

In pursuance of the provision of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification No. 68/I/2016-02(02)/11/2006, dated January 28, 2016 for general information :

No.68/I/2016-02(02)/11/2006
Dated Dehradun, January 28, 2016

NOTIFICATION

In exercise of powers conferred by Section 91 read with Section 181(zk) of the Electricity Act 2003, the Uttarakhand Electricity Regulatory Commission, with the approval of the State Government, hereby make the regulations namely, Uttarakhand Electricity Regulatory Commission (Recruitment, Control and Service Conditions of Staff) Regulations, 2016.

Chapter - I : Preliminary

Short Title, Commencement and Application

1. (1) These regulations may be called the Uttarakhand Electricity Regulatory Commission (Recruitment, Control and Service Conditions of Staff) Regulations, 2016.
- (2) These regulations shall come into force from the date of their Publication in the official Gazette.
- (3) These regulations shall apply to staff of the Commission mentioned in these regulations.

Definitions

2. In these regulations, unless the context otherwise requires:-
 - (1) "Act" means the Electricity Act 2003(Act No. 36 of 2003);
 - (2) "Chairperson" means the Chairperson of the Commission;
 - (3) "Commission" means the Uttarakhand Electricity Regulatory Commission;
 - (4) "Group A, B, C and D" are posts as classified in the Appendix-A to these regulations;
 - (5) "Member" means a Member of the Commission;
 - (6) "State" means the State of Uttarakhand;

- (7) "State Government" means the Government of Uttarakhand;
- (8) "Function" means and includes all works relating to the activities of the Commission;
- (9) "Service" means service by staff of the Commission;
- (10) "Staff" includes both officers and employees of all categories appointed on regular basis or on deputation basis or on contract basis governed by the respective provisions for these basis in these regulations;
- (11) Words and expressions used in these regulations but not defined, unless the context is otherwise, shall have the same meaning as respectively assigned to them in the Act.

Chapter-II :

Categorization of Posts against Sanctioned Strength and Mode of Recruitment

Categorization of Posts

3. The categorization of posts, the scales of pay attached thereto and the numbers of posts shall be as approved by the State Government from time to time. The mode of appointment of the existing posts attached in Appendix-B.

Mode of appointment

4. (1) Appointments may be made against the vacant posts in the Commission through direct recruitment or on deputation or contract basis. Appointments on deputation from Central/ State Government, Government Undertakings/ Departments/ Corporations and other SERCs/CERC.
- (2) Keeping in view the nature of Commission's work and

in order to retain requisite flexibility with the Commission, services like housekeeping, security, drivers, peons, etc. would, at Commission's discretion, be obtained on outsourcing basis from service agency/service organization.

- (3) The requirement of manpower as per sub-regulation (2) above will vary depending upon the degree of automation, use of electronic communication systems and electronic data storage devices etc. Hence to incorporate the required flexibility, the Commission may, in addition to its regular staff, as and when required, contract out these services to a service provider.

Allocation of posts

5. The inter-se allocation of the sanctioned posts among different functional areas will be as decided by the Commission from time to time to best fulfill the expertise mix required. Without changing the pay-scale of a post and allowances thereof, the Commission may, at its discretion, re-designate that post to indicate its functional requirement.

Chapter-III:

Procedure for Recruitment and Appointment

Appointing Authority

6. All appointments of staff members shall be made by the Appointing Authority in accordance with the table given below:

Table 1: Appointing Authority

Description	Designated Authority	Class of Officers/ employees
Appointing authority	Chairperson	Group 'A'
	Secretary	Group 'B' & 'C'

	Head of Administration/HR division	Group 'D'
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Constitution of Selection Committee

7.(1) All appointments to the various posts shall be made on the recommendation of the Selection Committee.

(2) The constitution of the Selection Committee shall be as given below:

(a) For selection to all Group 'A' and 'B' posts mentioned above the Selection Committee shall consist of the following members:

Chair: Chairperson of the Commission;

Members: (i) Members of the Commission;

(ii) The Commission may co-opt one or more experts as member of the Selection Committee;

Convenor: Secretary of the Commission.

However, in case of selection process for the post of Secretary, the convenor shall be head of the Administration/Human Resource (HR) division in the office of the Commission.

(b) For selection to all Group 'C' and 'D' posts mentioned above the Selection Committee shall consist of the following members:-

Chair: Secretary of the Commission;

Member: (i) Two Directors nominated by the Commission;

(ii) The secretary of the Commission may co-opt one or more experts as member of the Selection Committee;

Convenor: Head of the Administration/Human Resource (HR) division in the office of the Commission.

Eligibility criterion

8. The eligibility criterion for recruitment to different posts shall be such as determined by the Commission with the approval of the State Government as provided therein. The Commission may, if expedient to do so, amend the prescribed eligibility criterion of minimum educational qualification and nature of experience for recruitment to different posts based on the functional requirements of the post.

Procedure for Appointment

9. (1) The Commission on being required to fill up certain vacancy (ies) by direct appointment/ transfer on deputation / contractual appointment shall advertise such vacancies through print media, circulation to the Central/State Government, Government Undertaking/departments/ corporations and other SERCs/CERC as may be desirable with complete details of qualifications, experience, pay structure etc. and allowing sufficient time between the date of advertisement/circular and the last date for submission of application so as to provide sufficient opportunity to all eligible candidates to apply.

(2) The applications received within the prescribed time limit shall be placed before the selection committee after being processed by the Admin/HR division in the Commission. The preliminary scrutiny shall indicate in a tabular form the details submitted by the individual candidates under various columns of the application forms and shall also mention the details of the testimonials and certificates attached by respective applicants indicating the fulfillment / non fulfillment of eligibility criterion by the candidate.

(3) The Selection Committee shall consider all valid applications and shortlist the candidates eligible to participate further in the selection process.

(4) After finalization of selection process, the recommendation of the Selection Committee including merit list of the candidates shall be forwarded by the Admin/HR division for seeking approval of the Commission. The number of candidates in the merit list shall ordinarily not exceed three persons for each vacancy and such a list shall not be operative beyond six months of the date of announcement of results of selection.

(5) In the eventuality of the selection process being undertaken again for want of suitable candidates, the entire procedure listed above shall be again followed.

(6) The Commission may prescribe the mode of selection including, written test or/and interview or any other method for assessing the suitability of the short listed candidate and for the ranking of candidate in order of Merit.

Formalities after Appointment

10. (1) The successful candidates shall be informed about their appointment through registered post/speed Post and shall be given one month time for joining their assignment and in the eventuality of their failure to join within the stipulated time the letter of appointment shall stand cancelled. The Chairperson may, however, for reasons to be recorded in writing relax this condition for a reasonable period.

- (2) The candidates for direct appointment on their selection shall be required to undergo a medical examination before the medical board of the hospital of appropriate jurisdiction notified by State Government for such exercise within two weeks of their joining. Failure to successfully clear the medical examination may lead to cancellation of offer of appointment.
- (3) At the time of joining, the selected candidate shall produce the original copies of various certificates of educational qualification/ experience /domicile and caste status before the competent authority in the Commission.
- (4) In all such cases of cancellation of appointment, the letter of appointment shall be sent to the next empanelled candidate in the same manner as was done in case of originally selected candidate.
- (5) In cases of direct appointment the Commission shall seek to get the character and antecedents of appointed candidates verified in a manner as may be deemed fit and in the eventuality of such report leading to the conclusion that the appointee is not fit to be appointed in the service of the Commission, the appointment shall be cancelled forthwith. The appointee shall not be entitled to any compensation or monetary benefit on this account.
- (6) At the time of joining the candidates shall have to submit property details of self and his family in the prescribed format.

Appointment in Lower Scale

11. Even though the candidate meets the minimum qualifications for the higher post, a candidate may be offered employment at emoluments corresponding to a lower post than the one advertised, if the Appointing Authority feels that such action is warranted as no suitable candidate was found for the higher post. It may do so with the approval of the Commission.

Probation

12. (1) All direct recruits shall be on probation for a period of one year or for a period, in accordance with the State Government rules, whichever is higher, from the date of their joining.

(2) In case of the performance of the appointee during the period of the probation not being found satisfactory, the Appointing Authority, may extend the period of probation or the services of the appointee may be terminated at any time during the period of probation.

(3) The employee shall be confirmed on satisfactory completion of probation period.

Reservation:

13. Reservation in posts of schedule cast, schedule tribes other back words classes in the Uttarakhand State Govt. shall be allowed as per prevailing rules/policies.

Retirement Age:

14. Retirement age for staff of the Commission shall be in accordance with the State Government rules.

CHAPTER-IV:**PAY, ALLOWANCES & OTHER TERMS AND CONDITIONS OF SERVICE****Regular Appointment**

15. (1) The scales of pay of the regular staff shall be as sanctioned by the State Government from time to time. The existing pay scales prescribed by the State Government are as per Appendix-B.

(2) The staff of the Commission shall be eligible for the following allowances/benefits in accordance with the norms fixed by the State Government subject to the discretion of the Commission to make suitable modification with the objective of ensuring growth and motivation of human resources available to the office of the Commission namely Dearness Allowance, HRA/House Lease, Leave Travel Concession/Home Travel, Medical Facilities, Provident Fund, Leave Provisions, Travelling Allowance/Daily Allowance, Residential Telephone, mobile & Internet facilities, Children Educational Allowance, Entertainment Allowance, Transport/Conveyance Allowance, Newspaper / Magazine/Journals, Loans and advances, Ex-gratia.

(3) Where any staff undertakes any special functions, having regard to the multifunctional requirements of the Commission, or any additional functions pertaining to another post, owing either to a vacancy in such other post or to special circumstances resulting in an increase in workload of such other post, then such employee may be granted a special allowance for the additional functions so undertaken;

Provided that the amount of such special allowance shall be as decided by the Commission and shall in no event exceed the 25% of basic salary applicable to such other post, payable for such period for which such additional functions were undertaken.

Contract Staff

16. (1) The remuneration for contract staff shall be as decided by the Commission from time to time. While deciding the same, the Commission shall take into account the pay and the other monetary benefits/allowances available at the corresponding scale of the post or remuneration fixed by the State Government for such staff from time to time..
- (2) Where the Commission decides to extend the contract or to reappoint the person on contract without going through the process of fresh recruitment similar principles will be adopted in determining the remuneration.
- (3) If persons retired from Govt./PSU service are engaged on contract their pay shall be fixed taking into consideration their pension etc. as per State Government rules. The maximum age limit for the appointment in such mode shall be as per State Government norms/rules/guidelines.
- (4) All appointments on contract basis shall be for a period not exceeding three years, which will be extendable for up to a period of maximum two years by the Commission.

Staff on deputation

- 17.(1) Salary and other terms & conditions of the Staff on deputation shall be as per the State Government rules in this regard.
- (2) Staff joining on deputation shall be eligible for contribution to the respective Provident Fund to which they are subscribers in their parent department and the Commission shall bear the cost of the employer's contribution as applicable in each case.

(3) The Commission shall have the discretion to approve the repatriation of any employee serving on deputation to his parent department on determining that the services of such employee are not required by the Commission notwithstanding the fact that the employee has not completed the period of deputation in the Commission.

(4) The Commission may consider absorbing a deputationist on a regular basis as per the State Government rules in this regard.

(5) The Staff on deputation will be eligible to participate in the selection process for direct recruitment in the Commission as per the State Government rules.

Promotion

18.(1) The appointment by promotion, where applicable, shall be allowed to be filled with the approval of the Commission subject to fulfillment of provisions hereunder.

(2) The promotion shall take place within the feeder cadre posts and accordingly for the promotion of the staff in the post as specified in column (2) of Appendix-C to the post as specified in column (3) of the said Appendix, thereof the qualifying years of service shall be in accordance with column (4) of the Appendix.

(3) Except than feeder posts, Assured Career Progression (ACP) scheme shall be applicable as per State Government rules/policies.

- (4) The selection process for the above promotion, reservation in promotion and appointment by promotion shall be in accordance with the provisions of State Government rules and in fulfillment of provisions of sub- regulation (2) & (3) above, a Committee shall be constituted by the Commission for making recommendation for promotion of eligible candidates.

CHAPTER-V:

ANNUAL ASSESSMENTS, DISCIPLINARY PROCEEDINGS AND PENALTIES

Conduct and Discipline

19.(1) The provisions of the State Government rules as amended from time to time and any other laws, rules and regulations, as applicable to employees of the State Government, shall apply to the staff of the Commission.

- (2) The Appointing Authority shall be the Disciplinary Authority in each of the Groups and the Appellate Authority shall be the Commission irrespective of the Groups and same has been presented in the table given below:

Table 2 : Disciplinary Authority

Description	Designated Authority	Class of Staff
Appointing Authority	Chairperson	Group A
	Secretary	Group B & C
	Head of Administration/HR division	Group D
Disciplinary Authority	Chairperson	Group A
	Secretary	Group B & C
	Head of Administration/HR division	Group D
Appellate Authority	Commission	Group A
	Chairperson	Group B & C
	Secretary	Group D

CHAPTER-VI:**MISCELLANEOUS****Record of Service**

20. A record of service of all staff shall be maintained as per the format prescribed by the State Government for its employees.

Performance Appraisal

21. The performance of the staff shall be assessed and reviewed annually in the manner and in the form laid down by the Commission.

Training

22. The staff may have to undergo such training as may be decided by the Commission.

Authority for service matter

23. In respect of any service matter not specifically mentioned in these Regulations, the relevant provision of the State Government rules and/or other dispensation of the State Government in this behalf shall be applicable to the staff of the Commission.

Saving of inherent power of the Commission 24. Nothing in these Regulations shall bar the

Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to relax the provisions of these regulations.

Interpretation

25. If any question arises relating to the interpretation of these regulations, the interpretation of the Commission will be final.

Power to remove difficulties

26. If any difficulty arises in giving effect to any of the provisions of these Regulations the Commission may, by general or special order, take action not being inconsistent with the provisions of the Act which appears to it to be necessary or expedient for the purpose of removing the difficulties.

Appendix-A

Classification of Posts and their Pay Band, Scale and Grade Pay
(As per prevailing Govt. of Uttarakhand OM no. 71/XXX(2)/2012 dated 07.05.2012)

S.No.	Pay Band and Grade Pay	Classification
(1)	(2)	(3)
1.	Pay Band-3/ Scale ` 15600-39100 Grade Pay ` 6600 and above	Group 'A'
2.	Pay Band-2/ Scale ` 9300-34800 Grade Pay ` 4600 to ` 4800 and Pay Band-3/Scale ` 15600-39100 Grade Pay ` 5400	Group 'B'
3.	Pay Band-1/ Scale ` 5200-20200 Grade Pay ` 1900 to ` 2800 and Pay Band-2/ Scale ` 9300-34800 Grade Pay ` 4200	Group 'C'
4.	Pay Band-1/ Scale ` 5200-20200 Grade Pay ` 1800	Group 'D'

Appendix -B

Mode of appointment of various Posts

Sr.No.	Name of Post	No. of Posts	Scale of Pay	Mode of Appointment
1.	Secretary	01	37400-67000 with GP 8900/10000	Through deputation or direct recruitment.
2.	Director (Technical)	01	37400-67000 with GP 8900/10000	Through promotion from the post of Joint Director (Technical) and if eligible candidate not available then through deputation or direct recruitment.
3.	Director (Costing/Licensing)	01	37400-67000 with GP 8900/10000	Through deputation and if eligible candidate not available then through direct recruitment.
4.	Director (Finance)	01	37400-67000 with GP 8900/10000	Through promotion from the post of Joint Director (Finance/ Tariff) and if eligible candidate not available then through deputation or direct recruitment.
5.	Joint Director (Finance/ Tariff)	01	15600-39100 with GP 7600	Through promotion from the post of Deputy Director (Finance/ Tariff) and if eligible candidate not available then through deputation or direct recruitment.
6.	Joint Director (Technical)	01	15600-39100 with GP 7600	Through promotion from the post of Deputy Director (Technical) and if eligible candidate not available then through deputation or direct recruitment.
7.	Joint Director (Law)	01	15600-39100 with GP 7600	Through deputation and if eligible candidate not available then through direct recruitment.
8.	Deputy Director (Accounts)	01	15600-39100 with GP 6600	Through promotion from the post of Assistant Director (Accounts)/ Accounts Officer and if eligible candidate not available then through deputation or direct recruitment.
9.	Deputy Director (Information Technology)	01	15600-39100 with GP 6600	Through promotion from the post of Assistant Director (Information Technology) and if eligible candidate not available then through deputation or direct recruitment.
	Assistant Director (Information Technology)		15600-39100 with GP 5400	Deputation or Direct recruitment
10.	Deputy Director (Technical)	01	15600-39100 with GP 6600	Through promotion from the post of Assistant Director (Technical) and if eligible candidate not available then through deputation or direct recruitment.
	Assistant Director (Technical)		15600-39100 with GP 5400	Deputation or Direct recruitment
11.	Dy. Director (Admin.)	01	15600-39100 with GP 6600	Through promotion from the post of Assistant Director (Admin.) and if eligible candidate not available then through deputation or direct recruitment.

Sr.No.	Name of Post	No. of Posts	Scale of Pay	Mode of Appointment
12.	Dy. Director (Finance/ Tariff)	01	15600-39100 with GP 6600	Through promotion from the post of Assistant Director (Finance/ Tariff) and if eligible candidate not available then through deputation or direct recruitment.
	Assistant. Director (Finance/ Tariff)		15600-39100 with GP 5400	Deputation or Direct recruitment
13.	Accounts Officer	01	15600-39100 with GP 5400	Deputation or Direct recruitment
14.	Private Secretary	03	9300-34800 with GP 4200	Through Promotion from the post of Personal Assistant Cum Computer Operator
15.	Personal Assistant Cum Computer Operator	05	9300-34800 with GP 4200	Through promotion from the post of Steno cum Computer Operator-II and if eligible candidate not available then through deputation or direct recruitment.
16.	Steno cum Computer Operator-II	03	9300-34800 with GP 4200	Through promotion from the post of Steno cum Computer Operator-I and if eligible candidate not available then through deputation or direct recruitment.
17.	Steno cum Computer Operator-I	04	5200-20200 with GP 2400	Through deputation or direct recruitment or contract basis
18.	Upper Assistant	01	5200-20200 with GP 2400	Through deputation or direct recruitment or contract basis
19.	Cashier Cum Assistant Accountant	01	5200-20200 with GP 2400	Through deputation or direct recruitment or contract basis
20.	Librarian Cum Receptionist	01	5200-20200 with GP 2400	Through deputation or direct recruitment or contract basis
21.	Driver	04	5200-20200 with GP 1900	Through direct recruitment or outsourcing or contract basis
22.	Peon	13	4440-7440 with GP 1300	Through outsourcing
	TOTAL	48		

Note:

- Experience in working in the Electricity Regulatory Commission related with infrastructure will be preferred in all 'Group A' posts.
- The Commission may recruit an employee against a vacant post and allow a lower post or scale at its discretion.
- The Commission may grant annual increments stipulated in a particular pay scale in years subsequent to the employee reaching the maximum of the scale. The Commission reserves the right to sanction an extra special increment to an employee.
- The Commission may change the functional distribution of sanctioned posts across various specialities to meet the changed requirement of expertise mix over time.
- The Commission may engage consultants, including legal counsel/consultants on retainership/other basis, as provided for in Section 91(4) of Electricity Act, 2003 or arrange for certain services to be provided through outside service providers.
- The Commission may revise the above pay scales in line with revisions made to the same pay scale in the State Government.

Appendix-C**Qualifying Years of Service for Promotion within Feeder Cadre Posts**

S.No.	Name of Post from which promotion is to be made	Name of post to which promotion is to be made	Qualifying years of services
(1)	(2)	(3)	(4)
1.	Joint Director	Director	04 years
2.	Deputy Director	Joint Director	03 years
3.	Assistant Director	Deputy Director	03 years
4.	Personal Assistant cum Console Operator	Private Secretary cum Console Operator	03 years
5.	Steno cum Computer Operator (Higher Scale)	Personal Assistant Cum Console Operator	03 years
6.	Steno cum Computer Operator (Lower Scale)	Steno cum Computer Operator (Higher Scale)	04 years

By Order,

Dr. UMAKANT PANWAR,
Principal Secretary.