



डॉ. पी. एल. शर्मा/डॉ. पी. 898

सर्वसंग्रह की संख्या पी०-३१
आवृत्तियों का क्रम १०१ का संस्करण है

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग—4, खण्ड (ख)

(परिनियत आदेश)

लखनऊ, सोमवार 1 फरवरी, 1999

भाष 12, 1920 शक संवत्

उत्तर प्रदेश सरकार

ऊर्जा अनुभाग—1

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 123 Proko/P-99-24 dated February 1, 1999 for general information :

No. 123 Proko/ p.-99-24

Dated Lucknow, February 1, 1999

In exercise of the powers conferred by Section 57 of the Electricity Regulatory Commission Act, 1998 (Act no 14 of 1998), the Governor is pleased to make the following rules:-

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION (APPOINTMENT AND CONDITIONS OF SERVICE OF THE CHAIRPERSON AND MEMBERS) RULES, 1999.

1. (1) These rules may be called the Uttar Pradesh Electricity Regulatory Commission (Appointment and conditions of service of the Chairperson and Members) Rules, 1999.

Short title and commencement

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. In these rules, unless the context otherwise requires—

Definitions

(a) "Act" means, the Electricity Regulatory Commission Act, 1998;

(b) "Chairperson" means, the Chairperson of the Commission;

(c) "Commission" means, the 'Uttar Pradesh Electricity Regulatory Commission' constituted under section 17;

(d) "Member" means, a Member of the Commission;

(e) "section" means a section of the Act;

(f) "Selection Committee" means, the Selection Committee constituted under section 18;

(g) "Convener" means the secretary to the State Government in the Energy Department.

3. (1) The Secretary of the Commission shall intimate in writing to the State Government in the case of the vacancy occurring by reason of death, resignation or removal without any delay and in the case of a vacancy occurring by reason of superannuation or end of the tenure of a Member, before seven months of the date of such superannuation or end of tenure.

Manner of selection of Members

(2) The State Government shall on receiving the intimation referred to in sub-rule (1) or otherwise on the knowledge of the vacancy, make a reference to the Selection Committee within the period specified in sub-section (3) of section 18 for filling the vacancy.

(3) For the purpose of selecting suitable person to the office of a Member, the Convener shall send requisition to various State Governments and the Central Government departments, Public and Private undertakings, Industrial Organisations and other Organisations engaged in generation, transmission, distribution and supply of Electricity, Financial Institutions, Educational Institutions and to the High Court and shall also invite applications directly from eligible persons by notifying the vacancy in official Gazette. Eligible persons may send their applications directly or through the officer or Authority under whom he is for the time being working.

(4) The Convener shall prepare a list of candidates who have duly applied for the office of a Member and place the same before the Selection Committee along with all relevant records pertaining to such candidates.

(5) The criteria for selection of candidates shall be such as may be decided by the Selection Committee from time to time.

(6) Selection of a Member shall be made by majority decision of the Selection Committee.

	(7) The Selection Committee shall prepare a list of selected candidates in order of merit and forward the same to the State Government.
	(8) The State Government shall publish the names of the selected candidates in the official <i>Gazette</i> within thirty days from the date of receipt of select list.
Manner of Recruitment of Chairperson	4. Subject to the provisions of sub-section (7) of section 17, the State Government shall designate from amongst the Members, one Member as the Chairperson whenever the vacancy occurs in the post of the Chairperson.
Oath of office and Secrecy	5. Any person appointed as Chairperson or Member of the Commission shall before entering upon his office, make and subscribe before the Governor or some person appointed in that behalf by him an oath of office and of Secrecy according to the forms appended to these rules.
Pay	6. The Chairperson shall receive a pay of rupees twenty-seven thousand per mensem and a Member shall receive a pay of rupees twenty-six thousand per mensem. <p>Provided that the salary of a person appointed as Chairperson or a Member who has retired as a Judge of the High Court or who has retired from Service under the Central or a State Government shall not be less than the salary paid or payable to him at the time of such retirement:</p> <p>Provided further that a person referred to in the first proviso who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, the aforementioned pay shall be reduced by the gross amount of pension including committed portion of pension, if any.</p>
Dearness allowance and city compensatory allowance	7. The Chairperson and a Member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to Group 'A' officers of the Central Government.
Accommodation	8. (a) The Chairperson or a Member shall be entitled a rent free accommodation of the type admissible to an officer of the rank of a Secretary to the State Government. <p>(b) When the Chairperson or a Member is not provided with or does not avail himself of the accommodation referred to in clause (a) he may be paid house rent allowance every month as is admissible to the Secretary to the State Government.</p> <p>(c) Where the Chairperson or a Member occupies an official residence beyond the permissible period he shall be liable to pay licence fee or penal rent, as the case may be, and liable to eviction in accordance with rules and orders in force.</p>
Conveyance	9. The Chairperson or a member shall be entitled to the facility of staff car for journeys for official and private purpose in accordance with the orders of the State Government in this behalf.
Travelling Allowances	10. The Chairperson or a Member while on tour or on journey (including the journey undertaken to join the Commission or on the expiry of his term with the Commission to proceed to his home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scale and at the same rates as are prescribed in the High Court Judges (Travelling Allowances) Rules, 1956 or as are admissible to a Secretary to the Government of India, whichever are better.
Facilities for Medical treatment	11. The Chairperson or a Member shall be entitled to medical treatment and hospital facilities as are provided in the Uttar Pradesh Medical Attendance Rules, 1946 and the orders of the State Government issued in this behalf from time to time.
Sumptuary Allowance	12. The Chairperson and a Member shall be entitled to a sumptuary allowance of two thousand and five hundred rupees per month.
Leave	13. (1) The Chairperson or a member shall be entitled to leave as follows: <p>(a) earned leave at the rate of fifteen days for every completed six month of service,</p>

(b) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave,

(c) leave on half pay can be commuted to full pay leave at the discretion of the member provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority,

(d) extraordinary leave without pay and allowances upto a maximum period of one hundred eighty days in the one term of office.

(2) on the expiry of his term of office in the Commission, the Chairperson or a member shall be entitled to receive Cash equivalent of leave salary in respect of the earned leave standing to his credit, provided that the quantum of the leave encashed under this sub-rule together with any leave encashment to which he was entitled prior to his appointment in the Commission shall not exceed two hundred forty days.

(3) The Chairperson shall be the authority competent to sanction leave to the members and the Governor shall be the authority competent to sanction leave to the Chairperson.

14. The Chairperson or a Member shall be entitled to the leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to Group 'A' officer of the Central Government drawing a pay in the scale of Rs. 22400-525-24500 or above.

Leave Travel
Concession

15. The Chairperson and the Members shall be entitled to pension provided that no such pension shall be payable.

Pension

(i) if he has put in less than two years of service; or

(ii) if he has been removed from an office in the Commission as per the provisions of the Act in this regard.

Provided that the aggregate amount of the pension payable to any person under this rule together with the amount of any pension (including commuted portion of pension), if any, admissible to him in respect of the service rendered by him prior to his appointment in the Commission as a Judge of the High Court or a Government servant, shall not exceed the maximum amount of pension admissible to a Judge of the High Court or a Secretary to the Government of India, whichever is more.

16. The Chairperson or a Member shall be entitled to subscribe to the General Provident Fund at his option and in case of his so opting shall be governed by the provisions of the General Provident Fund (Uttar Pradesh) Rules, 1985;

Provident Fund

Provided that if the Chairperson or a Member was Judge of a High Court or was a member of an 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.

17. The conditions of service the Chairperson or a Member for which no express provision is available in these rules shall be determined by the rule and orders for the time being applicable to a Secretary to the Government of India belonging to Indian Administrative Service.

Residuary
Provisions

18. No person shall assume the office of the Chairperson or a Member, as the case may be, unless he has resigned or retired from, as the case may be, the Judgeship of the High Court, or any service in which he was serving.

19. Where the State Government is satisfied that the operation of any of these rules causes 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.

Powers to relax
rules

By order,
ATUL CHATURVEDI,
Secretary

FORM-I

(see rule 5)

(Form of an Oath of office for Chairperson or Member of the Commission)

I, having been appointed as Chairperson/Member of the Commission do swear in the name of God/solemnly affirm that I will faithfully and conscientiously discharge my duties as Chairperson/Member to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will.

FORM-II

(see rule 5)

(Form of an Oath of secrecy for Chairperson/Member of the Commission)

I, having been appointed as Chairperson/Member of the Commission do swear in the name of God/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 Chairperson/Member of the said Commission except as may be required for the due discharge of my duties as Chairperson/Member,