

NE 907



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol XXIII Aizawl, Wednesday, 20. 7. 1994, Asadha, 29. S.E 1916 Issue No. 132

NOTIFICATION

No. A. 12017/2/91-PAR(GS) : In exercise of the powers conferred by Article 318 of the Constitution of India, the Governor of Mizoram is pleased to make the following regulations as respects to the composition and staff of the Mizoram Public Service Commission, their tenure of office and conditions of service.

PART 1

PRELIMINARY

Short title,
extent and
commence-
ment

1. (1) These regulations may be called the Mizoram Public Service Commission (Conditions of Service) Regulations, 1994.
- (2) They shall come into force at once.

Definitions

2. In these regulations, unless the context otherwise requires,
 - (i) "Chairman" means the Chairman of the Mizoram Public Service Commission;
 - (ii) "Commission" means the Mizoram Public Service Commission;
 - (iii) 'Constitution' means the Constitution of India;
 - (iv) 'Governor' means the Governor of Mizoram,
and
 - (v) 'Member' means a member of the Mizoram Public Service Commission.

PART—II

COMPOSITION, PAY AND TENURE

Composition 3. The Commission shall consist of a Chairman and such other Members not exceeding three, as may be determined by the Governor from time to time.

Tenure 4. (1) The Chairman or the Member of the Commission shall hold office for a term of six years from the date on which he assumes office or until he attains the age of 62 years, whichever is earlier;

Provided that the Chairman or the Member of the Commission may, by writing under his hand, addressed to the Governor, resign his office;

Provided further that the Chairman or the Member of the Commission may be removed or suspended from office earlier in the manner provided in Article 317 of the Constitution.

(2) The Chairman or the Member who, on the date of his appointment as such, was in the service of the Government of India or any State or a local body, or any other body wholly or substantially owned or controlled by the Government be deemed to have retired from such service from the date of appointment as Chairman or Member.

Salaries and allowances of Chairman and Members 5. (1) There shall be paid to the Chairman a fixed salary of Rupees Seven Thousand six hundred per mensem and to each Member a fixed salary of Rupees Seven Thousand Three Hundred per mensem respectively and such other allowances, at such rates as admissible to government servants under the Government of Mizoram from time to time.

(2) The Chairman or the Member who at the time of his appointment as such, was in the service of or has retired from the service of the Government of India or of any State or of a local body, or of any other body wholly or substantially owned or controlled by the Government may opt for drawing pay in the scale which he was drawing on the date of his retirement in lieu of the scale of pay prescribed as above for the Chairman or the Member. Option once exercised shall be final:

Provided that the option of drawing of pay exercised by the Chairman or the Member in lieu of the scale of pay prescribed for the Chairman or the Member shall remain valid only till the period of six years from the date on which he enters upon his office or till he attains the age of 62 years, whichever is earlier.

(3) If the Chairman or the Member, at the time of his appointment is in receipt of a pension, has received or has become entitled to receive any pension and other retirement benefits in respect of any previous service under the Government of India or a State Government, a local body, or any other local body wholly or substantially owned or controlled by the State Government or as Ex-Member of Parliament or Ex-Member of Legislative Assembly, his pay in respect of the service in the Commission shall be reduced by the amount of that pension during the service under the Commission.

Leave admissible

6. (1) The Chairman or the Member, if any, may be granted Earned Leave, Half pay Leave, Commuted Leave on Medical Ground and extra ordinary Leave.

(2) The admissibility of leave as specified in sub-regulation (1) above shall be regulated as per the provisions of the Central Civil Service (Leave) Rules, 1972 as applicable to the Government of Mizoram.

Power of Government to grant or refuse Leave.

7. The power to grant or refuse leave to the Chairman or the Member and revoke or curtail the leave granted to him shall vest in the Governor.

Leave credit of Member to lapse

8. Subject to the provisions of regulation 6, leave at the credit of the Chairman or the Member, shall lapse on the date on which he shall vacate office under regulation 4:

Provided that if the Member is further appointed as Chairman, the leave at the credit of the Member, shall be carried forward and can be availed of during his tenure as the Chairman subject to the provision of regulation 6 of these Regulations.

PART - IV

PENSION

Pension

9. (1) The Chairman or the Member shall, when ceasing to hold office as such, be paid pension as specified in clause (c) of this sub regulation:

Provided that no such pension shall be payable to the Chairman or the Member

(a) unless he has completed at least three years of service as Chairman or as Member:

(b) if he has been removed from office of the Commission:

- (c) the pension already drawn by Chairman or Member and the pension under this Regulation together shall not exceed the maximum pension fixed by the Government of India or the State Government as the case may be.

(2) Pension under this regulation shall be payable to the Chairman or the Member for life.

Provided that no such pension shall be payable during any period for which such Chairman or Member may, after his retirement as such, hold office as the Chairman or the Member of the Union Public Service Commission or as the Chairman of a State Public Service Commission, as the case may be.

(3) Pension under this regulation shall be paid at the following rates, namely:—

- (a) in the case of Chairman, Rupees One Thousand per mensem if he has completed six years of service; and
- (b) in the case of a Member, Rupees Eight Hundred per mensem, if he has completed six years of service :

Provided that where the services rendered by Chairman or Member is for a period of three years or more but less than six years, the amount of the pension shall be determined in accordance with the following formula, namely :—

Completed years of a service for pension shall be multiplied by the amount of the maximum pension admissible under clause (a) or clause (b) as the case may be, and shall be divided by six.

EXPLANATION-I

When the total services 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 the Chairman.

EXPLANATION-II

The duration of service of a person as a Member shall be computed in terms of completed years, but if the service rendered in six months or more, additional benefit of half year's pension may be allowed.

No pension shall be payable under these regulations to the Chairman or a Member who, at the date of his appointment as such

retired from service under the Government of India or a State Government, a local body or any other body wholly or substantially owned or controlled by Government, if he is in receipt of, has received or has become entitled to receive any retirement benefits by way of pension, gratuity, payment from any contributory Provident Fund or otherwise :

Provided that such person may, at his option, come under the pension scheme under these regulations, if the amount of the pension or the pension equivalent of the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these regulations.

PART—V

GENERAL PROVIDENT FUND

Provident
Fund

10. The Chairman or a Member shall be eligible to contribute to General Provident Fund under normal rules at his request, provided that the Chairman or a Member is expected to serve in the Commission for a period exceeding one year.

PART—VI

TRAVELLING ALLOWANCES AND OTHER FACILITIES

Rates of
Travelling
Allowances

11. (1) The Chairman or the Member who, at the date of his appointment, was in the service of the Government of India or of a State Government or of a local body or any other body wholly or substantially owned or controlled by the State Government shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per rules applicable to him in his previous service.

(2) The Chairman or the Member who, at the date of his first appointment, is not in the service of the Government of India or any State Government, or of a local body or any other body wholly or substantially owned or controlled by the State Government shall be entitled to travelling allowances as on transfer as admissible to officer of the Government of Mizoram of his equivalent grade from the station of his normal stay.

(3) The Chairman or the Member, while travelling on duty or on tour, shall be entitled to travelling and daily allowances at the rate admissible to officer of the Government of Mizoram of his equivalent grade.

(4) The Chairman or the Member shall, on vacating his office, be entitled to travelling allowances as on transfer as admissible to officers of the Government of Mizoram of his equivalent grade from the station of his duty to the station of his normal stay/home town:

Provided that no such travelling allowances shall be admissible to the Chairman or the member if he has been removed from Office.

(5) The Chairman or the Member, who has completed one year of service with the Commission shall be eligible for Leave Travel Concession for himself and his family to home town or anywhere in India as per Leave Travel Concession orders on the subject as applicable to the Government servant under the Government of Mizoram.

EXPLANATION

The salary of the Chairman and the Member as specified in regulation 5 shall be treated as pay for the purpose of entitlement of Travelling Allowance and Daily Allowance of the Chairman or the Member under sub-regulations (2), (3) and (4) of this regulation.

12. The Chairman and the member shall be entitled to a free furnished accomodation of the type commensurate with his pay.

13. An advance for the purchase of Motor-Car to a Chairman or a member will be regulated by the appropriate Rules for the time being in force applicable to state Government servants drawing comparable pay.

PART VII

STAFF OF THE COMMISSION AND CONDITIONS

Staff of
Commission
and
Appointing
Authority

14. (1) The staff of the Commission shall include a Secretary, Deputy Secretary, Under Secretary, Finance and Accounts Officer and such other Gazetted or Non-Gazetted staff as the Commission may, from time to time, determine in consultation with the State Government.

(2) The Secretary, Deputy Secretary, Under Secretary and the Finance and Accounts Officer and other Gazetted staff shall be appointed by the commission. If and when the Gazetted or Non-Gazetted staff of the Commission is to be appointed on deputation or on transfer from the service under the State Government or any other service, the State Government or other appropriate authorities shall be consulted.

(3) The non-Gazetted staff including Group 'D' staff shall be appointed by the Secretary with the approval of the Chairman and shall receive such emoluments as admissible to the Government servants of corresponding grade in the Government of Mizoram, or as may be determined by the Commission in consultation with the State Government.

Disciplinary
and appellate
authority.

15. (1) The Chairman, in case of gazetted staff and the Secretary, in case of the non-gazetted staff including Group 'D' employees, shall be the authority who may impose any of the penalties prescribed in the Central Civil Service (Classification, Control and Appeal) Rules, 1965 as adopted by the Government of Mizoram.

(2) The Governor, in respect of the gazetted staff and the Chairman, in respect of the non-gazetted staff including the Group 'D' shall be the appellate authority.

Residuary
matters.

16. In respect of any matter for which provision is not made by these regulations, the conditions of service of a person serving as a Chairman or a member of the Commission or its staff shall be governed by rules and orders for the time being applicable to such classes of Government servants under the Government of Mizoram.

P A R T - VIII

MISCELLANEOUS PROVISION

Interpreta-
tions.

17. If any doubt arises about the interpretation of any of these regulations, the interpretations of the Governor shall be final.

Power to relax.

18. Where the Governor is satisfied that the operation of these Regulations causes undue hardships in any particular case, he may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of the regulation to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Repeal and
Saving

19. (1) All previous Regulation made on the subject shall stand repealed on and from the date of commencement of these Regulations.

(2) Notwithstanding such repeal under Sub-Regulation (1) any action or actions taken under such Regulations so repealed shall be deemed to have been taken under these Regulations.

By order etc.

Lalmalsawma,

Secretary to the Govt. of Mizoram,
Deptt. of Personnel & Admn. Reforms.