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GOVERNMENT OF SIKKIM ENERGY AND POWER DEPARTMENT GANGTOK

No.GOS/E&P/ADM/378/11-12/54

Date: 26/11/2011

NOTIFICATION

In exercise of the powers conferred by clauses (d) and (e) of sub-section (2) of section 180 read with sub section (2) and (3) of section 89 of the Electricity Act, 2003, (36 of 2003), the State Government hereby makes the following rules, namely:-

- Short title and commencement:- (1) These rules may be called the Sikkim Electricity Regulatory Commission (Salary, Allowances and other terms and condition of service of the Chairperson) Rules, 2011.
 - (2) They shall be deemed to have come into force on the 1st day of April, 2011.
- Definitions:- (1) In these rules, unless the context otherwise, requires:-
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Chairman" means the Chairperson of Sikkim Electricity Regulatory Commission;
 - (c) "Government" means the State Government of Sikkim;
 - (d) "Governor" means the Governor of Sikkim;
 - The words and expressions used in these rules and not defined but defined in the Act shall have the same meaning as respectively assigned to them in the Act.
- Oath of office and secrecy: The Chairperson of the Commission shall, before entering upon his Office, subscribed to an oath of office and secrecy before the Chief Secretary Sikkim. The Oath of office and secrecy shall be administered in the following form: -

Oath of Secrecy I,.....do swear in the name of God and solemnly affirm that I shall 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 of the Sikkim Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson.

Oath and affirmation of allegiance to Constitution I,.....having been appointed Chairperson of the Sikkim Electricity Regulatory Commission, do swear in the name of God and solemnly affirm that I shall bear true faith and allegiance to the Constitution of India

as by law established, that I shall uphold the sovereignty and integrity of India, that I shall duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws of the land.

4. Pay and Allowance of Chairperson: - (1) The Chairperson shall receive pay of '80,000/- (fixed) per month. Provided that in the case of an appointment as Chairperson, of a person who has retired as a judge of the High Court or who has retired from service under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension and/or gratuity or other forms of retirement benefits, the pay shall be reduced by the gross amount of pension equivalent of service gratuity if any but excluding pension equivalent of retirement gratuity, drawn or to be drawn by him.

- (2) The Chairperson shall receive such Dearness Allowance as is admissible to Officers of the Indian Administration Service of the corresponding grade in the State.
- (3) The Chairperson shall be entitled to receive compensatory allowance and other allowances as are admissible to Officers of the Indian Administration Service of the corresponding grade in the State.
- **5. Accommodations: -** The Chairperson shall be entitled to rent-free and furnished accommodation, water and electricity facilities as may be admissible to Chief Secretary of the State.
- (2) The Chairperson who is not provided with or does not avail himself of the use of official residence and resides in his own house, he may be paid house rent allowance as admissible to the Officers of the Indian Administrative Service of the corresponding grade in the State.
- **6. Facility of Conveyance:** (1) The Chairperson shall be provided with a car and a driver as entitled to Chief Secretary of the state.
- (2) The Chairperson shall also be provided with Diesel / Petrol for the vehicles attached to him as entitled to Chief Secretary of the state.
- (3) The Chairperson shall be entitled to use Government vehicle for private purpose as per rules applicable to the Chief Secretary of the State.
- 7. Traveling allowance: The Chairperson while on tour inside or outside the State or on transfer (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 traveling allowance daily allowance, transportation of personal effects and other similar matters at the same scale and at the same rates as are applicable to the officers of the Indian Administrative Service of the corresponding grade in the State
- **8. Leave Travel Concession:** The Chairperson shall be entitled to the leave travel concession at the same rates, at the same scales and on the same conditions as are applicable to the officers of the Indian Administrative Service of corresponding grade posted in the State.
- 9. Leave: (1) The Chairperson shall be entitled to earned leave at the rate of 15 (fifteen) days for every completed six months of service. They shall also be entitled to casual leave and other leaves as admissible to the officers of the Indian Administrative Service of the corresponding grade in the State.
 - (2) On the expiry of his term of office in the Commission, a Chairperson 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 leaves encashed shall not exceed 60 (Sixty) days.
 - (3) The Chairperson shall be entitled to receive the dearness allowance on the leaves salary under subrule (2) as admissible at the rates in force on the date of the relinquishment of the office in the Commission:

Provided that he shall not be entitled to any other allowance on such leave salary.

- 10. Leave sanctioning authority: The Chief Secretary shall be the authority competent to sanction leave to the Chairperson.
- 11. Facilities for Medical Treatment: The Chairperson shall be entitled to medical treatment and hospital facilities as are admissible to the officers of the Indian Administrative Service of the corresponding grade in the State.
- **12. Pension:** The Chairperson of the Commission shall not be entitled to receive any pension and gratuity for the service rendered by them in the Commission.
- 13. Provident Fund: The subscription towards Provident Fund of the Chairperson shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and no option to subscribe under the provisions of the General Provident Fund shall not be admissible for service rendered in the Commission.
- 14. Telephone facility: The Chairperson of the Commission shall be eligible for telephone facilities at Office and Residence as admissible to Chief Secretary of the State.
- **15. Other conditions of service: -** Other conditions of service of the Chairperson of the Commission, with respect to which no express provision have been made in these rules, shall be such as are admissible to the officers of the Indian Administrative Service of corresponding grade posted in the State.
- **16. Interpretation:** If the question arises relating to the interpretation of any of the provisions of these rules, the Government shall decide the same and its interpretation shall be final.

PCE cum Secretary Energy & Power Department