying a traveller's bungalow, cost of refreshments, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers, or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.(4)When a person is appointed to be the Lokayukta, he may, when travelling by railway to join his post, travel in a reserved compartment of the highest class, excluding air-conditioned, subject to the condition that he must pay to Government the fare which he would have paid of no accommodation had been reserved, and must in addition pay, in cash to the Station Masters of the station from which the journey commences the fares for any members of his family accompanying

him whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares shall be credited to the Government.

Explanation. - For purpose of this Rule and Rules 5 and 9 a reserved compartment means a two-berthed compartment or a four-berthed compartment, if two-berthed compartment is not available in the train by which the Lokayukta travels.

(5) When the Lokayukta-(a)proceeds on, or returns from , leave, or(b)Proceeds to join another post after resigning office, he may, when travelling in a railway, travel in reserved compartment of the highest class, excluding air-conditioned and subject to the conditions prescribed in Rule 4.

(6) The Lokayukta or any member of his family who undertakes a journey to obtain appropriate medical attendance and treatment shall be entitled to draw the same travelling allowance as is admissible for such journey to a member of the All-India Service holding the rank of Secretary to Government.

(7) [Notwithstanding anything contained in Rule 5 a person appointed as Lokayukta of the State out side his home State, shall be entitled to travel in concession for himself, his wife and dependent members of his family for visiting his permanent residence in his home State during his leave, once in a block of two years, in the highest class air-conditioned compartment. "Notwithstanding anything contained in Rule 5, the Lokayukta shall be entitled to travel in concession for himself, his wife and dependent members of his family for visiting any place in India during his leave, once in a block of two years, in the highest class air-conditioned compartment."]

[Vide Notification No. 8/Lok-21/2006 Ka 11637 dated 23.11.2007.]

Explanation 1. - For the purpose of this Rule "leave" shall include holidays.

Explanation 2. - For the purposes of this Rule, Rule 8 and Rule 9 permanent residence State in the home "State" means-(i)In the case of a person who has hold an office under the Central or any State Government such place as may have been declared by the Lokayukta as the place at which his permanent residence is located; and(ii)In any other case, the place which has been declared by the Lokayukta as the place at which his permanent residence is located, or where no such declaration has been made, such place as the Lokayukta may, within one year from the commencement of these Rules, or from the day of his appointment, whichever is later, declare to be place at which his permanent residence is located and the declaration so made shall not be changed unless the Governor having regard to the exceptional circumstance of the case permits such change:Provided that not more than one such change shall be permitted by Governor during the period of service of the Lokayukta.

(iii)"Year" means the calendar year:Provided that in the event of the return journey falling in the succeeding calendar year, such journey shall be deemed to have been performed in the year in which the outward journey had commenced.

4.

(1) In the case of Lokayukta who dies while in service, the member of his family shall be entitled to the following expenses for travel by the shortest route, from the headquarters of the Lokayukta at the time of his death, to his permanent residence in his home State, provided that such journey is completed within six months from the date of death of the Lokayukta-

(a) for journeys by rail or steamer or both-

(i) actual first class fare, for every members of the family;

(ii) actual cost of transportation of personal effects upto a full wagon.

(b) for journey by road-

(i) an allowance per kilometer for one member of the family, one additional travel allowance per kilometer if two other members of the family travel, and two additional travel allowance per kilometer if more than three members of the family travel, shall be admissible at the rate which was admissible to the Lokayukta on his last working day for travelling in his own car;

(ii) actual cost of transportation of personal

effects limited to the expenditure which would be incurred in the transportation of a full wagon and the expenditure incurred in loading and unloading such personal effects.(2)The expenses specified in sub-rule (1) shall also be admissible for travel by a member of the family of the deceased Lokayukta from the headquarters of the Lokayukta at the time of his death to a place other than his permanent residence in his home State or from such other place, as the members happen to be at the time of his death to a place other than the Lokayukta's permanent residence in his home State, provided that the journey is completed within six months from the date of death of the Lokayukta and the total expenses claimed for journey do not exceed the amount which would have been admissible had such member travelled from; the headquarters of the Lokayukta of his permanent residence in his home State.(3)Nothing in the Rule shall apply in the case of a Lokayukta who dies while on leave preparatory to retirement.

5.

When the Lokayukta retires from service, he and the members of his family, shall be entitled to the following expenses for travel and for the transportation of personnel effects from the place in which he was on duty prior to his retirement to the permanent residence in his home State declared for the purposed of Rule 7. If the Lokayukta wishes to settle down at a place other than the permanent residence in his home State declared for the purpose of Rule 7 the amount reimbursable to him on account of the expenditure actually incurred by him on his journey and the journey of the members of his family and for the transportation of personnel effects shall be that which would have been admissible to him had he actually proceeded to his permanent residence in his home State or the place other than the permanent residence in his home state where he wishes to settle, whichever, is less. The precise entitlement as aforesaid under these Rules shall be as follows, namely:-(a)When travelling by rail or by steamer-(i)the Lokayukta himself may travel in a reserved compartment or cabin of the highest class, excluding air-conditioned, The members of the family of the Lokayukta may also travel in such reserved compartment or cabin with the Lokayukta;(ii)the member of his family not travelling in the reserved compartment or cabin may travel in the highest class of accommodation excluding air-conditioned;(b)When travelling by road-(i)as in admissible in clause (d) of sub-rule (1) of Rule 3;(ii)for members of his family going with him or after his or before him, per member per kilometer allowance if two other members travel, an additional allowance per kilometer and if more than three members travel, two additional allowance per kilometer will be admissible at the rate admissible to the Lokayukta for travelling in his own car:Provided that when any portion of the journey can be performed by rail the allowance claimed in respect of the portion shall not exceed the amount admissible had the Lokayukta and the members of his family travelled such portion by rail by highest class, excluding air-conditioned;(c)The Lokayukta and every member of his family shall be entitled to a daily allowance in respect of the journeys by the modes referred to in clauses (a) and (b), at the same rates as are admissible to the Lokayukta when he travels on duty and the provisions of clause (g) of sub-rule (1) of Rule 3 shall, as far as may be, apply;(d)for transportation of one motor car by passenger train or steamer at owner's risk; and(e)for transportation of other personal effects, not exceeding the expenditure which would be incurred in the transport of a full wagon and the expenditure incurred in loading and unloading such personal effects:Provided that the above entitlement will lapse if the journey is not completed by the Lokayukta within six months from the date of his retirement Members of his family may follow him

within six months or precede him by not more than one month, The period of six month, as the case may be, shall count from the date of retirement of the Lokayukta: Provided further that the amount of travelling allowance admissible- to the Lokayukta under the above Rules shall be reduced by the amount claimed by the Lokayukta as travel concession under Rule 7 if the amount claimed by the Lokayukta as travel concession relates to the journeys performed by him and the members of his family during one year preceding the date of retirement of the Lokayukta. Government of Bihar, Department of Personnel and Administrative Reforms, (O & M Section) Notification G.S.R. - 3/Lok (Fstt.) 57/94 Ka 44-vko ,eo), Dated 12 June, 93. - In exercise of the powers conferred by Section 20 of Bihar Lokayukta Act 1973, the State Government hereby makes the following Rules further to amend the Bihar Lokayukta Travelling Allowance Rules. 1974 in the following manner:-Amendment

1. These Rules may be called the Bihar Lokayukt T.A. (Amendment) Rules, 1995.

2. They shall come into force from the date of the Central Government amendment 1991 in "The High Court Judge (Travelling Allowance) Rules, 1956" as well as notification in the Gazette of India which ever is left [sic],

3. In Rules 3 (G) (ii) (iii) Rs. 100/- per day shall be substituted by Rs. 250/-per day and Rupees 100/- per day for Journey out side the State shall be substituted by Rs. 400/- per day.