

THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

The MSERC (Salaries, Allowance and Conditions of services of Chairperson and other Members) Rules, 2003

(Published in the Gazette of Meghalaya issue dated 2004)

NOTIFICATION

No.PE.110/97/498:- In exercise of the powers conferred by clause (d) of sub-section 2 of section 180 of the Electricity Act, 2003 (Act No.36 of 2003). *The Governor of Meghalaya is pleased to make the following rules, namely:-*

1. Short title and Commencement:-

- (i). These rules may be called the Meghalaya Electricity Regulatory Commission (Salaries, Allowance and Conditions of services of Chairperson and other Members) Rules, 2003.
- (ii). They shall come into force on the date of their publication in the official Gazette.

2. Definitions:-

- (i). In these rules, unless the context otherwise requires:-
 - a). "The Act" means the Electricity Act 2003 (No.36 of 2003).
 - b). "Accountant General" means the Accountant General, Meghalaya.
 - c). "Commission" means the Meghalaya Electricity Regulatory Commission constituted under sub-section (1) of Section 82 of the Act.
 - d). "Chairperson" means the Chairperson of the Commission.
 - e). "Form" means the Form appended to these rules.
 - f). "Member" means the member of the Commission.
 - g). "Section" means section of the Act.
- (ii). Words and expressions used in these rules and not defined shall have the meanings respectively assigned to them in the Act.

3. Powers and functions of the Commission:-

- (1). The Commission shall exercise all functions under Section 86(1) of the Act.
- (2). The Chairperson of the Commission shall exercise the financial power similar to those of the Secretary to the State Government.
- (3). The Secretary of the Commission shall exercise the financial power similar to those of a Head of the Department of the State

4. Finance:-

The fund required by the Commission as per approved budget shall be provided by the State Government as grants-in-Aid from the consolidated fund of the State Government. The Commission shall also be eligible to receive financial assistance in the form of technical assistance and Infrastructure Development Assistance from other Government Recognised Organisation with prior approval of the State Government.

5. Pay:-

The Chairperson shall receive a fixed pay of Rs.26,000/- (Rupees twenty six thousand) only plus special allowance of Rs.1000/- (Rupees one thousand) only per month and every other Member shall receive a fixed pay of Rs.26,000/- (Rupees twenty six thousand) only per month.

6. Dearness Allowance:-

The Chairperson shall receive dearness allowance applicable to a Secretary to Government of India from time to time. Every other Member shall receive dearness allowance and other allowances, if any, at the rates admissible to All India Service Officers serving in the State drawing equivalent pay

Provided that relief for pensioners as may be sanctioned by the Central Government or the State Government, as the case may be, shall not be admissible to a person governed by the proviso to rule 7.

7. Special Pension:-

- (1). The Chairperson or other Member shall be entitled to a special pension, provided:
 - (a). he has put in not less than two years of service, or

(b). he has not been removed from his office in the Commission under sub-section (2) of section 90.

- (2). The special pension payable to the Chairperson or other Member shall under sub-rule (1) shall be calculated at the rate of Rs.1450/- (Rupees one thousand four hundred fifty)only per annum;

Provided that aggregate amount of special pension payable under this rule together with amount of any pension including commuted portion of pension (if any) drawn or entitled to be drawn while holding office in the Commission shall not exceed the maximum amount of pension prescribed for a Secretary to Government of India.

8. Procedure for payment of special pension:

- (1) The retiring Chairperson or other member shall, well in advance of his date of retirement, apply in Form I to the Head of office for grant of special pension to him. On receipt of application in Form I, the Head of office shall determine the entitlement of such pension in Form II, and transmit the same to the administrative departments together with his comments, if any, for countersignature. The administrative department shall send both the forms alongwith service record of the incumbent to the Accountant-General for assessment of quantum of special pension.
- (2) The Accountant-General shall assess the quantum of special pension and send the admissibility report to the administrative department.
- (3) On receipt of the admissibility report from the Accountant General, the administrative department shall issue order sanctioning special pension to the Chairperson or other Member.
- (4) Pension shall be debited under the relevant head of account.
- (5) Payment of special pension shall be made in accordance with the provision of Appendix 17A and 17B of the Treasury Rules and the Subsidiary Rules made thereunder. Volume II.
- (6) No relief of special pension shall be admissible.
- (7) Special pension shall not be commutable.

9. Leave Encashment:

On the expiry of his term of office in the Commission, the Chairperson shall be entitled to receive cash equivalent to salary in respect of earn leave standing to his credit, provided that the quantum of leave shall not exceed 300 days inclusive of quantum of leave encashed for his

service rendered prior to his appointment in the Commission. Every other Member shall be paid cash equivalent to leave salary in respect of the period of earned leave at his credit at the time of conclusion of his term with the Commission as per the All India Services (Leave) Rules.

10. Leave:

The Chairperson shall be entitled to such leave as is admissible to a Secretary to Govt. of India under any law for the time being in force. Every other Member shall be entitled to such leave as is admissible under the All India Services (Leave) Rules.

11. Leave sanctioning authority:

- (1). The Governor shall be the authority competent to grant or refuse leave or to revoke or curtail leave granted to the Chairperson.
- (2). The Chairperson shall be the authority competent to grant or refuse leave or to revoke or curtail leave granted to other Members.

12. Provident Fund:

The Chairperson or other Member shall be entitled to subscribe to General Provident Fund at his option and, in the case of his so opting, shall be governed by the provisions of the General Provident Fund (Meghalaya Services) Rules.

Provided that if the Chairperson or other Member was a Member of any All India Service immediately before his joining the Commission, he shall be governed by the rules which were applicable to him immediately before joining the Commission.

13.

Travelling Allowance:

While on tour on official duty, the Chairperson and Members shall be entitled to traveling allowance at the same rate, and on the same conditions applicable to All India Service Officers serving in the State and drawing equivalent basic pay.

14. Leave Travel Concession:

The Chairperson and Members shall be entitled to leave travel concession in accordance with the rules applicable in this regard to all India Service Officers serving in the State and drawing equivalent pay.

15. Accommodation and house rent allowance:

- (1). The Chairperson and Every other Member may be provided with an official residence from the general pool of accommodation of the type admissible to an officer of the rank of Secretary to the State Government stationed at Shillong on payment of such fees as may be fixed by the State Government from time to time.
- (2). When the Chairperson or the other Member is not provided with or does not avail himself or, the official residence referred to in sub-rules (1), he may be paid house rent allowance in accordance with the rules applicable to a member of the Indian Administrative Service holding the rank of Secretary to the State Government stationed at Shillong.
- (3). Where the Chairperson or other Member occupies an Official residence beyond the permissible period, he shall be liable to pay additional fee or rent, as the case may be, and shall be liable to eviction in accordance with the law to a State Government employee in relation to premises occupied by him.

16. Facilities for conveyance:

The Chairperson and every other Member shall be entitled to the facility of staff car in accordance with the staff car rules of the State Government.

17. Facilities for medical treatment:

The Chairperson and other Member shall be entitled to medical treatment and hospital facilities in accordance with the provision of the All India Services (Medical Allowance) Rules, 1954 as amended from time to time.

18. Sumptuary allowance:

The Chairman shall be entitled to a sumptuary allowance of Rs.500/- (Rupees five hundred) only per month.

19. **Free water and electricity:**

The Chairman shall be entitled to re-imbusement of charges on account of water and electricity consumed at his residence, subject to a maximum of Rs.12000/- (Rupees twelve thousand) only per annum.

20. **Other conditions of service and perquisites:**

Notwithstanding anything contained in rules 4-17, the other conditions of service and perquisites available to the Chairperson shall be same as are admissible to a Secretary to Govt. of India.

FORM-I

[See rule 7 (I)]

Form of application for sanction of special pension:

1. Name of the retiring Chairperson/Member:
2. Father's Name :
3. Date of birth :
4. Date of entry into service under the State/Central Government, if any:
5. Period of continuous service under the State/Central Government:
6. Date of joining the Commission:
7. Date of expire of the term of appointment in the Commission:
8. Period of continuous service in the Commission Year months.
9. Aggregate of the period of service of service under the State /Central Government an the Commission:
10. Specimen signature duly attested (3 sets of specimen signature on a separate sheet):

11. 3 copies of a pass port size photograph of the retiring Chairperson/Member, duly attested.
12. 3 sets of statements showing particulars of height and personal identification marks duly attested:
13. Present Address:
14. Address after retirement:
15. Name of Treasury or the branch of public sector bank through which the special pension is to be drawn:
16. Particulars of pension already drawn, enclosing and attested copy of previous pension before commutation:

No. of and date of Pension Payment Order	Amount of Pension	Name of Treasury/Bank	Whether previous service to Central or State Government	Name of the Accountant General authorizing Pension
1	2	3	4	5

Signature with designation.

FORM-II

{See rule 7(I)}

Form for determination of special pension:

1. Name of the retiring Chairperson/Member:
2. Father's Name:
3. Date of birth:
4. Permanent residential address:
5. Present/last appointment:

6. Date of entry into service under the State/Central Government:
7. Period of qualifying service under the state/Central Government:
8. Date of beginning of service in the Commission:
9. Date of ending of service in the Commission:
10. Total qualifying service rendered in the Commission:
11. Period of service qualifying for special pension:
 - (a). Period of service under the State/Central Government:
 - (b). Period of service under the Commission:
12. Gross amount of pension and nature of pension, if any, authorized after revision of previous under the State/Central Government:
13. Proposed special pension calculated with reference to the pensions contained in rule 7 of the Meghalaya Electricity Regulatory Commission (Salaries, Allowances and conditions of Services of Chairperson and other members and subscribing to oath of office and secrecy by Chairperson and members rule, 2003).
14. Date from which special pension is to commence.
15. Place of payment of special pension (treasury/public sector bank).
16. Certified that:
 - i). No Demand Certificate has been obtained from the Estate Officer (only in regard cases when general pool accommodation has been allotted).
 - ii). No advance of any kind is out standing.
 - iii). No library books are outstanding.
 - iv). The retiree has paid all the dues.
 - v). A certificate has been obtained from the Secretary of the Commission that all articles provided by Government for official use have been received back and that no demand is outstanding.
17. Personal identification marks if any.
18. Height.

Signature of Head of Office.

Details of service of Shri/Smti/Kumari Date of birth

SECTION I

Establishment	Appointment	Officiating Substantive	Date of beginning	Date of Ending	Period of reckoning as service Years Months Days	Period of reckoning as services Years Months Days	Remarks
1	2	3	4	5	6	7	8

Total period of Service _____

Head of Office
Countersigned
Head of the Department

Form of Oath of office and Oath of Secrecy for Chairperson/Members of the Meghalaya Electricity Regulatory Commission (Salaries, Allowances and conditions of Services of Chairperson and other members and subscribing to oath of office and secrecy by Chairperson and Members Rule, 2003).

I, _____ having been appointed Chairperson/Members of the Meghalaya Electricity Regulatory Commission, do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Electricity Act, 2003 (36 of 1993), that I will discharge and perform the duties of my office to the best of ability, knowledge and judgement without fear or favour, affection or ill will, and I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chairperson / Members of the Meghalaya Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson /Members of the Commission.

Signature of Chairperson /Member

By order of the governor

R. Wanswett
Under Secretary to the Govt. of Meghalaya
Power Department.