

7.1 Constitution of State Election Commission and creation of a post of State Election Commissioner

Rural Development (C1) Department

G.O. (Ms) No.125

Dated : 05.07.1994

Read :

G.O. (Ms) No. 84, Rural Development Department, Dated : 22.4.94

ORDER

The appended Notification will be published in the next issue of the Tamil Nadu Government Gazette.

(By order of the Governor)

J.T.ACHARYULU
SECRETARY TO GOVERNMENT

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 239 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the Governor of Tamil Nadu hereby makes the following Rules, namely -

1. Short title and Commencement -

- 1) These Rules may be called the Tamil Nadu State Election Commissioner (Conditions of service) Rules, 1994.
- 2) They shall come in to force on the 5th day of July 1994.

2. Definition -

In these Rules, unless the context otherwise requires -

- a) "Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).
- b) "Commission" means the State Election Commission constituted under section 239 of the Act;
- c) "Commissioner" means the State Election Commissioner appointed under section 239 of the Act

3. Appointment -

The Commissioner shall be appointed by the Governor.

4. Tenure of Office -

The Commissioner appointed under Rule 3, shall hold office for a term of two years from the date of his appointment as Commissioner and shall be eligible for reappointment for two successive terms.

5. Pay -

- 1) The Commissioner shall receive a Pay of Rupees six thousand and five hundred per mensem

Provided that a person who was holding a post under the Government at the time of appointment as Commissioner shall on such appointment as Commissioner, receive the pay which he would have drawn from time to time under the relevant Rules in the scale of pay of the post which he was holding at the time of such appointment or shall receive the pay mentioned in clause

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(1), whichever is higher.

Provided further that in the case of appointment as Commissioner, of a person who has retired from service under the Government and who is in receipt of or has received has become eligible to receive any retirement benefits by way of pension, gratuity, General Provident Fund, or otherwise, the pay specified in clause(1) shall be reduced by the gross amount of pension (including any portion of pension which may have been commuted) and the pension equivalent or other terms of retirement benefits, if any.

Provided further that a person who was holding a post under the Government at the time of his appointment as Commissioner happens to retire from Government service on attaining the age of superannuation viz., 58 years in the middle of his term as Commissioner, shall on and from the date of his retirement, have his pay refixed and regulated in accordance with the second proviso to clause (1):

Provided also that the dearness allowance, house rent allowance and city compensatory allowance and other allowances if any, received by a person who was holding a post under the Government at the time of his appointment as Commissioner shall be not less than the dearness allowance, house rent allowance, city compensatory allowance or any other allowance admissible, which he would have drawn from time to time at the place of head quarters of the Commission, which shall be at Madras under the relevant Rules in the scale of pay of the post which he was holding at the time of such appointment.

2) The Commissioner shall be entitled to draw dearness allowance, house rent allowance, and city compensatory allowance and other allowance, if any at the rates applicable to the highest class of the State Civil Services from time to time.

3) The Commissioner may, if he does not own a house at the headquarters of the Commission, and if he so desires, be provided with an unfurnished residence subject to the payment of rent and other conditions in accordance with the Rule applicable to Government buildings used as residence.

4) The pay and allowance shall be paid from Government funds and later on reimbursed from such authorities as the Government may direct.

5) A person who on the date of his appointment as Commissioner, was in the service of the Government shall be deemed to be on deputation on Foreign Service terms from such service from the date of his appointment as Commissioner.

6) Leave -

1) A person who at the time of his appointment to the Commission was in the service of the Government may be granted leave in accordance with the Rules applicable to persons on deputation on Foreign Service terms and conditions.

2) The person who at the time of his appointment as Commissioner was not in service of the Government may be granted leave admissible to the officers of the highest class of the States Civil Services.

3) The person who at the time of his appointment as Commissioner happens to retire from such service held by him prior to the date of appointment as Commissioner shall be eligible to have leave granted in accordance with sub Rule (2) above.

7) Traveling Allowance -

1) The Commissioner shall be entitled to draw travelling and daily or other allowances admissible to the officers of the highest class of the State Civil Services while touring on duty in connection with his/her office.

2) A person who on the date immediately prior to the date of appointment as Commissioner was holding a post under the Government may for the journey performed prior to his appointment as Commissioner draw traveling allowances at the rates provided for the journey in accordance

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with the Rules applicable to him immediately before his appointment.

3) Traveling allowance bill of the Commissioner shall not require the counter signature of any other authority.

4) The Commissioner may avail of leave travel concession admissible to the officers of the highest class of the State Civil Services:

Provided that the Commissioner whose total service before he completes his term is likely to be less than four years shall not be entitled to such concession.

Provided further that an officer who has availed of the benefits of leave travel concession for journey to any place in India, prior to his appointment as Commissioner shall not be eligible for further concession until the expiry of four years from the date of availing of this concession previously.

8. Advance of traveling allowance and daily allowances -

1) The Commissioner shall be entitled to an advance of traveling and daily allowance in respect of journeys undertaken by him in the performance of his functions, whether by road, rail or air.

2) An advance drawn shall be adjusted in the appropriate traveling allowance bill as per the Rule under Article 54 of Tamil Nadu Financial Code Volume I.

9) Medical Attendance -

The Commissioner shall be entitled to draw Medical attendance benefit as is prescribed from time to time for the officers of the highest class of the State Civil Services.

(By order of the Governor)

J.T.ACHARYULU
SECRETARY TO GOVERNMENT