



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POWER (ELECTRICITY) DEPARTMENT

## NOTIFICATION

The 11th January, 2018

**No.PEL.261/2016/67.-** In exercise of the powers conferred by clause(d) of sub-section (2) of Section 180 of the Electricity Act, 2003(Central Act No.36 of 2003) and in supersession of the Assam 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 Other Members) Rules, 2010, published in the Assam Gazette vide Government's Notification No.PEL.222/2005/Pt.-I/153 dated 5<sup>th</sup> February, 2011 except as respects things done or omitted to be done before such supersession, the Governor of Assam is hereby pleased to make the following rules, namely:-

### **1. Short title and commencement :-**

- 1) These rules may be called the Assam 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 other Members) Rules, 2017.
- 2) These rules shall come into force on the date of its publication in the official Gazette.

### **2. Definitions :-**

- (1) In these rules, unless the context otherwise requires :-
  - a) " Act", means the Electricity Act, 2003 ;
  - b) "Accountant General" means the Accountant General, Assam ;

- c) "Commission" means the Assam Electricity Regulatory, Commission constituted under section 82 of the Electricity Act, 2003 ;
- 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 Electricity Act 2003.

(2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act .

### 3. Pay :-

- 1) The Chairperson shall receive the Apex scale of Indian Administrative Service as fixed and/or revised from time to time by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, special allowance of Rupees Ten Thousand only per month.

Provided that if the Chairperson has been a Judge of the Supreme Court or Chief Justice of a High Court, he shall receive pay as admissible to a Judge of the Supreme Court or Chief Justice of a High Court, as the case may be.

- 2) Every other Member shall receive the Apex scale of Indian Administrative Service as fixed and/or revised from time to time by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training per month.
- 3) If a Retired High Court judge or a retired official from the State or Central public sector undertaking or autonomous body is appointed as Chairperson/Member, as the case may be, he will be entitled to avail the benefit of Apex scale fixed by Government of India as above minus pension notionally arrived at 50% of his last pay drawn and if no pension is drawn by the Retired High Court Judge or the official then he will avail the full benefit of Apex scale as fixed by Govt. of India and/or revised from time to time.

### 4. Dearness Allowance :-

- (1) The Chairperson shall receive dearness allowance at the rates applicable as per relevant scale of pay and Revision of Pay Rules.
- (2) 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.

### 5. Leave :-

- (1) The Chairperson shall be entitled to such leave as is admissible to a Judge of a High Court under any law for the time being in force.

- (2) Every other Member shall be entitled to such leave as is admissible under the All India Services (Leave) Rules as amended up to date.

#### **6. Leave Encashment :-**

- (1) On the expiry of his term of office in the Commission, the Chairperson shall be entitled to receive cash equivalent to salaries in respect of Earned leave standing to his credit, as is admissible to a Judge of High Court.

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.

- (2) 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 .

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.

#### **7. Special Pension :**

- (1) The Chairperson and other Members shall be entitled to a special pension provided

(a) He has put in not less than two years of service in the Commission

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

- (2) The special pension payable per month to the Chairperson or the other Members under sub-rule(1) shall be calculated at the rate to be notified by the Government from time to time for its completed year of service or part thereof.

Provided that aggregate amount of special pension 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 Judge of a High court.

#### **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

along with 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 as determined by the Government.
- (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 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.

**10. 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(Assam Services) Rules, 1937 :

Provided that if the Chairperson or other Member was the Judge of the High Court or 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 .

**11. Traveling Allowance :-**

- (1) While on tour on official duty, the Chairperson shall be entitled to traveling allowance at the same rate, and on the same conditions, as are provided in the High Court Judges Traveling Allowance Rules 1956, as amended from time to time as applicable to a Judge of High Court.
- (2) Every other Member shall be entitled to draw Traveling Allowance and Daily Allowance at the rate applicable to All India Service Officers serving in the State and drawing equivalent pay.

**12. Leave travel concession :-**

- (1) The Chairperson shall be entitled to leave travel concession in accordance with the rules applicable in this regard to a Judge of High Court.

- (2) Every other Member shall be entitled to leave travel concession at the same rate, and on the same conditions, as are applicable to All India Service Officers serving in the State and drawing equivalent pay.

**13. 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 Guwahati on payment of such fee as may be fixed by the State Govt. from time to time.
- (2) When the Chairperson or the other Member is not provided with, or does not avail himself of, the official residence referred to in sub-rule(1), he may be paid house rent allowance in accordance with the rules applicable to a member of the All India Services stationed at Guwahati.
- (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 .

**14. Facilities for conveyance :-**

- (1) The Chairperson shall be entitled to the facilities of conveyance as applicable to a sitting judge of High Court.
- (2) Every other Members shall be entitled to the facilities of conveyance as applicable to a Chief Secretary of the State Government.

**15. Light refreshment allowance:**

The Chairperson and other Members shall be entitled to reimbursement of expenses on light refreshment/ entertainment in the office of the Commission as per State Government. Office Memorandum issued from time to time by the Finance Department.

**16. Facilities for medical treatment :-**

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

**17. Sumptuary allowance :-**

- (1) The Chairperson shall be entitled to a sumptuary allowance as admissible to a High Court Judge.

- (2) Every other Member shall be entitled to a sumptuary allowance of Rupees Three Thousand per month.

**18. Free water and electricity :-**

- (1) The Chairperson shall be entitled to re-imbusement of charges on account of water and electricity consumed at his residence, as admissible to a High Court Judge.
- (2) Every other Member shall be entitled to re-imbusement of charges on account of water and electricity consumed at his residence, not exceeding 3000 kilolitres of water and 8,000 units of power per annum.

**19. Other conditions of service and perquisites :-**

- (1) Notwithstanding anything contained in rules 3 to 18, the other conditions of service and perquisites to be available to the Chairperson shall be same as are admissible to a serving Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) as amended up-to-date.
- (2) Notwithstanding anything contained in rules 3 to 18, the other conditions of service and perquisites to be available to the other Members shall be same as are admissible to the Chief Secretary of the State Government.

**20. Oath of office and secrecy :-**

The Chairperson and other Member shall before entering upon their office, make and subscribe to an oath of office and secrecy in Form III before the Minister-in-charge, Power Department of the State Government or before the Chief Secretary if the Minister-in-charge, Power Department, so directs .

**21. Residuary provision :-**

- (1) The conditions of service, if any of the Chairperson for which no express provision has been made in these rules shall be governed by the rules for the time being applicable to a Judge of a High Court .
- (2) The conditions of service if any, of every other Member for which no express provision has been made in these rules, shall be referred in each case to the State Government for their decision and the decision of the State Government thereon shall be binding on the Commission.

**22. Power to relax :-**

The Governor may, by order not inconsistent with the provision of the Act, relax any provision of these rules to such extent, subject such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

**JISHNU BARUA,**  
Principal Secretary to the Government of Assam  
Power (Elect.) Department.

**FORM –I**  
**[Sec Rule – 8(1)]**

Form for application for sanction of special pension:

1. Name of retiring Chairperson/ Members :-
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 the expiry of the terms of appointment in the Commission:
8. Period of continuous service in the Commission    year                    months.
9. Agreement of the period of service under the State/Central Government and the Commission:
10. Specimen signature duly attested (3 sets of specimen signature on a separate sheet).
11. 3 copies of passport 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**  
**[Sec Rule - 8(1)]**

Form for determination of special pension:

1. Name of the retiring Chairperson / Member:-
2. Father's Name:
3. Date of Birth:
4. Permanent of 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 for special pension :
  - (a) Period of service qualifying for State/Central Government:
  - (b) Period of service under the Commission :
12. Gross amount of pension and nature of pension, if any, authorized after revision, for previous service under the State/ Central Government :
13. Proposed special pension calculated with reference to the provisions contained in rule-7 of the Assam Electricity Regulatory Commission (Salaries, Allowances and conditions of Service of Chairperson and other Members and subscribing to oath of office and secrecy by Chairperson and other Members) Rules, 2017.
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 where general pool accommodation has been allotted).
  - ii. no advance of any kind is outstanding.
  - iii. no library books are outstanding.
  - iv. the retiree has paid all the dues.



- v. a certificate has been obtained from the Secretary of Commission that all articles provided by Government for official use have been received back and that no demand is outstanding.

17. Personals identification marks, if any.

18. Height .

Signature of Head Office

Details of service of Shri/Shrimati/Kumari.....Date of Birth.....

Establishment	Appointment	Officiating substantive	Date of beginning	Date of ending	Period of reckoning As service Years Months Days	Period of Reckoning service Years Months Days	Remarks
1	2	3	4	5	6	7	8

Head of Office  
Countersignature  
Head of the Department

**FORM –III**  
**(Sec rule 20)**

Form of Oath of office and Oath of secrecy for Chairperson/Members of the Assam 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 Rules, 2017) .

I,..... have been appointed Chairperson/Member of Electricity Regulatory Commission, do swear in the name of God/solemnly affirm that I will bear the true faith and allegiance to the Electricity Act, 2003, (36 of 2003) that I will discharge and perform the duties of my office to the best of my ability, knowledge and judgment, without fear or favor, 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/Member of the Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson/Member of the Commission.

**Signature of Chairperson/Member**

**By order of the Governor.**

**Principal Secretary to the Govt. of Assam,  
Power (Elect.) Department.**