

TAMIL NADU STATE ELECTION COMMISSIONER (CONDITIONS OF SERVICE) RULES, 1994*

(G.O.Ms.NO.132, Rural Development (C1), dated 14th July, 1994)

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) and in supersession of the Tamil Nadu State Election Commissioner (Conditions of Service) Rules, 1994 issued in G.O.Ms.No.125, Rural Development Department, dated the 5th July 1994, the Governor of Tamil Nadu hereby makes the following Rules :-

RULES

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 into force on the 14th day of July 1994.

2. Definitions.- In these Rules, unless the context otherwise requires,-

(a) **"Act"** means the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994);

(b) **"Commission"** means the State Election Commission referred to in Section 239 of the Act;

(c) **"Commissioner"** means the State Election Commissioner referred to in Section 239 of the Act;

3. Appointment.- The Commissioner shall be appointed by the Governor.

4. Tenure of office.- The Commissioner shall hold office for a term of two years from the date of appointment as Commissioner and shall be eligible for re-appointment for two successive terms.

5. Cessation of Government Service.- ¹[(1)] Any person who, on the date of his appointment as Commissioner was holding a post under the Central or State Government shall be deemed to have retired from such post with effect on and from the date on which he joins duty as Commissioner;

Provided that Commissioner who, on the date of his appointment as such was in the service of or held a post under Central or State Government may opt within a period of six months from the date of appointment to the Commission to count the service as Commissioner for the purposes of pension and other retirement benefits under the Rules applicable to the service or post to which he belonged immediately before his appointment as the Commissioner. The option once exercised shall be final;

Provided further that in the event of such an option being exercised, the Commissioner shall be entitled to get his pension and retirement benefits as aforesaid only when he finally lays down his office as the Commissioner.

²[(2) Any person, who, on the date of his appointment as Commissioner was in the service of the Government of India or the Government of the State 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 Commissioner;

Provided that, in such a event, has pay as Commissioner shall be reduced by an amount equivalent to the gross pension (including any portion of the pension which may have been commuted) and the pension equivalent or other

retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately:

Provided further that the pension equivalent to Death-*cum*-Retirement Gratuity shall not be deducted from the pay.

(3) The Commissioner who at the time of his appointment as such, was in the service of the Central or the State Government, if he does not exercise the option mentioned in sub-rule (2), shall count his service as Commissioner for pension and retirement benefits under the Rules applicable to the service which he belonged immediately before such appointment.

(4) A person who has retired from service under the Government of Tamil Nadu or any other body wholly or substantially owned or controlled by the Government and who is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity, payment from any contributory provident fund or otherwise, shall when appointed as Commissioner, be eligible to count his service and pay as such benefits taking his previous service into account and to have the pension and other retirement benefits refixed on demitting office as such Commissioner and to draw the pension and retirement benefits as may become admissible less the amount of gratuity already drawn.

(5) The General Provident Fund (Tamil Nadu Rules), as amended from time to time, shall apply to the Commissioner, if he is admitted to the said Fund at his option. The authorities competent to grant advances to the Commissioner from the accounts standing to his credit shall be the Governor:

Provided that the Commissioner who on the date of his appointment was in the service of the Central or the State Government and who had been admitted to the benefits of any other Provident Fund may, instead, be allowed to continue to subscribe to that Fund in accordance with the Rules or Regulations applicable to that fund, until he reaches the date on which he must compulsorily retire from service in accordance with the Rules of his service. If the Commissioner exercises his option for subscribing to the General Provident Fund, his accumulated balance in his original Provident Fund, including the Government's contribution, if any, shall be transferred to the said Funds.]

6. Pay.- (1) The Commissioner shall receive a pay of rupees eight thousand per mensem.

(2) The Commissioner shall be entitled to draw dearness allowance, house rent allowance and city compensatory allowance and other allowances, if any at the rates applicable to the officers drawing a basic pay of Rs.8,000.

(3) (a) 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 Rules applicable to Government buildings used as residence.

(b) The Commissioner, if he owns a house, shall be entitled to draw house rent allowance at the same rate applicable to the officers drawing a basic pay of Rs.8,000 per mensem.

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

7. Leave.- A person who is appointed as Commissioner shall be entitled to grant of leave and other leave benefits like surrender, etc., as admissible to the officers of the highest class of State Civil Services.

8. Travelling Allowances.- (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 office.

(2) Travelling allowance bill of the Commissioner shall not require the counter-signature of any other authority.

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

Provided that a person who on the date immediately prior to the date of his appointment as Commissioner was holding a post under the Central or State Government, and has availed of the benefits of leave travel concession shall not be eligible for further concession until the expiry of the period specified in the relevant leave travel concession Rules, which was applicable to him.

9. Advance of traveling allowance and daily allowance.- (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 travelling allowance bill as per the Rule under Article 54 of the Tamil Nadu Financial Code, Volume 1.

10. 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.

³[**11. Status.-** ⁴[Notwithstanding anything contained in Rules 6 to 10], the conditions of service and other perquisites available to the State Election Commissioner shall be the same as admissible to a service of a Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (Central Act XXVIII of 1954), and the High Court Judges (Travelling Allowances) Rules, 1956.]

J.T. ACHARYULU
SPECIAL COMMISSIONER AND
SECRETARY TO GOVERNMENT

* Published in Tamil Nadu Government Gazette (Extraordinary), Part III-Section 1 (a), dated 14th July 1994 (Pages 1 and 3).

1. Renumbered by G.O.Ms.No.216, Rural Development(C1), dated 7th December 1994.

2. Sub-rules (2) to (5) were added by *ibid*.

3. Added by G.O.Ms.No. 216, Rural Development(C1), dated 7th December 1994.

4. Substituted by G.O.Ms.No.205, Rural Development(C1), dated 23rd November, 1995.