

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 699, CUTTACK, WEDNESDAY, APRIL 23, 2014 / BAISAKHA 3, 1936

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

The 10th April, 2014

S.R.O.No.167/2014—In exercise of the powers conferred by clause (2) of Article 243-K of the Constitution of India, the Governor of Odisha has been pleased to make the following rules, further to amend the Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994, namely:—

1. (1) The rules may be called the Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Amendment Rules, 2014.

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

2. In the Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994 (hereinafter referred to as the said rules in rule 2, clause (a) shall be omitted.

3. In the said Rule, for rule 6 the following rule shall be substituted, namely:—

“Salary & Allowances and Leave etc.

6 (1) There shall be paid to the Commissioner, the salary and allowances of a Judge of a High Court:

Provided that if the Commissioner at the time of his appointment is in receipt of or being eligible to receive any pension and had elected to draw or receive the pension (other than disability or wound pension) in respect of any previous service under the Government of the Union or of a State, his salary in respect of service as a Commissioner, shall be reduced—

- (i)* by the amount of that pension;
 - (ii)* if he had, before assuming office, received in lieu of a pension due to him in respect of such previous service, the commuted value of that portion of the pension; and
 - (iii)* by any other form of retirement benefits, including Temporary increase being drawn or availed of by him.
- (2) A person who on the date of appointment as a Commissioner of the Commission, was in the service of the Government of India or the Government of Odisha or a District Judge or any officer, shall be deemed to have retired from Service with effect from the date on which he enters upon his office as a Commissioner of the Commission.
- (3) A person, on appointment as Commissioner shall be entitled to the following leave namely:—
 - (i)* earned leave of fifteen days for every completed calendar year of service or a proportionate number of days for a part thereof and the leave salary for earned leave shall be equivalent to his salary drawn prior to proceeding on leave;
 - (ii)* half pay leave on medical certificate or on private affairs of twenty days in respect of each completed calendar 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;
 - (iii)* leave on half pay can be computed to full pay leave if it is taken on self Medical ground and is supported by a Medical Certificate from the competent medical authority;
 - (iv)* extraordinary leave without pay and allowances up to a maximum of one hundred eighty days in one term of office; however, there shall be no break in the term of office due to such leave if availed on the ground of self illness;
- (4) On the expiry of a term in the Commission, the Commissioner shall be entitled to received cash equivalent of leave salary in

respect of earned leave standing to his credit subject to condition that the maximum of leave encashed under this sub-rule or at the time of retirement from previous service, as the case may be or taken together shall not in any case exceed 300 days.

- (5) The Commissioner shall be entitled to receive dearness allowance as admissible on the leave salary under sub-rule (4) at the rates in force on the date of the relinquishment of their office in the Commission:

Provided that he shall not be entitled to city compensatory allowance or any other allowance on such leave.

- (6) If a sitting Judge of the High Court is appointed as a Commissioner, then, notwithstanding anything contained in sub-rules (3), (4) or (5) the provision of chapter-II of the High Court Judges (Conditions of Service Act, 1954 shall apply to him up to the date of his superannuation as a sitting Judge of a High Court and thereafter he shall be entitled to leave in accordance with the provisions of sub-rules (3) to (5) of this rule.
- (7) Casual Leave is admissible to the Commissioner up to 15 days in a calendar year. Casual Leave for the Commissioner shall be sanctioned by the Governor.
- (8) Casual leave combined with Sunday and other authorized holidays should not exceed 10 days at a time.
- (9) The Commissioner shall be entitled to leave travel concession at the same rate and at the same scale and on the same conditions as are applicable to a judge of a High Court.
- (10) The power to grant or refuse leave to the Commissioner and to revoke or curtail leave granted to him, shall vest with the Governor.
- (11) The Commissioner, while on tour (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 travel allowances, allowances for transportation of personal effects and other similar matters and daily allowances

at the same rates as are admissible to a Judge of a High Court.

(12)The conditions of service-relating to provision for rent free accommodation, conveyance facilities, medical facilities and such other conditions of service as are, for the time being, applicable to a Judge of a High Court under Chapter IV of the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall, so far as may, apply to the Commissioner.

(13)The conditions of service of the Commissioner for which no express provisions are made in these rules shall be determined by the rules and orders for the time being applicable to the highest civil servant of the Government of Odisha.

(14)Person appointed to the Commission as the Commissioner shall be entitled to pension calculated at the rate of rupees four thousand seven hundred sixteen per annum, provided that no such pension shall be payable, if he has put in less than two years of service with the Commission:

Provided that the aggregate amount of pension payable under this rule together with the 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 the High Court".

[No.6184-17-SEC-18-1030/PR.]

By Order of the Governor

D. K. SINGH

Commissioner-*cum*-Secretary to Government