

## HIMACHAL PRADESH PUBLIC SERVICE COMMISSION (MEMBERS) REGULATIONS, 1974

No.8-3/72-DP (Apptt.-II)

Shimla-2, the 15<sup>th</sup> May, 1974

In exercise of the powers conferred by sub-clause (a) of Article 318 of the Constitution of India, and in supersession of the Department Notification No.1-OSD/PSC-71 dated 08<sup>th</sup> April, 1971, the Governor of Himachal Pradesh hereby makes the following Regulations, namely:-

1. SHORT TITLE AND COMMENCEMENT AND APPLICATIONS-
  - (i) These Regulations may be called the Himachal Pradesh Public Service Commission (Members) Regulations, 1974.
  - (ii) They shall come into force from 01<sup>st</sup> April, 1981.
2. DEFINITIONS: In these Regulations, unless the context otherwise requires:-
  - (a) 'Chairman' means Chairman of the Commission;
  - (b) 'Governor' means Governor of the State of Himachal Pradesh;
  - (c) 'Member' means Member of the Commission and includes the 'Chairman' thereof; and
  - (d) 'The Commission' means the Himachal Pradesh Public Service Commission; and
  - (e) 'The total monthly emoluments' means "Emoluments as defined by the Government from time to time".
3. NUMBER OF MEMBERS: The Commission shall consist of a Chairman and such number of members, not exceeding five.
4. OATHS: Every Member shall, on appointment, be required to take the oaths in the forms laid down in Appendix-'A' of these Regulations.

Appendix 'A'  
(See Regulation 4)

FORM OF OATH OF ALLEGIANCE

I.....solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established and that I will loyally carry out the duties of my office.

FORM OF OATH OF OFFICE

I.....appointed as a Member of the Himachal Pradesh Public Service Commission do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgement.

FORM OF OATH OF SECRECY

I.....solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Member of the Himachal Pradesh Public Service Commission except as may be required for the discharge of my duties as such Member.

The oath to the Chairman / Members of the Himachal Pradesh Public Service Commission will be administered by the Governor in person in the presence of the Chief Secretary and that in case the Governor is not in a position to administer such oath due to any reasons whatsoever the oath to the Chairman will be administered by the senior most member of the Himachal Pradesh Public Service Commission available and that to a member by the Chairman or in his absence by the senior most member in the presence of the Chief Secretary.

5. The Chairman appointed to the parity with the Chief Secretary and Members shall have parity with Principal Secretary to the State Government only in respect of pay scales:

Provided that there shall be no parity in respect of Secretariat pay or other allowances payable to the Chief Secretary or to the Principal Secretary.

Provided further that the allowances already admissible to the Chairman and Members holding the post prior to coming into force of these regulations shall not be withdrawn or reduced.

6. If the Chairman or a Member, at the time of appointment as such is a person retired from Government, a Local Body, a University or any other body wholly or substantially owned or controlled by the Government he will be entitled to get such total monthly emoluments as last drawn, reduced by the amount of pension, if any, (excluding pension equivalent to DCRG). He will however, draw full amount of pension, if any in addition.

Note: The pay scales of the present incumbent of the posts will be protected.

7. If the Chairman or a Member of the Commission, at the time of appointment as such is a person serving under any Government he shall henceforth cease to be in the service of the Government and shall be entitled to draw pay, subject to provision of Paragraph 2 & 3 of Regulation 8 below.

Provided that the amount of pension if already determined on the basis of option given under Regulation 8 (1) shall be revised on the basis of the emoluments last drawn by him on attaining the age of actual superannuation.

8. (1) Such a person who at the time of appointment as Chairman, or a Member, as a person serving under any Government, shall be permitted to elect to draw his pension and other retirement benefits admissible to him under the relevant rules governing his service under the Government.

OR

Elect to count his service on the Commission qualifying service for the purpose of pension under the rules *ibid*. A time limit of six months from the date of his entry in office of the Commission or from the date of publication of regulations whichever is later may be allowed to exercise this option and the option so exercise shall be final.

- (2) If such a person elects to draw pension for the service rendered by him under the Government prior to his appointment on the Commission, his pay as Chairman or Member shall be fixed in the manner as prescribed in regulation No. 6 *ibid*.
- (3) If such a person elects to count his service in the Commission as qualifying service, the retirement benefits admissible to him will be subject to the overall ceiling of the amount of retirement benefits which such person would have drawn had he not been appointed to the Commission and continued in service under the Government. He shall, however, not be permitted to retire on the day of superannuation which otherwise he would have attained had he not been appointed in the Commission, he will be entitled to get his retirement benefits only when he finally quits the Commission as a Chairman or a Member.
9. (1) If the Chairman or a Member at the time of appointment as such, is serving under local Body, a University or any other Body wholly or substantially owned controlled by the Government his pay shall be fixed in the following manners:-

If drawing pension from such body, he will be entitled to draw total monthly emoluments as last drawn, reduced by the amount of pension (excluding pension equivalent to DCRG).

Provided that if no pension has been drawn from such body, he shall be entitled to draw the total monthly emoluments last drawn, in the service of such corporation / Board etc.

- (2). Notwithstanding anything contained in these regulations the Chairman of the Commission shall be entitled to receive a fixed basic pay of ₹80,000/- and Members of the Commission shall be entitled to the pay scale of ₹67,000-79,000 (No Grade Pay);

Provided that the Chairman and the Members of the Commission holding the post prior to the coming into force of these regulations shall be eligible to draw the allowances payable to the Chief Secretary and Principal Secretary, respectively;

Provided further that if the Chairman or a Member, at the time of appointment as such is a person retired from Government, a local Body, a University or any other Body wholly or substantially owned or controlled by the Government and was drawing pay more than the maximum of the pay scales of Chairman and Member, in that case the last pay drawn by them shall be taken into consideration for fixation of pay subject to the condition that pay plus gross pension shall not exceed ₹80,000/- per month.

10. LEAVE:

A Member who at the time of appointment as such was in the service of the Government, a local body a University or any other body wholly or substantially owned or controlled by the Government may be granted leave by the Governor under the rules applicable to him immediately before his appointment to the Commission and his service as member shall count for such leave. The leave at the credit of any such Member in his leave account shall not lapse on the date of his appointment as Member but shall be carried forward and could be availed of during his tenure as Member.

A member who on the date of his appointment to the Commission was not in the service of any Government in India may be granted leave by the Governor as provided for in Appendix-‘B’ to these Regulations.

10-A. PAYMENT OF COMPENSATION IN CERTAIN CASES OF REFUSAL OF LEAVE:

- (1) Leave at the credit of the Chairman / Member of the Commission shall lapse on the date on which he vacates office.

Provided that if, a Chairman / Member is or has been refused leave preparatory to the expiry of his term of Office, he may, for the hardship caused by such refusal, be granted compensation for leave so refused, subject to the condition that such compensation shall be granted in respect of not more than 120 days of leave refused, and the amount of such compensation shall be determined in the manner hereinafter set out and paid to the Member in equal monthly instalments not exceeding four.

- (2) For the purpose of determining the amount of compensation payable to a Member under Regulation 10-A (1) above, the total amount of (i) the leave salary that the member would have drawn if the leave had not been refused, and (ii) the pension (including the pension equivalent of other retirement benefits to which the Member is entitled from the date of vacation of Office for a period of equivalent to a period of leave refused, shall be calculated separately and the total amount of pension (including the pension equivalent of other retirement benefits) referred to in clause (ii) shall then be deducted from the total amount of leave salary referred to in clause (i) and the balance shall be the amount of compensation payable to the Member under sub regulation (1).

Notwithstanding anything to the contrary in these regulations in case a Chairman / Member had been refused leave preparatory to retirement from the service of the Government by the Government prior to his appointment as Chairman / Member, but was prevented from carrying forward or availing of such leave after the date of his superannuation from the Government or was able to carry forward and or avail of only a portion of the leave refused, due to his appointment as Chairman / Member, such leave, or such expired portion of the leave, as the case may be, may also be taken into account for the purpose of determining the cash compensation payable under the Regulations.

11. PENSION:

In the case of a retired Government Servant service as member shall not count as qualifying service for the purpose of re-calculating his pension (and other retirement benefits) at the expiry of his tenure of office as Member.

11-A. The Chairman or a Member, who at the date of his appointment as such was not in the service of the Central Government or a State Government, a local authority, a University, a privately managed recognized school or affiliated college or any other body wholly or substantially owned or controlled by the State Government of Himachal Pradesh shall on his

ceasing to hold office as Chairman or Member be paid a pension for his life at the rate of ₹300/- (Rupees three hundred per month) in the case of Chairman and ₹250/- (Rupees two hundred and fifty) per month in the case of Member for each completed year of service as Chairman or Member, as the case may be, subject to a maximum of ₹1800/- (Rupees one thousand eight hundred) only per month in the case of Chairman and ₹1500/- (Rupees one thousand five hundred) per month in the case of Member.

12. PROVIDENT FUND:

It shall be permissible for Member if he so elects to subscribe to the General Provident Fund in accordance with the General Provident Fund Rules in force from time to time in Himachal Pradesh. Members are also permitted to carry forward balance in their respective Provident Fund Account to the new Provident Fund Account in case of serving officers who are appointed to the Commission.

13. TRAVELLING ALLOWANCE:

(1) A Member of the Commission, for joining his office including the taking of oath and for travelling on duty, shall be entitled to Travelling Allowance and mileage allowance at the rates admissible to an officer of Grade-I of the State Government. A Member, for joining his office including taking oath, shall also be entitled to TA / mileage allowance for members of his family and for transportation of personal effects at the rate / scale admissible to Grade-1 Officer.

(2) A Member, who on the date of his appointment was in the service on any Government in India, shall be entitled to travelling allowance as on transfer.

14. MEDICAL ATTENDANCE:

For the purpose of Medical Attendance, the Chairman / Member shall be governed by the Central Service (Medical Attendance) Rules, 1944, or any other rules applicable from time to time to the employees of the Himachal Pradesh Government, as the case may be.

15. CONDITIONS OF SERVICE IN RESIDUARY MATTERS:

In respect of any matters for which there is no provision in these Regulations the Chairman and other Members 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 Government.

16. POWER TO REMOVE DIFFICULTIES:

If any difficulty arises in giving effect to the provisions of these Regulations, the State Government may, by order to be published in the Official Gazette, make such provisions or give such directions as may appear to it to be necessary or expedient for removal of the difficulty.

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