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PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

Department of Power

NOTIFICATION

No. 198-Power/III

Dated : 25th May, 2004

In exercise of the power conferred by clause (d) and clause (e) of sub-section (2) of section 180 read with the sub-section (2) and sub-section (3) of section 89 of the Electricity Act, 2003 (36 of 2003) and in supersession of this Department Notification No. 101-Power/III Dated Calcutta, the 26th March 1999, published on March, 26, 1999 in the Calcutta Gazette, Extra Ordinary, the Governor is pleased hereby to make the following rules :

1. Short title and commencement :

(1) These rules may be called the West Bengal Electricity Regulatory Commission (Salaries, Allowance and Conditions of Services of the Chairperson and Other Members and subscribing to oath of office and secretary by the Chairperson and other Members) Rules, 2004.

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

2. Definitions :

(1) In these rules, unless the context otherwise requires :

(a) "Act" means the Electricity Act, 2003 (36 of 2003);

(b) "Accountant-General" means the Accountant-General, West Bengal

(c) "Commission" means the West Bengal Electricity Regulatory Commission constituted under sub-section (1) of section 82.

(d) "Chairperson" means the Chairperson of the Commission;

(e) "Form" means the Form appended to these rules;

(f) "Member" means the Member of the Commission;

(g) "Section" means section of the Act.

(2) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Pay :

The Chairperson shall receive a fixed pay of rupees twenty-six thousand plus special allowance of rupees one thousand only per month and every other Member shall receive pay in the scale of Rs.18,400-500-22,400/- per month.

Provided that if any other Member was in receipt of pay in any scale equal to or higher than Rs.18,400-500-22,400/- before his joining the Commission as a Member, he shall receive pay in the scale of Rs.22,400-525-24,500/-.

Provided also that in the case of appointment of any person as Chairperson or other member, if such person has retired as a Judge of High Court or from the service under the Central Government or the State Government and is in receipt of or has received, or has become entitled to receive, any retirement benefit by way of pension or gratuity, or both, the pay of such person shall be reduced by the gross amount of pension drawn or to be drawn by him.

4. Dearness Allowance :

The Chairperson shall receive dearness allowance applicable to a Judge of a High Court from time-to-time. Every other Member shall receive dearness allowance and other allowances, if any, at the rates admissible to All India Service Officers serving in the State drawing equivalent pay.

Provided that relief for pensioners as may be sanctioned by the Central Government or the State Government, as the case may be shall not be admissible to a person governed by the second proviso to rule 3.

5. Special Pension :

(1) The Chairperson or any other Member shall be entitled to a special pension. If he has put in at least two years' service, provided that he has not been removed from his office in the commission under Section 90 of the Act.

(2) The special pension payable to the Chairperson or any other Member under sub-rule (1) shall be calculated at the rate of rupees one thousand four hundred and fifty per annum.

Provided that the aggregate amount of special pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn / entitled to be drawn while holding office in the Commission shall not exceed the maximum amount of pension prescribed for a Judge of a High Court.

6. Procedure for Payment of Special Pension :

(1) The retiring Chairperson or other Member shall, well in advance of his date of retirement, apply in Form 1 to the Head of office for grant of special pension to him. On receipt of application in Form 1,

the Head of office shall determine the entitlement of such pension in Form II, and transmit the same to the administrative department together with his comments, if any, for countersignature. The administrative department shall send both the forms along with service record of the incumbent to the Accountant-General for assessment of quantum of special pension.

(2) The Accountant-General shall finalise the quantum of special pension and send the admissibility report to the administrative department.

(3) On receipt of the admissibility report from the Accountant-General, the administrative department shall issue order sanctioning special pension to the Chairperson or other Member.

(4) Pension shall be debited under the relevant head of account.

(5) Payment of special pension shall be made in accordance with the provision of Appendix 17A, and Appendix 17B, of the West Bengal Treasury Rules and the Subsidiary Rules made thereunder, Volume II.

(6) No relief on special pension shall be admissible.

(7) Special pension shall not be commutable

7. Leave Encashment :

The Chairperson or any other member shall be entitled to receive cash equivalent to leave salary in respect of the period of earned leave at his credit at the time of conclusion of his term with the Commission as per the All India Services (Leave) Rules.

8. Leave :

The Chairperson shall be entitled to such leave as is admissible to a Judge of a High Court under any law for the time being in force. Every other Member shall be entitled to such leave as is admissible under the All India Services (Leave) Rules.

9. Leave Sanctioning Authority :

(1) The Governor shall be the authority to grant or refuse leave or to revoke or curtail leave granted to the Chairperson.

(2) The Chairperson shall be the authority to grant or refuse leave or to revoke or curtail leave granted to other Members.

10. Provident Fund :

The Chairperson or any other Member shall be entitled to subscribe to the General Provident Fund at his option and, in the case of his so opting, shall be governed by the provisions of the West Bengal Services (General Provident Fund) Rules :

Provided that if the Chairperson or any other Member was the Judge of a High Court or was a Member of any All-India Service immediately before his joining the Commission, he shall be governed by the rules which were applicable to him immediately before joining the Commission.

11. Travelling Allowance :

While on tour on official duty, the Chairperson shall be entitled to travelling allowance at the same rate, and on the same conditions, as are provided in the High Courts Judges (Travelling Allowance) Rules, 1956, as applicable to a Judge of a High Court. Every other Member shall be entitled to draw travelling Allowance and daily allowance at the rate applicable to All India Service Officers serving in the State and drawing equivalent basic pay.

12. Leave Travel Concession :

The Chairperson shall be entitled to leave travel concession in accordance with the rules applicable in this regard to a Judge of a High Court. Every other Member shall be entitled to leave travel concession at the same rate, and on the same conditions, as are applicable to All India Service Officers serving in the State and drawing equivalent pay.

13. Accommodation and House Rent Allowance :

(1) The Chairperson and every other Member may be provided with an official residence from the general pool of accommodation of the type admissible to an officer of the rank of Secretary to the State Government stationed at Kolkata on payment of such licence fee as may be fixed by the State Government from time-to-time.

(2) When the Chairperson or any other Member is not provided with, or does not avail himself of, the official residence referred to in sub-rule (1), he may be paid house rent allowance in accordance with the rules applicable to a member of the Indian Administrative Service holding the rank of Secretary to the State Government stationed at Kolkata.

(3) Where the Chairperson or any other Member occupies an official residence beyond the permissible period, he shall be liable to pay additional licence fee or payment, as the case may be, and shall be liable to eviction in accordance with the law applicable to a State Government employee in relation to the premises occupied by him.

14. Facilities for Conveyance :

The Chairperson or any other Member shall be entitled to the facility of staff car in accordance with the staff car rules of the State Government.

15. Facilities for Medical Treatment :

The Chairperson or any other Member shall be entitled to medical treatment and hospital facilities in accordance with the provisions of the All India Services (Medical Allowance) Rules, 1954, as amended from time-to-time.

16. Sumptuary Allowance :

The Chairperson shall be entitled to sumptuary allowance of five hundred rupees per month.

17. Free Water and Electricity :

The Chairperson shall be entitled to re-imbusement of charges on account of water and electricity consumed at his residence, subject to a maximum of twelve thousand rupees per annum.

18. Other Conditions of Service and Perquisites :

Notwithstanding anything contained in rules 4 to 17, the other conditions of service and the

to be drawn

16. Particulars of Pension already drawn, enclosing an attested copy of previous pension before communication

No. of and Date of Pension Payment Order	Amount of Pension	Name of Treasury Bank	Whether previous service relates to Central or State Government	Name of the Accountant General authorising Pension
(1)	(2)	(3)	(4)	(5)

Signature with Designation

FORM II

[See Rule 6(1)]

Form for determination of entitlement of special pension

1. Name of the retiring Chairperson / Member
2. Father's Name
3. Date of Birth
4. Permanent Residential Address
5. Present / Last Appointment
6. Date of Entry into Service under State / Central Government
7. Period of Qualifying Service under the State / Central Government
8. Date of Beginning of Service in the Commission
9. Date of Ending of Service in the Commission
10. Total Qualifying Service rendered in the Commission
11. Period of service qualifying for special pension

(a) Period of service under the State / Central Government

(b) Period of Service under the Commission

12. Gross amount of pension and nature of pension, if any, authorized after revision, for previous service under the State / Central Government

13. Proposed special pension calculated with reference to the provisions contained in rule 6 of the West Bengal Electricity Regulatory Commission (Salaries, Allowances and Conditions of Service of

Chairperson and other Members and subscribing to oath of office and secrecy by Chairperson and other Members) Rules, 2004

14. Date from which special pension is to commence

15. Place of payment of special pension (Treasury / Public Sector Bank)

16. Certified that

(i) No Demand Certificate has been obtained from the Estate Officer (only in regard to cases where general pool accommodation has been allotted);

(ii) No advance of any kind is outstanding;

(iii) No library books are outstanding;

(iv) The retiree has paid all the dues;

(v) A certificate has been obtained from the Secretary of the Commission that all articles provided for official use have been received back and that no demand is outstanding.

17. Personal identification marks, if any

18. Height

Signature of the Head of Office

Details of service of Shri / Shrimati / Kumari

Date of Birth

Establishment	Appointment	Officiating Substantive	Date of Beginning	Date of Ending	Period of Reckoning as Service Years - Months - Days	Period of Reckoning as Service Years- Months- Days	Remarks
1	2	3	4	5	6	7	8
					Total Period of Service		

Head of Office

Countersigned

Head of the Department

FORM III

[See Rule 19]

Form of Oath of office and Oath of secrecy for Chairperson / Members of the West Bengal Electricity Regulatory Commission.

I, have been appointed Chairperson / Member of the West Bengal Electricity Regulatory Commission, do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Electricity Act, 2003 (36 of 2003), and that I will discharge and perform the duties of my office to the best of my ability, knowledge and judgement, without fear or favour, affection or ill will, and that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration, or shall become known to me as Chairperson / Member of the West Bengal Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson / Member of the Commission.

Signature of Chairperson / Member

By order of the Governor,

P.Roy

Principal Secy. to the Govt. of West Bengal

Kolkata



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MONDAY, MARCH 5, 2007

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

Department of Power and Non-conventional Energy Sources

New Secretariat Buildings, 7th Floor, Block 'A'

1, K. S. Roy Road, Kolkata-700 001.

NOTIFICATION

No.28-PO/O/III/3R-07/2003 (Pt.)

Dated, Kolkata, the 14th February, 2007.

In exercise of the powers conferred by clause (d) and clause (e) of sub-section (2) of section 180 read with sub-section (2) and sub-section (3) of section 89 of the Electricity Act, 2003 (36 of 2003), the Governor is pleased hereby to make, with immediate effect, the following amendment in the West Bengal Electricity Regulatory Commission (Salaries, Allowance and Conditions of Services of the Chairperson and Other Members and subscribing to oath of office and secrecy by the Chairperson and other Members) Rules, 2004 (hereinafter referred to as the said rules):-

Amendment

In the said rule, for rule-3, substitute the following rule :-

“ 3. **Pay :-**

The Chairperson shall receive the same fixed pay as available to the Chief Secretary to the Government of West Bengal plus special allowance of rupees one thousand only per month and every other Member shall receive pay in the same scale of pay as available to a Secretary to the Government of West Bengal :

Provided that if any other Member was in receipt of pay in a scale of pay which is same or higher than the scale of pay available to a Secretary to the Government of West Bengal before his joining the Commission as a Member, he shall receive pay in the same scale of pay as available to a Principal Secretary to the Government of West Bengal :

Provided also that in the case of appointment of any person as chairperson or other Member, if such person has retired as a Judge of High Court or from the service under the Central Government or the State Government and is in receipt of, or has received, or has become entitled to receive, any retirement benefit by way of pension or gratuity, or both, the pay of such person shall be reduced by the gross amount of pension drawn or to be drawn by him”.

By order of the Governor,

(SUNIL MITRA)Principal Secretary to the
Government of West Bengal