

In pursuance of the provisions 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. 385/I/2006-02(2)/10/02, dated March 07, 2006 :

# NOTIFICATION

March 07, 2006

No. 385/I/2006-02(2)/10/02--In exercise of the powers conferred by clauses (d) and (e) of sub-section (2) of section 180 of the Electricity Act, 2003 (36 of 2003), and in supersession of all existing rules, the State Government hereby makes the following rules, namely :--

## THE UTTARANCHAL ELECTRICITY REGULATORY COMMISSION (SALARY, ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS) RULES, 2006.

### 1. Short title and Commencement :

- (1) These rules may be called the Uttaranchal Electricity Regulatory Commission (Salary, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2006.
- (2) They shall come into force immediately.

### 2. Definitions :

In these rules, unless the context otherwise requires--

- (a) "Act" means the Electricity Act, 2003;
- (b) "Chairperson" means Chairperson of the Commission;
- (c) "Commission" means Uttaranchal Electricity Regulatory Commission;
- (d) "Member" means any Member of the Commission;
- (e) "Selection Committee" means the Selection Committee constituted for the selection of the Members of the Uttaranchal Electricity Regulatory Commission by the State Government in exercise of the powers under section 85 of the Act;
- (f) "Convenor" means Secretary-in-charge of the State Government in the Energy Department; and
- (g) Words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in that Act.

### 3. Procedure of Selection of Members :

Subject to the provisions of section 85 of the Act, the procedure for selection of the Chairperson/Members shall be as follows:--

- (a) The Secretary of the Commission shall notify the State Government in writing about the vacancy, immediately in case of death, resignation or removal and seven months before in case of retirement or end of tenure of any Member;
- (b) On getting information either according to sub-rule (1) or otherwise the State Government shall, to fill the vacancy, refer it to the Selection Committee within the period as provided under section 85 of the Act;
- (c) To select an appropriate person for the position of Chairperson and any Member, the Convenor shall send requisition to different State Governments, Departments of Central Government, Public and Private Undertakings, Industrial Associations, Institution engaged in Electricity Generation, Transmission, Distribution and Supply, Financial Institution, Educational Institutions and High Courts and shall invite application from eligible candidates directly by notifying the vacancy through Government Gazette and News Papers. The eligible candidate may send his/her application directly or through the officer or authority under which he/she is working at that time;
- (d) The Convenor shall prepare a list of the candidates who have applied properly and present it before the Selection Committee alongwith corresponding documents of the concerned candidates;



- (e) The Standard for selection of the candidates shall be such as the Selection Committee shall decide from time to time;
- (f) Selection of an appropriate candidate for the position of Chairperson and any Member shall be decided on majority basis;
- (g) The Selection Committee, subject to the provisions under sub-section (4) and sub-section (5) of the section 85 of the Act, shall prepare a list of recommended candidates on the basis of merit and shall forward it to the State Government;
- (h) The State Government shall release appointment letter, for the position of Chairperson and any Member to the recommended candidate on giving opportunity as per merit order recommended by the Selection Committee within thirty days and notify it in the Government Gazette.

#### 4. Appointment of Chairperson for the time being :

Subject to the provisions of section 85 of the Act, the State Government may designate any one of the Members as Chairperson for the time being whenever the position of Chairperson is vacant and shall immediately complete the process of selection and appointment for the vacant position (s).

#### 5. Oath of Office and Secrecy :

The Chairperson and Members of the Commission prior to taking charge shall subscribe to an oath of office and secrecy before the Governor or a person appointed on his behalf. The oath of office and secrecy shall be administered in the following form:—

##### Oath of Secrecy

I, so and so do swear in the name of God and solemnly affirm that I shall 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 Chairperson/Member of the Uttaranchal Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson/Member.

##### Oath and Affirmation of Allegiance to Constitution

I, so and so having been appointed Chairperson/Member of the Uttaranchal Electricity Regulatory Commission, do swear in the name of God and solemnly affirm that I shall bear true faith and allegiance to the Constitution of India as by law established, that I shall uphold the sovereignty and integrity of India, that I shall duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws of the land,

#### 6. Pay :

The Chairperson shall receive a pay of rupees twenty six thousand per month and a Member shall receive a pay of rupees twenty five thousand per month.

Provided that if the Chairperson has been a Judge of High Court, he shall receive pay which shall not be less than the last pay drawn as a Judge of High Court.

Provided further that in case a person appointed as the Chairperson or a Member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him before commutation.

#### 7. Dearness Allowance and City Compensatory Allowance :

The Chairperson and a Member shall receive dearness allowance, city compensatory allowance and hill allowance at the rate admissible to a Group 'A' Officer of the Central Government drawing an equivalent pay.

Provided that in case the Chairperson is or has been a Judge of a High Court, he shall receive dearness allowance at the rate admissible to a Judge of High Court, as the case may be.

#### 8. Residence :

- (a) The Chairperson and a Member shall be entitled to get a rent free Government residence of type admissible to an officer of Secretary of the State Government.



- (b) Whenever the arrangement of residence as per clause (a) is not been made or he/she does not take benefit himself/herself then he/she shall be paid house rent allowance per month as admissible to the Secretary in the State Government.
- (c) Whenever the Chairperson or any Member occupies the Government residence beyond the period permitted, then in that case he/she shall be liable to pay, as applicable, license fee or penal rent and he/she shall be liable to be evicted as per rules and orders applicable.

#### 9. Vehicle :

The Chairperson and a Member shall be entitled to the facility of staff car, as per the orders of the State Government for that purpose, for the journeys on Government and private purposes.

#### 10. Travelling Allowances :

- (a) The Chairperson and a Member while on tour within India or on transfer (including the journey undertaken to join the Commission or on the expiry or term with the Commission to proceed to his home town) shall be entitled to the journey allowance, daily allowance and transportation of personal effects as per High Court Judges (Travelling Allowances) Rules, 1956 for who is or has been a Judge of High Court and for other at the same scales and at the same rates as are applicable to a Group 'A' Officer of the State Government drawing an equivalent pay.
- (b) Foreign tours to be undertaken by the Chairperson or a Member, only for official purpose, shall require prior approval of the Governor and clearance from the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provisions of the Foreign Contribution (Regulation) Act, 1976:

Provided that the daily allowance and provision for hotel accommodation during the period of tour abroad, shall be in accordance with such orders of the State Government as are applicable to a Group 'A' officer of the State Government, drawing an equivalent pay and as per the economy instructions or other instructions issued by the Ministry of Finance from time to time.

#### 11. Hospitality Allowance :

Chairperson and a Member shall be entitled to get rupees two thousand and five hundred per month hospitality allowance.

#### 12. Leave :

- (1) The Chairperson and a Member shall be entitled to the following kinds of leaves :—
  - (a) Earned leave at the rate of fifteen days against service of every full six months;
  - (b) Half pay leave at the rate of twenty days for each full year of service on medical certificate or private purpose and the leave salary for such half salary leave shall be equal to half of the salary admissible during earned leave;
  - (c) On the conscience of the Chairperson/Member the half salary leave can be converted to full pay leave if it has been requested on medical grounds and supported by a medical certificate of empowered medical officer;
  - (d) Leave without salary and allowance for one hundred and eighty days during any one tenure.
- (2) The Chairperson and a Member shall be entitled to get leave encashment equal against the balance earned leave in his/her account at the end of his/her tenure in the Commission with a condition that the amount of leaves for encashment under this sub-rule and any leave encashment for which he/she was entitled prior to appointment in the commission shall not be not more than three hundred days.
- (3) Empowered authority for approving leaves to Members shall be the Chairperson and to that of Chairperson shall be the Governor.

#### 13. Leave Travel Concession :

The Chairperson and a Member shall be entitled to leave travel concession at the same scale and at the same rate as applicable to Group 'A' Officers of the Central Government drawing an equivalent pay :



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Provided that if the Chairperson has been a Judge of a High Court, he shall be entitled to leave travel concession at the same scale and at the same rate as applicable to a Judge of High Court.

**14. Medical Treatment :**

The Chairperson and a Member shall be entitled to medical reimbursement and facility as may be applicable under Uttar Pradesh Medical Attendant Rules, 1946 and order issued by the State Government from time to time to a Group 'A' officer of the State Government drawing an equivalent pay.

**15. Telephone Facility :**

The Chairperson and a Member shall be eligible for telephone facilities as admissible to a Group 'A' officer of the State Government drawing an equivalent pay.

**16. Provident Fund :**

The Chairperson and a Member be governed under the provisions of Contributory Provident Fund Rules, 1962 and shall not have alternative to contribute under the provisions of General Provident Fund Rules (Central Service), 1960. Additional Pension or gratuity shall not be admissible for the service in the Commission.

**17. Other Conditions of Services :**

Other conditions of Services of the Chairperson and a Member, with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group 'A' officer of the State Government drawing an equivalent pay.

**18. Power to Relax the Rules :**

Where the State Government is satisfied that the operation of any of these rules causes a undue hardship in any particular case, it may, by order relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

**19. Savings :**

The previous rules shall remain in force for the office bearer working on the post of Chairperson prior to coming in force of these rules.

By Order,

N. RAVI SHANKER,  
Principal Secretary.