

The M.P. Lokayukt and Up-Lokayukt (Conditions of Service) Rules, 1982

MADHYA PRADESH

India

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Rule

THE-M-P-LOKAYUKT-AND-UP-LOKAYUKT-CONDITIONS-OF-SERVICE of 1982

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The M.P. Lokayukt and Up-Lokayukt (Conditions of Service) Rules, 1982Published vide Notification No, F. 3-15-82-1(6), dated 21-12-1982, published in the M.P. Rajpatra (Asadharan), dated 21-12-1982 at pp. 2810-12In exercise of the powers conferred by sub-section (1) of Section 11 read with sub-section (5) of Section 5 of the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981), the Government of Madhya Pradesh hereby makes the following rules regulating the allowances, pension and other conditions of service of the Lokayukt and Up-Lokayukt, namely :-

1. Short title and commencement.

(1)These rules may be called the Madhya Pradesh Lokayukt and Up-Lokayukt (Conditions of Service) Rules, 1982.(2)These rules shall come into force on the date of their publication in Official Gazette.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Act" means the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981);(b)"Lokayukt" and "Up-Lokayukt" means persons who is appointed as such under Section 3 of the Act.

3. Retirement under certain circumstances before assumption of office of Lokayukt and Up-Lokayukt.

- A person holding the office of a Judge of the Supreme Court or Chief Justice of a High Court on his appointment as Lokayukt but before entering upon said office, and a person holding the office of a Judge of High Court or serving in connection with the affairs of the Union or any State Government on his appointment as Up-Lokayukt but before entering upon said office, shall seek retirement from his office or post as the case may be, and in the event of failure to do so, the person concerned shall be deemed to have retired from his office or post, as the case may be, immediately prior to and with effect from the date of assumption of office as Lokayukt or as may be the case, Up-Lokayukt.

4. Headquarters of Lokayukt and Up-Lokayukt.

- The Headquarters of the Lokayukt and Up-Lokayukt shall be at Bhopal :Provided that the State Government may fix the Headquarters of the Lokayukt or the Up-Lokayukt at any other place in addition to or in lieu of the Headquarters at Bhopal.

5. Hours of work and holidays.

- The hours of work and holidays for the Lokayukt and Up-Lokayukt and their office shall be such as may be declared by the Lokayukt from time to time, but save as otherwise declared, the Lokayukt, Up-Lokayukt and their office shall observe the same public Holidays as are observed by the Government of Madhya Pradesh and such local holidays as are declared by the local authorities from time to time.

6. Leave.

(1)The Lokayukt and the Up-Lokayukt shall be entitled to earned leave on full allowance upto 1/11th of the period spent on duty :Provided that they shall cease to earn such leave when the earned leave due amounts to [240 days :] [Substituted by Notification No. F. 4(3) 89-XLIX-10, dated 20-7-1989.]Provided further that the Up-Lokayukt, who at the time of his appointment as Up-Lokayukt was in the service of the Central or a State Government, the leave standing to his credit on the date of his appointment as Up-Lokayukt shall be carried forward and he may avail of such leave during his tenure as Up-Lokayukt.(2)The maximum earned leave that may be granted at any one time shall be [150 days] [Substituted by Notification No. F. 4(3) 89-XLIX-10, dated 20-7-1989.].[(2-A) Lokayukt and Up-Lokayukt shall be entitled to casual leave of fifteen days in a year.] [Inserted by Notification No. F. 4(3) 89-XLIX-10, dated 20-7-1989.](3)In the matter of all other types of leave the Lokayukt and the Up-Lokayukt shall be governed by the rules and practices applicable to the Chief Justice and the other Judges of the High Court.(4)[The Lokayukt and Up-Lokayukt shall be entitled to cash equivalent of leave salary in respect of the period of earned leave at their credit on the date of retirement subject to a maximum of 240 days :Provided that the earned leave encashed by the Lokayukt or Up-Lokayukt under this sub-rule together with any amount of leave encashed earlier during the tenure of his service shall not exceed the limit of 240

days.] [Substituted by Notification No. F-15-95-1-(10), dated 26-8-1995.](5)If in public interest or due to exigencies of public service, the Lokayukt or Up-Lokayukt is refused leave preparatory to retirement, he shall for the hardship caused by such refusal, be granted compensation for leave so refused up to maximum of 120 days of leave refused and such compensation determined in manner laid down in sub-rule (6) shall be paid to the Lokayukt or Up-Lokayukt as the case may be, in as nearly as possible, equal monthly instalments, not exceeding hour.(6)(a)The compensation referred to in sub-rule (5) shall be computed in the first place calculating separately :-(i)amount of leave salary that the Lokayukt would have drawn, if the leave had not been refused; and(ii)the pension (inclusive of the pension equivalent of gratuity) to which Lokayukt or as the case may be, Up-Lokayukt is entitled from the date of vacation of office, for a period equivalent to the period of leave refused.(b)The total amount of pension referred to in item (ii) of clause (a) shall next be deducted from the total amount of leave salary referred to in para (i) of clause (a) and the balance shall be the amount of compensation payable to under sub-rule (5) to the Lokayukt or to the Up-Lokayukt, as the case may be.

7. Authority competent to grant leave.

- The authority competent to grant or to refuse leave to the Lokayukt or the Up-Lokayukt or to revoke or curtail leave granted to them, shall be the Governor of Madhya Pradesh.

8. Pension payable.

- The Lokayukt and the Up-Lokayukt shall be paid pension at the rates applicable in the case of the Chief Justice and Judges of the High Court, respectively, in respect of each completed year of service as Lokayukt and Up-Lokayukt:Provided that the Up-Lokayukt who, at the time of his appointment was in Central/State Government service shall get the pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment:Provided further that the Lokayukt and Up-Lokayukt shall not receive any pension if he has been removed from that office :[Provided also that the maximum limit fixed for pension for the Chief Justice or the Judges of the High Court, shall not be applicable in fixation of pension for the service rendered as Lokayukt or Up-Lokayukt.] [Inserted by Notification No. F-4-1-1992-1-10, dated 19-10-1994.]

9. Commutation of pension.

- The rules for the time being applicable to the Chief Justice or the Judges of the High Court in regard to the commutation of pension shall apply mutatis mutandis to the Lokayukt and Up-Lokayukt.

10. Authority competent to grant pension.

- The authority competent to grant pension to the Lokayukt and Up-Lokayukt shall be the Governor of Madhya Pradesh.

11. Travelling allowance.

- The Lokayukt and Up-Lokayukt shall receive such reasonable allowances to reimburse them for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as are for the time being admissible, respectively to the Chief Justice and the other Judges of the High Court: Provided that a person appointed as Lokayukt or Up-Lokayukt shall be entitled to receive as travelling allowance, the actual expenditure incurred on the journey for self and his family from the place of his ordinary residence to Bhopal on first joining his appointment as well as for the journey back to his home town on retirement, by Air, Rail or Motor Vehicle. Further, he shall be entitled to actual expenditure incurred for the transportation of luggage by Road or Rail : Provided further that in the event of the death of the Lokayukt or the Up-Lokayukt while in office, the members of his family shall be entitled to the actual expenditure incurred on the journey of the family and for the transportation of their luggage from the headquarters to the home-town of the Lokayukt or the Up-Lokayukt as the case may be, on the fulfilment of the condition that the journey is performed within six months of the date of death of the Lokayukt or the Up-Lokayukt, as the case may be.

11A. [Leave Travel Concession. [Inserted by Notification No. F. 4(3)-89-XLIX-10, dated 20-7-1989.]

- The Lokayukt and the Up-Lokayukt shall be entitled to such facility of leave travel concession as is admissible from time to time to the Chief Justice and Judges of the High Court respectively : Provided that the Up-Lokayukt who at the time of his appointment as such was in the service of the Central/State Government shall be entitled to such facility under this rule as was available to the service to which he belonged to immediately before such appointment.]

12. Facilities for Medical Treatment.

- The Lokayukt and the Up-Lokayukt and the members of their families shall be entitled to such facilities for medical treatment and for accommodation in Government Hospitals as are admissible, respectively, to the Chief Justice and the other Judges of the High Court and the members of their families.

13. Facility of rent free and furnished accommodation.

(1) The Lokayukt and Up-Lokayukt shall be entitled, without payment of rent, to the use of free furnished official residence in accordance with such rules as may from time to time be made in this behalf for the Chief Justice and Judges of the Madhya Pradesh High Court, respectively. (2) Where the Lokayukt or the Up-Lokayukt does not avail himself of the use of an official residence, he may be paid every month an allowance of an amount equal to twelve and half percent of his salary. (3) Where the Lokayukt or Up-Lokayukt avail the use of an official residence, the expenditure on water and electricity will be borne by the State Government. The limit of the expenditure on water and electricity shall be governed in accordance with the provisions for Ministers as laid down in clauses

(a) and (b) of sub-rule (4) of Rule 6 of the Madhya Pradesh Ministers (Residence) Rules, 1964.

13A. [Perquisites to be exclusive of income tax. [Inserted by Notification No. F. 4(3)-89-XLIX-10, dated 20-7-1989.]

- The furnished residence without payment of rent and conveyance facility provided to the Lokayukt and Up-Lokayukt shall be exclusive of income tax which shall be payable by the State Government as if the income accruing therefrom to the Lokayukt or Up-Lokayukt as the case may be, were his only income for the purpose of the Income Tax Act, 1961 (No. 43 of 1961).]

14. [Conveyance Facility. [Substituted by Notification No. F. 4(3)-89-XLIX-10, dated 20-7-1989.]

- The Lokayukt and Up-Lokayukt shall be entitled to the use of Government car within the limit of [200] litres of petrol per month excluding the consumption of petrol during official tours :Provided that if the Lokayukt or the Up-Lokayukt maintains a car of his own, he may use any quantity of petrol within the aforesaid limit for his own personal car.]

15. Provident Fund.

- The Lokayukt and the Up-Lokayukt shall be entitled to subscribe to the General Provident Fund in accordance with the rules regulating the Provident Fund to which they were subscribing before their appointment as Lokayukt and Up-Lokayukt.

15A. [Sumptuary allowance to Lokayukt and Up-Lokayukt. [Inserted by Notification No. F. 4(3)-89-XLIX-10, dated 20-7-1989.]

- There shall be paid to the Lokayukt, a sumptuary allowance of [three thousand rupees] per mensem and to the Up-Lokayukt, a sumptuary allowance of [two thousand rupees] [Substituted by Notification No. F-15-3-96-1-10, dated 28-11-1996.] per mensem.]

16. Miscellaneous.

- In respect of any other matter for which special provision is not made by these rules, the condition of service shall be governed by the rules and orders for the time being applicable to the Chief Justice or Judges of the High Court of Madhya Pradesh [and as regards persons other than Chief Justice or a Judge of a High Court by the rules and order for the time being applicable to the service from which such person is drawn.] [Inserted by Notification No. F. 4(3)-89-XLIX-10, dated 20-7-1989.]

17. Removal of difficulty.

- If any question arises about the interpretation of the provisions of these rules, the matter shall be

referred to the Governor, whose decision thereon shall be final.