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## CO-OPERATION DEPARTMENT

### NOTIFICATION

The 21st March, 2013

**S.R.O.No.163/2013**—Whereas, the draft of certain rules, which the State Government propose to make, in exercise of the powers conferred by Section 134 of the Odisha Co-operative Societies Act, 1962 (Odisha Act 2 of 1963) was published in the Notification of the Government of Odisha in the Co-operation Department No.1405-Co-op., dated the 16th February, 2013 in the extra ordinary issue of the *Odisha Gazette* No.271, dated the 16th February, 2013 as required by sub-section (2) thereof inviting objections and suggestions from all persons likely to be affected thereby till expiry of a period of seven days from the date of publication of this Notification in the State Gazette;

And whereas, no objections and suggestions has been received in respect of the said draft within the period so specified for consideration by the State Government;

Now, therefore, in exercise of the powers conferred by Section 134 of the said Act, the State Government do hereby make the following Rules, namely:—

1. Short title and commencement. (1) These rules may be called the Odisha State Co-operative Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 2013.  
(2) They shall come into force on the date of their publication in the official Gazette.
2. Definitions Unless the context otherwise requires:—
  - (a) “Act” means the Odisha Co-operative Societies Act, 1962; and all words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the said Act.

- (b) "Commissioner" means the State Co-operative Election Commissioner, appointed under Section 28-AA of the Act;
- (c) "Government" means the State Government of Odisha.
- (d) "Officers of Government" means persons who are or have been in the employment of the Government and includes a member of the All India Service or State Civil Service.
- (e) "State Co-operative Election Commissioner" means the State Co-operative Election Commissioner for Odisha appointed under section 28 AA of the Act;
- (f) 'Pay last drawn' means the pay drawn last by the person concerned while in Government service or the minimum of the corresponding revised scales of pay, if any, of the post last held by him, whichever is higher; and
- (g) 'Pension' means the pension as defined in rule 34 of the Odisha Service Code.
3. Qualification and appointment of the Election Commissioner.
- (1) Appointment of the State Cooperative Election Commissioner shall be made by the Governor from among persons;
- (a) who are serving as officers of the Government;
- or
- (b) who have retired as officers of the Government; and who meet the other eligibility conditions stipulated in sub-section (2) of Section 28-AA of the Act.
- (2) If a person, immediately before his appointment, was under employment as a Government servant under the State or Central Government, he shall deemed to have demitted his office as such with effect from the date of his appointment as Commissioner.
4. Term of Office.
- (1) The tenure of the office of the Commissioner shall be five years or till the Commissioner attains the age of sixty-five years, whichever is earlier.

(2) Notwithstanding anything contained in sub-rule (1), the Commissioner may, by writing under his hand, addressed to the Governor, resign from his office at any time.

5. Oath of allegiance.

The Commissioner shall, before entering upon his office; make an oath or affirmation of his allegiance to the Constitution in the following form, namely :—

“I..... having been appointed as the Odisha State Co-operative Election Commissioner, swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter”.

6. Salary and allowances.

(1) The Commissioner shall draw a pay of Rs.64,000/- (Rupees Sixty four thousand) only per month minus pension, if any, including the commuted amount:

Provided that where the pay last drawn by the person concerned, while in Government service prior to appointment as the Commissioner, was higher than the pay specified under this sub-rule, such person on appointment as the Commissioner shall be entitled to receive the pay last drawn by him minus pension, if any, including the commuted amount.

(2) Perquisite of the office of the Commissioner shall be same as that of State Election Commissioner.

(3) The Commissioner shall be entitled to Travelling Allowances or Daily Allowances for his journeys on tour at par with the State Election Commissioner.

(4) The Commissioner shall be entitled to leave and pension at the same scale, rate and in the same manner as that of the State Election Commissioner:

Provided that the commissioner shall be entitled to pension if he has completed two years of service as such.

*Explanation* – The expression “leave” appearing in this sub-rule shall include encashment of accumulated leave at credit at the time of completion of the term.

- 7.** Filling of casual vacancy. The casual vacancy in the office of the Commissioner due to death, resignation, and removal or otherwise shall be filled up by the Governor by fresh appointment in accordance with the provisions of these rules.
- 8.** Filling of leave vacancy. (1) Whenever the Commissioner proceeds on leave, other than casual leave, the Governor shall, by notification, direct a civil servant not below the rank of Secretary under the State Government to remain in charge of the office of the Commissioner till the Commissioner on leave returns and joins on duty.  
(2) The provisions of rule 3 shall not apply to the Civil Servant while functioning as the Commissioner.
- 9.** Interim period to be within the term of office. The term of office of the Commissioner shall be deemed to include any period which may elapse between the date on which the Commissioner ceases to be in office and the date from which the succeeding Commissioner enters upon office.
- 10.** Power to remove difficulties. (1) If any doubt or difficulty arises in implementing the provisions of these rules, the same may be referred to Government whose decision there on shall be final and binding.

[No.2575-II-Legal-1/2013/Co-op.]

By Order of the Governor

BISHNUPADA SETHI

Commissioner-*cum*-Secretary to Government