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NOTIFICATION

No. A-12017/2/2003-P&AR (GSW) Aizawl, the 10th October, 2019. In exercise of the powers conferred by article 318 of the Constitution and in supersession of the Mizoram Public Service Commission (Conditions of Service) Regulations, 1994 except as respects thing done or omitted to be done before such supersession, the Governor of Mizoram is pleased to make the following regulations to regulate the conditions of service of the Chairman/Members and staff of the Mizoram Public Service Commission, namely:

PART I PRELIMINARY

1. *Short title, extent and commencement*
 - (1) These regulations may be called the Mizoram Public Service Commission (Conditions of Service) Regulations, 2019
 - (2) They shall be deemed to come into force with effect from 1st September, 2018
2. *Definitions*

In these regulations, unless the context otherwise requires,

 - (a) "Chairman" means the Chairman of the Mizoram Public Service Commission ;
 - (b) "Commission" means the Mizoram Public Service Commission;
 - (c) "Constitution" means the Constitution of India;
 - (d) "Governor" means the Governor of Mizoram, and
 - (e) "Member" means a member of the Mizoram Public Service Commission.

PART II COMPOSITION, PAY AND TENURE

3. *Composition*

The Commission shall consist of a Chairman and such other Members not exceeding three, as may be determined by the Governor from time to time.
4. *Tenure*
 - (1) The Chairman or the Member of the Commission shall hold office for a term of six years from the date on which he assumes office or until he attains the age of 62 years, whichever is earlier;

Provided that the Chairman or the Member of the Commission may, by writing under his hand, addressed to the Governor, resign his office;

Provided further that the Chairman or the Member of the Commission may be removed or suspended from office earlier in the manner provided in article 317 of the Constitution.

- (2) A Chairman or a Member, shall, before he enters upon his office, make and subscribe before the Governor of Mizoram or some other person appointed by him in that behalf, an oath according to the form set out for the purpose as per the Schedule appended to these regulations
- (3) The Chairman or the Member who, on the date of his appointment as such, was in the service of the Government of India or any State or a local body, or any other body wholly or substantially owned or controlled by the Government, be deemed to have retired from such service from the date of appointment as Chairman or Member.

5. *Salaries and allowances of Chairman and Members*

- (1) There shall be paid to the Chairman a fixed salary of Rupees 2,25,000 per month and to each Member a fixed salary of Rupees 2,04,000 per month respectively and such other allowances, at such rates as admissible to Government servants under the Government of Mizoram from time to time.
- (2) The Chairman or the Member who at the time of his appointment as such, was in the service of or has retired from the service of the Government of India or of any State or of a local body, or of any other body wholly or substantially owned or controlled by the Government, may opt for drawing pay in the scale which he was drawing on the date of his retirement in lieu of the scale or pay prescribed as above for the Chairman or the Member. Option once exercised shall be final:

Provided that the option of drawing of pay exercised by the Chairman or the Member in lieu of the scale of pay prescribed for the Chairman or the Member shall remain valid only till the period of six years from the date on which he enters upon his office or till he attains the age of 62 years, whichever is earlier.

- (3) If the Chairman or the Member, at the time of his appointment is in receipt of a pension, has received or has become entitled to receive any pension and other retirement benefits in respect of any previous service under the Government of India or a State Government, a local body, or any other local body wholly or substantially owned or controlled by the State Government or as Ex-Member of Parliament or Ex-Member of Legislative Assembly, his pay in respect of the service in the Commission shall be reduced:
 - a) by the amount of that pension during the service under the Commission.
 - b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

EXPLANATION: For the purpose of this regulation,

- i) service under any State Public Service Commission shall be considered as service under the Government;
- ii) the term "any other local body wholly or substantially owned or controlled by the State Government" shall include a Government Company as defined

in the Companies Act, 1956, and any other statutory body, whether incorporated or not, in which the Central Government or any State Government or both, has a controlling interest in the share or other capital thereof, or has directly through its nominees substantial control over its working

6. *Leave admissible* (1) The Chairman or Member, if any, may be granted Earned Leave, Half Pay Leave, Commuted Leave on Medical Ground and Extra Ordinary Leave.
(2) The admissibility of leave as specified in sub-regulation (1) above shall be regulated as per the provisions of the Central Civil Service (Leave) Rules, 1972 as applicable to the employees under the Government of Mizoram.
7. *Power of Governor to grant or refuse Leave.* The power to grant or refuse leave to the Chairman or Member of the Commission and to revoke or curtail the leave granted to him shall vest in the Governor.
8. *Leave encashment* (1) The Chairman or Member shall be paid cash equivalent of leave salary in respect of earned leave for his service in the Commission at his credit at the time of his ceasing to hold such office as a Chairman or a Member respectively

Provided that if the Member is further appointed as Chairman, the leave at the credit of the Member, shall be carried forward and can be availed of during his tenure as the Chairman subject to the provision of regulation 6 of these regulations.
(2) The payment of cash equivalent of leave salary under sub-regulation (1) shall not exceed the amount of cash equivalent of leave salary for 300 days of earned leave.
(3) The cash equivalent of leave salary admissible under sub-regulation (2) shall be payable to a Chairman/Member at the time of his ceasing to hold his office and shall be paid in one lumpsum as a one time settlement

PART – IV PENSION AND RETIREMENT BENEFITS

9. *Pension* (1) The Chairman or the Member of the Commission who, at the date of his appointment as such, was in the service of the Government of India or any State Government, shall, within a period of six months from the date of his appointment, be permitted to elect to draw his pension and other retirement benefits admissible to him under the pension rules applicable in his previous service OR elect to count his service in the Commission as qualifying service for the purpose of pension under the pension rules applicable in his previous service, as the case may be.

Provided that if the Chairman or Member has opted to count his service in the Commission as qualifying service for the purpose of pension under the pension rules applicable in his previous service, his pension will be calculated based on the last pay drawn by him as the Chairman or Member of the Commission, as the case may be.
(2) Subject to the provisions of these regulations, a Chairman or Member who, before appointment to the Commission was not in the service of the

Government of India or of any State or of a local body, or of any other body wholly or substantially owned or controlled by the Government, shall, on ceasing to hold office, be paid a pension at the rate of 1/40th of the last pay drawn per month for each year of qualifying service as Chairman or Member subject to minimum nine months qualifying service. The duration of service of a person as a Chairman or Member shall be computed in terms of completed years but if the service rendered is six months or more, an additional benefit of half year's pension shall be allowed

- (3) No pension under these regulations shall be payable to a Chairman or Member
 - a) unless he has completed his term of office; or
 - b) unless he has attained the age of sixty two years; or
 - c) if he has been removed from office of the Commission.
- (4) Pension under these regulations shall be payable to the Chairman or Member for life
- (5) The Chief Controller of Accounts, Accounts & Treasuries shall be deemed to have been authorised to settle payment of pension and other retirement benefits in respect of officers and staff of the Commission with effect from the 5th January, 1995.

PART – V GENERAL PROVIDENT FUND

10. *Provident Fund* The Chairman or a Member shall be eligible to contribute to General Provident Fund under normal rules at his request, provided that the Chairman or a Member is expected to serve in the Commission for a period exceeding one year.

PART-VI TRAVELLING ALLOWANCES AND OTHER FACILITIES

11. *Travelling Allowances*
 - (1) The Chairman or the Member who, at the date of his appointment, was in the service of the Government of India or of a State Government or of a local body or any other body wholly or substantially owned or controlled by the State Government shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per rules applicable to him in his previous service.
 - (2) The Chairman or the Member who, at the date of his first appointment, is not in the service of the Government of India or any State Government, or of a local body or any other body wholly or substantially owned or controlled by the State Government shall be entitled to travelling allowances as on transfer as admissible to officer of the Government of Mizoram of his equivalent grade from the station of his normal stay.
 - (3) The Chairman or the Member, while travelling on duty or on tour, shall be entitled to travelling and daily allowances at the rate admissible to officer of the Government of Mizoram of his equivalent grade.
 - (4) The Chairman or the Member shall, on vacating his office, be entitled to travelling allowances as on transfer as admissible to officers of the Government of Mizoram of his equivalent grade from the station of his duty to the station of his normal stay/home town:

Provided that no such travelling allowances shall be admissible to the Chairman or the member if he has been removed from office.

- (5) The Chairman or the Member, who has completed one year of service with the Commission, shall be eligible for Leave Travel Concession for himself and his family to home town or anywhere in India as per Leave Travel Concession orders on the subject as applicable to the Government servant under the Government of Mizoram.

EXPLANATION: The salary of the Chairman and the Member as specified in regulation 5 shall be treated as pay for the purpose of entitlement of Travelling Allowance and Daily Allowance of the Chairman or the Member under sub-regulations (2), (3) and (4) of this regulation.

12. *House Rent Allowance or Government Accommodation* (1) The Chairman and Member shall be entitled to Government accommodation of the same category and under the same terms and conditions applicable to the Chief Secretary and Principal Secretary to the Government of Mizoram respectively.
- (2) When a Chairman/Member does not want to avail Government accommodation, he shall be entitled to house rent allowance at the rate and under the same terms and conditions determined by the Government for officers of equivalent grade.
13. *Motor Car Advance* An advance for the purchase of Motor car to a Chairman or a Member will be regulated by the appropriate rules for the time being in force applicable to state Government servants drawing comparable pay.

PART – VII

STAFF OF THE COMMISSION AND CONDITIONS OF SERVICE

14. *Staff of Commission and Appointing Authority* (1) The staff of the Commission shall include a Secretary, Controller of Examination, Joint Secretary, Deputy Secretary, Under Secretary, Deputy Controller of Examination, Assistant Controller of Examination, Superintendent and such other Gazetted or Non-Gazetted staff as the Commission may, from time to time, determine in consultation with the State Government.
- (2) The Secretary, Controller of Examination, Joint Secretary, Deputy Secretary, Under Secretary, Deputy Controller of Examination, Assistant Controller of Examination, Superintendent and other Gazetted staff shall be appointed by the Commission. If and when the Gazetted or Non-gazetted Staff of the Commission is to be appointed on deputation or by absorption from the service under the State Government or any other service, the State Government or other appropriate authorities shall be duly consulted.
- (3) The Non-gazetted staff including Group 'D' staff shall be appointed by the Secretary with the approval of the Chairman and shall receive such emoluments as admissible to the Government servants of corresponding grade in the Government of Mizoram, or as may be determined by the Commission in consultation with the State Government.

15. *Disciplinary and appellate authority* (1) The Chairman, in case of Gazetted staff and the Secretary, in case of the non-gazetted staff including Group 'D' employees, shall be the authority who may impose any of the penalties prescribed in the Central Civil Service (Classification, Control and Appeal) Rules, 1965 as adopted by the Government of Mizoram.
- (2) The Governor, in respect of the Gazetted staff and the Chairman, in respect of the non-gazetted staff including the Group 'D' shall be appellate authority.
16. *Age of retirement* (1) The age of retirement of the Gazetted and Non-Gazetted staff of the Commission shall be the same as the age of retirement prescribed from time to time by the Government of Mizoram for similar classes of Government servants.
- (2) Extension of service or re-employment of the Gazetted and Non-Gazetted staff of the Commission, if any, shall be done by the Appointing Authority only after due consultation with the Government.
17. *Residuary matters* In respect of any matter for which provision is not made by these regulations, the conditions of service of a person serving as a Chairman or a Member of the Commission or its staff shall be governed by rules and orders for the time being applicable to such classes of Government servants under the Government of Mizoram.

PART – VIII
MISCELLANEOUS PROVISION

18. *Interpretations* If any doubt arises about the interpretation of any of these regulations, the interpretations of the Governor shall be final
19. *Power to relax* Where the Governor is satisfied that the operation of these regulations causes undue hardship in any particular case, he may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of the regulation to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.
20. *Savings* Nothing contained in these regulations shall have effect so as to give to a Chairman or a Member appointed before the commencement of these regulations less favourable terms in respect of his pay or allowances or any other entitlements than those to which he would have been entitled if these regulations had not been made
- Explanatory Note* These regulations being given retrospective effect from the 1st September, 2018 will not in any way adversely affect the interest of any person

By order and in the name of the Governor

Lalnunmawia Chuaungo,
Chief Secretary to the Govt. of Mizoram.

SCHEDULE
(see regulation 4(2))

FORM OF OATH OF ALLEGIANCE

I, _____, having been appointed as Chairman/Member of the Mizoram Public Service Commission, do 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, that I will uphold the sovereignty and integrity of India and that I will carry out the duties of my office loyally, honestly and with impartiality.

Date:

(Signature of Chairman/Member)

FORM OF OATH OF OFFICE

I, _____, having been appointed as Chairman/Member of the Mizoram Public Service Commission, do swear in the name of God/solemnly affirm that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgement

Date:

(Signature of Chairman/Member)

FORM OF OATH OF SECRECY

I, _____, having been appointed as Chairman/Member of the Mizoram Public Service Commission, do swear in the name of God/solemnly affirm that I will not directly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me except as may be required for due discharge of my duties as such Chairman/Member or as may be specially permitted by the Governor.

Date:

(Signature of Chairman/Member)