

# THE MEGHALAYA PUBLIC SERVICE COMMISSION REGULATIONS

1972

(As amended upto date)

No. PER 136/72/50 – In exercise of the powers conferred by the article 318 of the Constitution of India, the Governor of Meghalaya is pleased to make the following regulation (s) in respects of the composition and staff of the Meghalaya Public Service Commission, their tenure of office and conditions of service.

2. They will come into force at once.

## PART – I

### Introductory

1. Short title and commencement: (1) These regulations may be called the Meghalaya Public Service Commission Regulations, 1972.
2. These regulations shall extend to the whole of the State of Meghalaya and they shall come into force at once.
3. In these regulations, unless there is something repugnant on the subject or context:-
  - (i) “Governor” means the Governor of Meghalaya.
  - (ii) “Commission” means the Meghalaya Public Service Commission.
  - (iii) “Chairman” means the member of the Commission who is appointed Chairman.
  - (iv) “Member” means the Member of the Meghalaya Public Service Commission and includes the Chairman thereof.
  - (v) “Compensatory allowance” means allowance granted to meet personal expenditure necessitated by special circumstances in which duty is performed; and
  - (vi) “Constitution” means Constitution of India.

## Part – II

### Commission

#### Composition, Pay and Tenure

\*4. The Commission shall consist of Chairman and four Members and shall be appointed by the Governor.

+5. A Member of the Commission shall hold office for a term of 6 years from the date on which he enters upon his office or until he attains the age of 62 years whichever is earlier, provided that a Member of the Commission may, by writing under his hand, addressed to the Governor, resign his office earlier:

Provided further that a Member of the Commission may be –

- (i) removed from his office earlier in the manner provided in clause (1) or clause (3) of Article 317 of the Constitution;
- (ii) suspended in the manner provided in clause (2) or Article 317 of the Constitution.

6. (1) There shall be paid a consolidated salary of rupees fifteen thousand five hundred only per mensem to the Chairman and rupees eleven thousand only per mensem to a Member: (They shall come into force with effect from 31<sup>st</sup> January, 1996).

Provided that:-

- (a) a person, who is in a service under the Central or any State Government or a Government deficit or aided educational institution, may, on his appointment as Chairman or Member;
- (b) a person who had retired from a service under the Central or any State Government may on his appointment as Chairman or Member; or
- (c) a Member who at the time of his appointment as such Member was in a service under the Central or any State Government or a Government deficit or aided educational institution, may, on his appointment as Chairman;

opt to draw the last pay and allowances he was drawing while in the service under such Government or educational as the case may be, and the option once exercised shall be final.

(2) Notwithstanding anything contained in this regulation the consolidated salary referred to in Clause (1) or the pay and allowances opted under the provision thereto shall reduced by the amount of pension which the Chairman of Member, as the case may be, received or has received for services rendered under the Central Government, any State Government, University, Corporation or body wholly or substantially owned and controlled by the Central or any State Government and any person and other retirement benefits may be drawn by him separately.

#### **EXPLANATION**

- (i) For the purpose of this regulation, service under the Union Public Service Commission or any State Public Service Commission shall respectively be deemed to be service in the Central Government or the State Government concerned.
- (ii) The allowances referred to in the proviso to clause (1) shall include only dearness allowance, hill allowance, winter allowance and house rent allowance and any other allowance as may be specified in this behalf by governor from time to time”

### **PART-III**

#### **Leave**

7. (i) A member who at the date of his appointment was in the service of the Government of India or of any State Government, may be granted leave under the rules applicable to him and his services as Member shall count for such leave.

(ii) A member may draw during the period of leave granted under clause (i) such leave salary as he may be entitled to under the rules applicable to him

(iii) A Member who at the date of his appointment was not in the service of the Government of India or state may be granted leaves as follows:-

- (a) Leave on leave salary equivalent to full pay upto one eleventh of the period spent on duty as a Member, subject to a maximum of four months at any one time;
  - (b) Leave on medical certificate on leave salary equivalent to half pay, subject to a maximum of three months at any one time;
  - (c) Extraordinary leave without salary, subject to a maximum of three months at any one time;
    - 8. Leave at the credit of the Chairman or any other Member shall lapse on the date on which he shall vacate office under Regulation 5; provided that, if in sufficient time before the date he has:-
- (i) Formally applied for leave and been refused it, or
  - (ii) Ascertained in writing from the sanctioning authority that leave, if applied for, would not be granted, in either case the ground for refusal being the requirements of the public service he shall be paid, by way of compensation a sum equal to the leave salary for the period of leave so refused subject to a maximum of four months from the date immediately following that of the vacation of office

#### PART-IV

##### Pension of Members

**\*9. Pension payable to Members who were in the service of the Central or a state Government.** (1) A Member who at the time of his appointment as such, was in the service of the Central or State Government, shall at his option to be exercised within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged with effect from the date of his appointment as Member.

(2) A Member who at the time of his appointment as such, was in the service of the Central or State Government, if he does not exercised the option mentioned in sub-regulation (1) shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

**9A. Pension payable to Member who were not in the service of the Central or a State Government, etc-** (1) Subject to the provisions of these regulations, every Member, who at the date of his appointment as such was not in the service of the Central or a state Government, a local body, or any other body wholly or substantially owned or controlled by Government shall, on his ceasing to hold office as such Member, be paid a pension:

Provided that no such pensions shall be payable to Member-

- (a) Unless he has completed not less than three years of service or
- (b) If he has been removed from office as such member
- (2) Pension under these regulations shall be payable to a member for life:
  - Provided that no such pension shall be payable during any period for which such Member may, after his retirement as such, hold office as the Chairman or Member of Union Public Service Commission, or as the Chairman of a State Public Service Commission, as the case may be.

(3) Pension under this regulation shall be paid at the following rates namely:-

- (i) in the case of the Chairman, rupees four thousand two hundred and fifty per annum, if he has completed six years of service; and
- (ii) in the case of a member, rupees four thousand per annum, if he has completed six years of service:

Provided that where the service rendered by a member is for a period of three years or more but less than six years, the amount of the pension per annum shall be determined in accordance with the following formula, namely:-

Completed years of service for pension shall be multiplied by the amount of the maximum pension admissible under clause (i) or clause (ii), as the case may be, and shall be divided by six.

**Explanation I.-** When the total service for pension is rendered by a person partly as member and partly as Chairman, the pension admissible to such person in each such term shall be calculated separately subject to the condition, that the aggregate pension shall not exceed the pension admissible to a Chairman

**Explanation II-** The duration of service of a person as member shall be computed in terms of completed years, but if the service rendered in six months or more, additional benefits of half a year's pension may be allowed.

**9B. Pension when not payable.-** (1) No pension shall be payable under these regulations to a member:-

- (i) who, at the date of his appointment as such was in the service of a local body or any other body wholly or substantially owned or controlled by government; or
- (ii) who, at the date of his appointment as such had retired from service under the central or state government, a local body or any other body wholly or substantially owned or controlled by government, if he is in receipt of, has received or has become entitled of receive, any retirement benefits by way of pension, gratuity, payment from any contributory provident fund or otherwise, but such person may at his option, come under the pension scheme under these regulations, if the amount of the pension or the pension equivalent of the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged fall short of the amount of the pension admissible to him under these regulations.

(2) A Member holding office as such shall communicate the option referred to in sub-regulation (1) in writing to the Governor during his tenure as such member, the option once exercised being final.

(3) If a member exercising his option under this regulation has received any gratuity or retirement benefits from the service under the central or a state government, a local body or any other body wholly or substantially owned or controlled by the government he shall refund:-

(i) the amount of the gratuity so received in lump sum;

(ii) the pension, if any drawn by him, and

(iii) Where the pension has been commuted, the value of the amount of pension so commuted.

4. If a member exercising his option under this regulation has received any benefits of contributory provident fund or retirement from the service under the central, or a state government, a local body or any other body wholly or substantially owned or controlled by the government he shall not become eligible for pension under these regulations unless he refund in lump sum the government's or employer's contribution as the case may be, with interest there on together with other retirement benefits, if any received by him.

#### **Provident Fund**

10. A member who at the date of his appointment, was in the service of the government of India or of a state and prior to that date has been admitted to the benefits of the general provident fund maintained by government, shall be eligible after appointment to continue to subscribe to the said fund on the same terms and conditions and subject to the same rules as previously.

#### **PART – V**

##### **Travelling and other allowances**

11. (i) A member who at the date of his appointment, was in the service of government of India or of a state shall for his journey to join his appointment as a member drawn the travelling allowances admissible on transfer to an officer of the rank of secretary to the government.

(ii) A member who at the date of his first appointment is not in the service of the government of India or of a state shall for his journey to join his appointment as a member draw the travelling allowance admissible on transfer to an officer of the rank of secretary to the government.

@ (iii) A member, when travelling on duty, shall be entitled to draw travelling allowance at rates admissible to grade 1 employees of the government of Meghalaya.

#### **PART – V- A**

##### **Medical facilities**

11. A – A member shall be entitled for himself and members of his family to medical treatment as admissible to the State Government servants under the Meghalaya Medical Attendance Rules, 1981 provided, however, that no medical allowance shall be paid to him.

#### **PART – VI**

##### **STAFF OF THE COMMISSION AND THEIR CONDITIONS OF SERVICE**

12. The staff of the Commission shall include a Secretary and such member of Gazetted and Non-gazetted officers as the governor may from time to time determine.

@ 13. The Secretary shall be appointed by the Commission with the approval of the Governor. The normal tenure of the office of the Secretary shall be five years provided that:-

- (a) When making the appointment, the Commission may, for special reasons, fix with the approval of the Governor a shorter tenure;
- (b) The Commission may, with approval of the Governor extend the tenure of the Secretary by any period not exceeding five years.

14. The Secretary shall be paid during the tenure of his office pay and other allowances as may be determined by the Governor in consultation with the Commission.

15. In respect of all other matters for which provision is not made by these Regulations, the conditions of service of the Secretary shall be the same as those of the other members of the service to which belong provided that if a person, who belong to any service under the Central or State Government is appointed to the post of the Secretary, his conditions of service shall be such as may be determined by the Governor, and such conditions shall be embodied in a formal contract to be entered into between him and the Governor.

@ 16. The ministerial gazetted staff shall be appointed by the commission from amongst the ministerial officers of the office of the Commission on the basis of seniority-cum-merit. The non-gazetted ministerial staff shall also be appointed by the Commission and the Fourth Grade Government Servants shall be appointed by the Secretary and the Commission. They shall have the same status and shall receive such emoluments as are admissible to Government Servants of the corresponding grades in the Meghalaya Secretariat.