

# **The M.P. Public Service Commission (Conditions of Service) Regulations, 1973**

MADHYA PRADESH

India

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### **Rule**

### **THE-M-P-PUBLIC-SERVICE-COMMISSION-CONDITIONS-OF-SERVICE- of 1973**

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The M.P. Public Service Commission (Conditions of Service) Regulations, 1973Published vide Notification No. 686-1(1), dated 25-1-1973, M.P. Rajpatra (Asadharan), dated 27-1-1973In exercise of the powers conferred by Article 318 of the Constitution of India the Governor of Madhya Pradesh hereby makes the following Regulations, namely :-

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

(1)These Regulations may be called the Madhya Pradesh Public Service Commission (Conditions of Service) Regulations, 1973.(2)They shall come into force from the 1st April, 1972.(3)They shall also apply to members of the Commission holding office at the commencement of these Regulations except in so far as they may have the effect of varying to the disadvantage of a member, the conditions of service to which he was entitled immediately before the commencement of these Regulations.

#### **2. Definitions.**

- In these Regulations, unless there is anything repugnant in the subject or context,-(a)"Chairman" means a Chairman of the Commission appointed under clause (1) of Regulation 3;(b)"Acting Chairman" means a member directed to perform the administrative duties of the Chairman under clause (2) of Regulation 3;(c)"Commission" means the Madhya Pradesh Public Service Commission;(d)"Compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed;(e)"Government

service" means service under the Union or a State Government but does not include service under the Commission;(f)"Member" means a member of the Commission and includes the Chairman and an acting Chairman.

### **3. Number of members.**

(1)The Commission shall consist of not more than [Seven] [Substituted by Notification dated 11-6-1981.] members. The Governor may appoint one of the members to be the Chairman thereof.(2)When the office of the Chairman is vacant or when the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Governor may direct any other member to perform the administrative duties of the Chairman during such vacancy in the office or the absence of the Chairman, as the case may be.

### **4. [ Pay. [Substituted by Notification No. F.A. 6-29-94-1 (i), dated 16-7-1996.]**

- The Chairman shall receive pay equivalent to the pay of the Chairman, of the Board of Revenue, Madhya Pradesh and each of the other Member shall receive pay in the pay-scale equivalent to the pay scale of Administrative Member of the Board of Revenue, Madhya Pradesh, as may be sanctioned from time to time. On revision of pay scales, for fixation of pay of Chairman/Members of the Commission in the new scale, the same rules/ directions shall apply as applicable to the fixation of pay of President/Administrative Member of the Board of Revenue, Madhya Pradesh :Provided that the acting Chairman shall be entitled to draw an allowance of four hundred rupees a month in addition to his pay as a Member subject to the condition that the total sum of his pay and such allowance shall not exceed the pay admissible to a Chairman :Provided further that the pay of the Chairman or a Member who at the time of his appointment as such was in Government service may, notwithstanding anything contained in Regulation 5 be fixed at. an amount higher than the amount aforementioned, subject, however, to the condition that the amount of pay so fixed in the case of such Chairman or Member, as the case may be, shall not exceed the maximum of the pay in the scale of pay applicable to him immediately before such appointment :Provided also that in the case of an appointment as the Chairman or a Member, a person who has retired from Government service or from a local body, a University, or any other body wholly or substantially owned or controlled by the Government and who is in receipt of, or has received, or has become entitled to receive any retirement benefits by way of pension, gratuity, provident fund, or otherwise, the pay specified in this regulation shall be reduced by the gross amount of pension (including any portion of the pension which may have been commuted) and the pension equivalent of other forms of retirement benefits, if any.]

### **5. Retirement from parent service on appointment as member.**

- A member who, on the date of his appointment to the Commission, was in Government service, shall be deemed to have retired from such service with effect from the date of his appointment as member of the Commission.

## **6. Leave admissible to a member in Government service.**

- Notwithstanding anything contained in Regulation 5, a member who at the time of his appointment to the Commission was in Government service, -(a) may be granted leave by the Governor under the rules applicable to him immediately before his appointment and his service as member shall count for such leave; and (b) the leave at the credit of any such members in his leave account shall not lapse on the date of his appointment as a member but shall be carried forward and could be availed of during his tenure as member. (c) [Surrender and encashment of earned leave as admissible to Grade-I officers of the State Government according to Government orders from time to time.] [Added by Notification dated 21-1-1980.]

## **7. Leave admissible to a member not in Government service.**

- A member, who at the time of his appointment was not in Government service, may be granted leave by the Governor as under, -(a) earned leave on leave salary equivalent to full pay at the rate of one-eleventh of the period spent on duty as member, subject to a maximum of 120 days at any one time; (b) leave on medical certificate on leave salary equivalent of half pay at the rate of 20 days in an year subject to a maximum of 90 days at any one time; (c) extraordinary leave without allowance, subject to a maximum of 90 days at any one time; (d) [surrender and encashment of earned leave as admissible to Grade-I officers of the State Government according to Government orders from time to time.] [Inserted by Notification dated 10-11-1975.] Explanation :- All, or any two, of these kinds of leave may be granted in combination at any one time.

### **7A. [ Cash payment in lieu of unutilised earned leave in certain cases. [Substituted by Notification dated 24-11-1990.]**

(1) A member shall be paid cash equivalent of leave salary in respect of the period of earned leave salary in respect of the period of earned leave at his credit at the time of his ceasing to hold office. (2) The payment of cash equivalent of leave salary under sub-regulation (1) shall be limited to maximum of [240] days of earned leave. (3) The cash equivalent of leave salary thus admissible shall become payable to a member at the time of his ceasing to hold office and shall be paid in one lump sum as a one time settlement. (4) Cash payment shall be equivalent to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of relinquishment of office. No city compensatory allowance and house rent allowance shall be payable.]

## **8. Pension payable to members who were in Government service.**

(1) A member who, at the time of his appointment as such, was in Government service, shall, at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as member : Provided that, in such an event, his pay as member shall be reduced by an amount equivalent to the gross pension (including any

portion of pension which may have been commuted) and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.(2)[ A member, who, at the time of his appointment as such, was in Government service, if he does not exercise the option mentioned in sub-regulation (1) shall count his service as member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment and the pension and other retirement benefits payable to a member on his ceasing to hold office as such member shall be calculated as per the said rules as in force on the date of such ceasing.] [Substituted by Notification No. 6-26-88-XLIX-I, dated 22-4-1988.](3)[ A member, falling under sub-regulation (1) shall be paid pension on his ceasing to hold office as such member for the service rendered in the Commission @ Rs. 1600 in case of the Chairman and Rs. 1450 in case of the member for each completed year of service subject to the condition that the sum of pension payable for Government service and pension payable for service in the Commission shall not exceed Rs. 48000 per annum. This pension shall not be paid to such official member of the Commission who opt to count their service rendered in the Commission for Government pension under sub-regulation (2).(4)Such member of the Commission who at the time of his appointment as such, was in the service of a local body, a University or any other body wholly or substantially owned or controlled by the Government and receiving pension for such service, on his ceasing to hold office as such member, shall also be paid pension at the rates applicable to members falling under sub-regulation (3) for the service rendered in the Commission ;Provided that no such pension under sub-regulations (3) and (4) shall be payable to member-(a)unless he has completed not less than three years of service for pension as such member; or(b)if he has been removed from office as such member.(5)In sub-regulations (3) and (4), unless the context otherwise required,-(1)"Service for pension" includes-(i)actual service;(ii)the period of leave with the allowances actually taken; and(iii)joining time on return from leave outside India.(2)"Actual service" includes-(i)time spent on duty as a member of the Madhya Pradesh Public Service Commission;(ii)time spent on duty by a member referred to in sub-clause (i) in the performance of such other functions, as he may at the request of the Governor undertake to discharge; and(iii)joining time on transfer to the office of the member from a post or any office under Union or a State.(6)Pension under sub-regulations (3) and (4) shall be payable to a member for life :Provided that no such pension shall be payable during any period for which such member may after his retirement as such, hold office as the member or Chairman of the Union Public Service Commission or of a Chairman of the Public Service Commission of another State.Explanation I :- Where a member, who has completed not less than three years of service for pension resigns from his office and such resignation is accepted by the Governor, pension shall be payable to such member in accordance with these regulations.Explanation II :- When the total service for pension is rendered by a person partly as member and partly as Chairman, the pension admissible to such person in each such term shall be calculated separately subject to the condition that the aggregate pension shall not exceed the pension admissible to a Chairman.Explanation III :- The duration of service as member shall be computed in terms of completed years; but if the service rendered is six months or more, additional benefits of half a year's pension may be allowed.] [Inserted by Notification No. F. A6-31-95-I (i), dated 4-6-1996.]

## **9. Pension payable to a member who was not in Government service etc.**

- [(1) Subject to the provisions of these regulations, every member who at the date of his appointment as such was not in Government service or in the service of a local body, a University or any other body wholly or substantially owned or controlled by the Government and, every such member, who prior to their appointment as member in the Commission, was in the service of any local body, a University or any other body wholly or substantially-owned or controlled by the Government and, not receiving any pension for such service, shall, on his ceasing to hold office as such member, be paid pension at the rates mentioned in sub-regulation (4):Provided that no such pension shall be payable to member-(a)unless he has completed not less than three years of service for pension as such member; or(b)if he has been removed from office as such member.](2)In this regulation, unless the context otherwise requires,-(a)"Service for pension" includes-(i)actual service;(ii)the period of leave with the allowances actually taken; and(iii)joining time on return from leave outside India.(b)"Actual service" includes-(i)time spent on duty as a member of the Madhya Pradesh Public Service Commission;(ii)time spent on duty by a member referred to in sub-clause (i) in the performance of such other functions, as he may at the request of the Governor undertake to discharge; and(iii)joining time on transfer to the officer or the member from a post or any office under Union or a State.(3)Pension under these regulations shall be payable to a member for life :Provided that no such pension shall be payable during any period for which such member may after his retirement as such hold office as the Member or Chairman of the Union Public Service Commission or of a Chairman of the Public Service Commission of another State.(4)Pension under these regulations shall be paid at following rates, namely :-(i)in the case of the Chairman, if he has completed six years of service [Rupees Twenty Two thousand Eight Hundred] [Substituted by Notification No. F.A. 6-51-87-I (i), dated 17-12-1991.] per annum or 1/12 of the above amount per mensem; and(ii)in the case of member other than the Chairman, if he has completed six years of service [Rupees Twenty thousand Four Hundred] [Substituted by Notification No. F.A. 6-51-87-I (i), dated 17-12-1991.] per annum or 1/12 of the above amount per mensem :Provided that where the service by a Chairman or a member is for a period of three or more years but less than six years, the amount of the pension shall be determined in accordance with the following formula, namely :-Completed year of service for pension shall be multiplied by the amount of the maximum pension admissible under clause (i), as the case may be and shall be divided by six.Explanation I :- Where a member, who has completed not less than three years of service for pension resigns from his office and such resignation is accepted by the Governor, pension shall be payable to such member in accordance with these regulations.Explanation II :- Where the total service for pension is rendered by a person partly as member and partly as Chairman, the pension admissible to such person in each such term shall be calculated separately subject to the condition that the aggregate pension shall not exceed the prescribed limit.Explanation III :- The duration of service as member shall be computed in terms of completed year but if the service rendered is six months or more, additional benefits of half a year's pension may be allowed.(5)[ The provision of clause (4) as in force with effect from the 1st July, 1975 shall, as from that date, be also applicable to the Chairman or Member who had been in receipt of pension on the said date notwithstanding anything contained in these regulations to the contrary.] [Inserted by Notification No. 610-4649-I (I)-76, dated 17-3-1977.](6)[ A non-official member of the Commission shall be entitled for payment of relief on the pension as admissible to the class one officer of the State from time to time.] [Substituted by Notification dated

5-4-1996.]

**10. [ Pension payment to a member who is appointed in the Commission after his retirement from Government Service. [Substituted by Notification No. K A.6-31-95-I (i), dated 4-6-1996.]**

- Notwithstanding anything contained in Regulations 8 and 9, every member who is appointed in the Commission after his retirement from Government service, shall on his ceasing to hold office as such member, i.e., after completing his tenure as member, shall be paid pension for the service rendered in the Commission at the rates, and under the annual limit, as prescribed in sub-regulation (3) of Regulation 8. Proviso to sub-regulation (4), provisions of sub-regulations (5) and (6) of Regulation 8 shall also be applicable to such members.] [Substituted by Notification No. F. A.6-31-95-I (i), dated 4-6-1996.]

**11. Pension not be commuted.**

- The pension payable under regulation 9 shall not be commuted.

**12. Authority competent to grant pension.**

- The authority competent to grant a pension to a member shall be the Governor of Madhya Pradesh.

**13. Travelling allowance to members.**

(1)A member, who on the date of his appointment was in Government service or not, shall be entitled to draw for a journey join to his post travelling allowance as for a journey on transfer to Government servants of the first grade in the State.(2)A member, when travelling on duty, shall be entitled to travelling and daily allowance at such rates and subject to such conditions as are prescribed by the rules in force applicable to Government servants of the first grade in the State.(3)A member shall be entitled on relinquishing office to travelling allowance for the journey from his place of duty to his usual place of residence at the scale and conditions made applicable to the retiring official of the All India Services sewing in connection with the affairs of the State.

**14. Other conditions of service.**

- Subject to the general conditions that the amount of a compensatory allowances 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 may deem fit to impose, grant to a member any compensatory allowance and may fix the amount thereof.

## **15. Facilities for medical treatment to members.**

- The medical and surgical treatment to members and his family shall be provided in accordance with the Rules which for the time being apply to the Government servants of the first grade in the State.

## **16. Members entitled to subscribe to the General Provident Fund.**

- A member shall be entitled to subscribe to the General Provident Fund in accordance with the rules of the Fund for the time being in force :Provided that a member who at the date of his appointment was in Government service and who had been admitted to the benefits of the General Provident Fund may continue to subscribe to that fund in accordance with the rules and regulations applicable to that fund, until he reached the date on which he must compulsorily retire from service in accordance with the rules applicable to him in his service.

## **17. Advance for purchase of conveyance.**

- The State Government may grant an advance for purchase of a motor car to the Chairman or a member in accordance with the rules and orders applicable to the officers of the State Government from time to time.

## **18. Medical facilities, travel concessions, etc., to the Chairman or a member who was in Government service.**

- Notwithstanding anything contained in these regulations the Chairman or a member who at the time of his appointment as such was in Government service shall be entitled to such medical facilities, travel concessions, and other conditions of service which would have been applicable to him had he not been appointed on the Commission.

## **19. Conditions of service in residuary matters.**

- In respect of any other matter for which special provision is not made by these regulations, the conditions of service of a person serving as a member shall be governed by the rules and orders for the time being applicable to Grade I officers of the State Government.

## **20. Staff of the Commission-Composition.**

- The staff of the Commission shall consist of [a Secretary, a Deputy Secretary, a Controller of Examinations and such number of Assistant Secretaries] [Substituted by Notification No. 428-1699-I (i)-81, dated 9-2-1982.], ministerial officials and such other subordinate staff as the Governor may, from time to time, determine :Provided that the Commission may, for special reasons to be recorded in writing, employ temporary staff at a cost not exceeding [Rs. 30,000 (Thirty Thousand)] [Substituted by Notification dated 29-10-1982.] in any year.

## **21. Appointment of the Secretary.**

- The Secretary shall be appointed by the Governor.

## **22. Pay of the Secretary.**

(1) If, on the date of his appointment, the Secretary was in the service of the Government he shall receive pay according to time scale of the service to which he belongs and in addition a special pay which may be determined from time to time. (2) If, on the date of his appointment, the Secretary was not in the service of Government he shall receive pay in the scale of Rs.

450-25-650-Bar-25-700-30-850 in such other time scale as may be determined by the State Government.

## **22A. [ Appointment and pay of Deputy Secretary. [Inserted by Notification No. 428-1699-I (i)-81, dated 9-2-1982.]**

(1) The Deputy Secretary shall be appointed by the Government. (2) The Deputy Secretary shall receive pay in the time scale of Rs. 1100-50-1500 or in such other time scale as may be determined by the State Government from time to time].

## **23. [ Appointment and pay of Controller of Examinations. [Substituted by Notification dated 8-2-1979.]**

- The Controller of Examinations shall be appointed by the Government. The Controller of Examinations shall receive pay in the time scale of Rs. 800-50-1050-EB-50-1250 or in such other time scale as may be determined by the State Government from time to time].

## **24. Assistant Secretary.**

(1) If the Assistant Secretary was, on the date of his appointment, in the service of Government, he shall hold office for a period of five years or until he attains the age of superannuation whichever period be shorter : Provided that the Commission may, with the consent of the Governor extend this term by a period not exceeding five years. (2) If the Assistant Secretary was not, on the date of his appointment, in the service of the Government, 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.

## **25. Pay of Assistant Secretary.**

- The Assistant Secretary shall receive pay in the time scale of Rs. 400-25-600 or in such other time scale as may be determined by the State Government from time to time.



## **26. Other conditions of service of the staff of the Commission.**

(1) In respect of other matters, the conditions of service of the Secretary, Deputy Secretary' and Assistant Secretary who were in the service of Government on the date of their appointment shall be the same as those of other members of the service to which they belong. (2) If the Secretary or Deputy Secretary was not, on the date of his appointment in the service of Government, his conditions of service shall be the same as that of an officer drawing the same rate of pay as is admissible to him. (3) If the Assistant Secretary' was not, on the date of his appointment, in the service of Government, his conditions of service shall be the same of those of a Government servant drawing the same rate of pay as is admissible to him. (4) In the case of an official the power to appoint whom vests in the Commission, the authority who may impose any of the penalties prescribed in Rule 10 of M.P. Civil Services (Classification, Control and Appeal) Rules, 1966, shall be the Chairman and the Appellate Authority shall be the Governor. But in the case of an official the power to appoint whom vest in the State Government and who is on deputation to the Commission, the authority who may impose the penalties referred to above shall be the State Government. In the case of minor penalties the Commission will be competent to impose the same under M.P. Civil Services (Classification, Control and Appeal) Rules, 1966.

## **27. Ministerial staff.**

- The Commission may employ the ministerial staff specified in the Annexure to these regulations. The ministerial staff shall be appointed by the Secretary' and shall receive the same pay and allowances and be subject to the conditions of service as person of corresponding grades serving in the Madhya Pradesh Civil Secretariat, save that the authority who may impose any of the penalties prescribed in Rule 10 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 shall be the Secretary and Appellate Authority shall be the Chairman. But in the case of official the power to appoint whom vests in the State Government and who is on deputation to the Commission, the authority who may impose the penalties referred to above shall be the State Government.

## **28. Class IV staff.**

- The Commission may employ Class IV staff as specified in the Annexure to these Regulations. Such staff shall be appointed by the Secretary and shall receive pay and allowances according to the general orders of Government and be subject to the same conditions of service as persons of the corresponding grade in the service of Government. The authority who may impose the penalty of dismissal or removal from service or reduction in rank, shall be the Secretary and the Appellate Authority shall be the Chairman. The authority, who may impose any lesser penalty shall be the Deputy Secretary' or Assistant Secretary as directed by the Chairman and the appellate authority shall be the Secretary.

## **29. Repeal and saving.**

(1) On the commencement of these Regulations, the Madhya Pradesh Public Service Commission

(Conditions of Services) Regulations, 1959 shall stand repealed.(2)Nothing contained in these regulations shall have effect so as to give to a member who is serving as such at the commencement of these regulations less favourable terms in respect of his allowances or his rights in respect of leave of absence or pension than those to which he would have been entitled if these regulations had not been made. Annexure (See Regulations 27 and 28)

S. No.	Descriptions of the post	No. of posts	Pay scales
1.	Office Superintendent	5	The pay scales applicable in the Secretariat will be admissible to Class III Servants (Temporary) 280-480 employed by the Public Service Mission.
2. [ ] [Substituted by Notification dated 11-6-1981.]	Junior Accounts Officer	10	
3.	Senior Grade Clerks	10	
4.	Steno-cum-PA	1	
5.	Stenographers	[7] [Substituted by Notification dated 11-6-1981.]	
6.	Upper Division Clerks	10	
7.	Lower Division Clerks	6	
8.	Receptionist		
Class IV Staff			
9.	Jamadar	1	The pay scales of Class IV servants will be governed by the general orders issued by the State Government from time to time.
10.	Daftari	3	
11.	Peons	[29] [Substituted by Notification dated 11-6-1981.]	
12.	Farrash	2	