No. 47/2/2019-R&R
Government of India
Ministry of Power

The Director
‘Employment News’
Ministry of Information & Broadcasting,
7th Floor, Soochna Bhavan, CGO Complex,
Lodhi Road, New Delhi-110003

Subject: Filling up the post of Member, Joint Electricity Regulatory Commission (JERC) for Goa & UTs – publishing of vacancy circular in the ‘Employment News’

Sir,

I am directed to forward a copy of the vacancy circular dated 26.3.2019 regarding filling up the post of Member, Joint Electricity Regulatory Commission (JERC) for Goa & UTs and to request to publish the vacancy circular in the next edition of the Employment News (English and Hindi versions).

2. Bill for payment of the publishing charges may be sent to the undersigned along with the published copy of the vacancy circular.

Yours faithfully,

Encl: as above

(D. Chattopadhyay)
Under Secretary to the Govt of India
Tel: 2373 0265

Copy to: 1 Under Secretary (IT), Ministry of Power - with request to post the vacancy circular on the website of the Ministry.
2. Secretary, JERC for Goa & UTs, Gurgaon.
VACANCY CIRCULAR

The Joint Electricity Regulatory Commission (JERC) for Goa & UTs was set up by the Government of India under the provisions of the Electricity Act, 2003. The Commission is located at Gurgaon (Haryana). The Commission consists of a Chairperson and another Member. The post of Member in the above JERC will become vacant on 8.12.2019. It is proposed to fill up the above vacancy.

2. Appointment to the post of Member, JERC for Goa & UTs is governed by the relevant provisions of the Electricity Act and the Joint Electricity Regulatory Commission for Union Territories except Delhi (Salary, Allowances and other Conditions of Service of Chairperson and Member) Rules, 2007 amended from time to time. The pay of the Member is Rs.80,000/- fixed p.m. (pre-revised). However, if the selected candidate is a retired Additional Secretary to Government of India or equivalent or of any rank below, he shall be eligible for the pay structure of Rs.67,000 – 79,000 (HAG) or the replacement pay scale of the pre-revised scale drawn by him, as the case may be.

3. Hon’ble Supreme Court vide its judgment dated 12.4.2018 in Civil Appeal No. 14697/2015, has declared as under:

   i. Section 84(2) of the said Act is only an enabling provision to appoint a High Court Judge as a Chairperson of the State Commission of the said Act and it is not mandatory to do so.

   ii. It is mandatory that there should be a person of law as a Member of the Commission, which requires a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

   iii. That in any adjudicatory function of the State Commission, it is mandatory for a member having the aforesaid legal expertise to be a member of the Bench.

   iv. The challenge to the appointment of the Chairman and Member of the Tamil Nadu State Commission is rejected as also the suo moto proceedings carried out by the Commission.

   v. Our judgment will apply prospectively and would not affect the orders already passed by the Commission from time to time.

   vi. In case there is no member from law as a member of the Commission as required aforesaid in para 2 of our conclusion, the next vacancy arising in every State Commission shall be filled in by a Member of law in terms of clause (ii) above.

...2/-
Accordingly, the above anticipated vacancy on post of Member, JERC for Goa & UTs is to be filled up from persons, who, or have been holding a judicial office or are persons possessing professional qualifications with substantial experience in the practice of law, who have the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

4. Member of JERC for Goa & UTs shall hold office for a term of five years from the date on which he/she enters upon his/her office or till he/she attains the age of sixty-five years, whichever is earlier. The candidate will have to give a declaration that he/she does not have any financial or other interest, which is likely to affect prejudicially his/her function as Member of the above JERC.

5. Relevant extracts of the Electricity Act, 2003 relating to the requirement of qualification, experience, etc. for Member, JERC for Goa & UTs and a copy of Joint Electricity Regulatory Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2007 are available at Ministry's website www.powermin.nic.in and that of DoPT i.e. www.persmin.nic.in.

6. Applications/ nominations are invited in the proforma enclosed at Annexure, from suitable persons having qualification and experience as mentioned above for appointment as Member, JERC for Goa & UTs so as to reach the Ministry latest by 5.30 p.m. on 06.05.2019, addressed to the Director (R&R), Ministry of Power, 2nd Floor (Room No.220A), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001.

Encl: as above

(D. Chattopadhyay)
Under Secretary to the Govt of India
Tel : 2373 0265
Annexure

Application to the post of Member, Joint Electricity Regulatory Commission (JERC) for Goa and Union Territories

1. Name of Post : Member, JERC for Goa and Union Territories

2. Date of Vacancy : 08.12.2019

3. Name of Applicant :

4. Father’s Name :

5. Present post held (since……..) :

6. Date of Birth of Applicant (DD/MM/YYYY) :

7. Age of Applicant on date of Vacancy: …Years ……Months………Days

8. Correspondence Address :

9. Phone Number :

10. Mobile Number :

11. Email ID :

12. Educational Qualification(s) [ In reverse chronological order]

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<th>Sl. No.</th>
<th>Name of University/equivalent institution</th>
<th>Degree</th>
<th>Year of passing</th>
<th>Subject/specialization</th>
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13. Experience (last 15 years):

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<th>To (Date)</th>
<th>Department/Organization/Institute</th>
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Any other relevant facts the Applicant may like to share (limited to 500 words):

Note:- copies of certificates and ACRs/APARs should not be enclosed at this stage.

Declaration

1. I ................. hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Member, JERC for Goa and Union Territories, in the event of my selection.

2. The information furnished above is correct to the best of my knowledge and belief and nothing has been suppressed. I understand that in the event of my selection, if it is found at a later stage that any information furnished above is false or misrepresented, or any information or fact is suppressed, my selection is liable to be cancelled.

Place:                                     Signature:

Date:                                      Name:
Section 2 (64) "State Commission" means the State Electricity Regulatory Commission constituted under sub-section (1) of section 82 and includes a Joint Commission constituted under sub-section (1) of section 83;

Section 82: (1) Every State Government shall, within six months from the appointed date, by notification, constitute for the purposes of this Act, a Commission for the State to be known as the (name of the State) Electricity Regulatory Commission:

Provided that the State Electricity Regulatory Commission, established by a State Government under section 17 of the Electricity Regulatory Commissions Act, 1998 and the enactments specified in the Schedule, and functioning as such immediately before the appointed date shall be the State Commission for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts.

Provided further that the Chairperson and other Members of the State Commission appointed before the commencement of this Act under the Electricity Regulatory Commissions Act, 1998 or under the enactments specified in the Schedule, may on the recommendations of the Selection Committee constituted under sub-section (1) of Section 85 be allowed to opt for the terms and conditions under this Act by the concerned State Government.

(2) The State Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the State Commission shall be at such place as the State Government may, by notification, specify.

(4) The State Commission shall consist of not more than three Members, including the Chairperson.

(5) The Chairperson and Members of the State Commission shall be appointed by the State Government on the recommendation of a Selection Committee referred to in section 85.

Section 83: (1) Notwithstanding anything to the contrary contained in section 82, a Joint Commission may be constituted by an agreement to be entered into –

(a) by two or more Governments of States; or

(b) by the Central Government, in respect of one or more Union territories, and one or more Governments of States, and shall be in force for such period and shall be subject to renewal for each further period, if any, as may be stipulated in the agreement:
Provided that the Joint Commission, constituted under section 21 A of Electricity Regulatory Commissions Act, 1998 and functioning as such immediately before the appointed day, shall be the Joint Commission for the purposes of this Act and the Chairperson, members, Secretary and other officers and employees thereof shall be deemed to have been appointed as such under this Act and they shall continue to hold office, on the same terms and conditions on which they were appointed under the Electricity Regulatory Commissions Act, 1998.

(2) The Joint Commission shall consists of 1 Member from each of the participating States and Union Territories and the Chairperson shall be appointed from amongst the Members by consensus, failing which by rotation.

(3) An agreement under sub-section (1) shall contain provisions as to the name of the Joint Commission, the manner in which the participating States may be associated in the selection of the Chairperson and Members of the Joint Commission, manner of appointment of Members and appointment of Chairperson by rotation or consensus, places at which the Commission shall sit, apportionment among the participating States of the expenditure in connection with the Joint Commission, manner in which the differences of opinion between the Joint Commission and the State Government concerned would be resolved and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

(4) The Joint Commission shall determine tariff in respect of the participating States or Union Territories separately and independently.

(5) Notwithstanding anything contained in this section, the Central Government may, if so authorised by all the participating States, constitute a Joint Commission and may exercise the powers in respect of all or any of the matters specified under sub-section (3) and specifically so authorized by the participating States.

Section 84: (1) The Chairperson and the Members of the State Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management.

(2) Notwithstanding anything contained in sub-section (1), the State Government may appoint any person as the Chairperson from amongst persons who is, or has been, a Judge of a High Court:

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of that High Court.

(3) The Chairperson or any other Member of the State Commission shall not hold any other office.
The Chairperson shall be the Chief Executive of the State Commission.

Section 86. (1) The State Commission shall discharge the following functions, namely:

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State: Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

(c) facilitate intra-state transmission and wheeling of electricity;

(d) issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;

(e) promote conegenration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licence;

(f) adjudicate upon the disputes between the licensees, and generating companies and to refer any dispute for arbitration;

(g) levy fee for the purposes of this Act;

(h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;

(i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;

(j) fix the trading margin in the intra-State trading of electricity, if considered, necessary; and

(k) discharge such other functions as may be assigned to it under this Act.

(2) The State Commission shall advise the State Government on all or any of the following matters, namely:-

(i) promotion of competition, efficiency and economy in activities of the electricity industry;

(ii) promotion of investment in electricity industry;

(iii) reorganization and restructuring of electricity industry in the State;

(iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.
(3) The State Commission shall ensure transparency while exercising its powers and discharging its functions.

(4) In discharge of its functions the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.

Section 89. (1) The Chairperson or other Member shall hold office for a term of five years from the date he enters upon his office;

Provided that the Chairperson or other Member in the Central Commission or the State Commission shall not be eligible for re-appointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such:

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.

(2) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by the Appropriate Government.
Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(3) Every Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1), a Member may-
(a) Relinquish his office by giving in writing to the Appropriate Government a notice of not less than three months; or
(b) be removed from his office in accordance with the provisions of section 90.
(5) Any member ceasing to hold office as such shall –
(a) not accept any commercial employment for a period of two years from the date he ceases to hold such office; and
(b) not represent any person before the Central Commission or any State Commission in any manner.

Explanation. - For the purposes of this sub-section "commercial employment" means employment in any capacity in any organisation which has been a party to the
proceedings before the Appropriate Commission or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in electricity industry and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

Section 90: (1) No Member shall be removed from office except in accordance with the provisions of this section.
(2) The Central Commission, in the case of a Member of the Central Commission, and the State Government, in the case of a Member of the State Commission, may by order remove from office any Member, if he-
(a) has been adjudged an insolvent;
b) has been convicted of an offence which, in the opinion of the Appropriate Government, involves moral turpitude;
c) has become physically or mentally incapable of acting as a Member;
d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;
e) has so abused his position as to render his continuance in office prejudicial to the public interest; or (f) has been guilty of proved misbehaviour:

Provided that no Member shall be removed from his office on any ground specified in clauses (d), (e) and (f) unless the Chairperson of the Appellate Tribunal on a reference being made to him in this behalf by the Central Government, or the State Government, as the case may be, has, on an inquiry, held by him in accordance with such procedure as may be prescribed by the Central Government, reported that the Member ought on such ground or grounds to be removed.

(3) The Central Government or the State Government, as the case may be, may, in consultation with the Chairperson of the Appellate Tribunal suspend any Member of the Appropriate Commission in respect of whom a reference has been made to the Chairperson of the Appellate Tribunal, under sub-section (2) until the Central Government or the State Government, as the case may be, has passed orders on receipt of the report of the Chairperson of the Appellate Tribunal, on such reference:

Provided that nothing contained in this section shall apply to the Chairperson of the Appropriate Commission who, at the time of his appointment as such is a sitting Judge of the Supreme court or the chief Justice of a High Court or a Judge of a High Court.

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स. का. नि. 211(अ)---केंद्रीय सरकार, विद्युत अधिनियम, 2003 (2003 का 36) की धारा 89 के खिलाफ (2) और खिलाफ (3) द्वारा प्रदत्त संदेह की प्रयोग करते हुए निम्नलिखित नियम बनाता है, अथवा :-

1. संकषण नाम और प्रारंभ।-(1) इस नियम का संकषण नाम संपूर्ण राज्य-क्षेत्रों के लिए, दिल्ली को छोड़कर, संयुक्त विद्युत विनियमक आयोग (अवधारणा और सरकार के विभाग, पंजीयन और सेवाओं की अन्य तरीकों) नियम, 2007 है।

2. परिभाषाएँ।-(1) इन नियमों में, जब तक फरंद धारा 23 के अन्तर्गत अर्थव्यवसाय में गोपनीयता न हो तब तक,

(क) "अधिनियम" से विद्युत अधिनियम, 2003 अधिनियम है; और

(ख) "आयोग" से संपूर्ण राज्य-क्षेत्रों के लिए संयुक्त विद्युत विनियमक आयोग अधिनियम है।

3. पद और गोपनीयता की शपथ।--आयोग का अवधारणा और सरकार अपने पद ग्रहण से पूर्व विद्युत मंत्रालय के भारतीय सरकार के समस्त पद और गोपनीयता की शपथ प्रतिष्ठित करने। पद और गोपनीयता की शपथ निम्नलिखित प्रति में दिलाई जाएगी।

गोपनीयता की शपथ

मैं, _______________ इस्लाम की शायद लेकर हूँ और सरकार से प्रतिबद्ध करता हूँ कि जो लिखत संबंध राज्य क्षेत्रों के लिए दिल्ली को छोड़कर, संयुक्त विद्युत विनियमक आयोग के अवधारणा/सरकार के रूप में मेरे विचार के लिए लाए जाएगा अथवा अपने पद ग्रहण से पूर्व विद्युत मंत्रालय के भारतीय सरकार के समस्त पद और गोपनीयता की शपथ प्रतिष्ठित करने। पद और गोपनीयता की शपथ निम्नलिखित प्रति में दिलाई जाएगी।

952 GIL2007 (1)
4. उद्देश्य- संयुक्त आदेश का अध्यक्ष और सदस्य प्रतिवेदन छब्बीस हजरत सरपे के वेतन प्राप्त करने के इकाइयों होंगे।

पंतपुरी अधिकार या सदस्य के रूप रूप में नियुक्त व्यक्ति निम्न स्तरों से पेशेवर व्यक्ति करता है।

(क) सचिव सरकारी जिसमें रखते, रक्षा डाक और दूसरे स्वास्थ्य सामान्य है; या

(ख) रचना महाराजी और सचिव राज्य स्तर स्तर में।

(ग) सरकारी दर, उपक्रम, स्वास्थ्य नियंत्रण, स्वास्थ्य नियंत्रण जैसे विचारविद्यालय या अंतर सरकारी समूह, जैसे पटना। न्याय; 

तो ऐसे व्यक्ति के वेतन में से उसका द्वारा प्राप्त की जाने वाली पेशेवर की मूल न्याय को घटा दिया जाएगा।

यद्यपि यह और भी कि अध्यक्ष या सदस्य सरपे के ऐसे पदाधिकार के पूर्व मूल वेतन पर भारी प्राप्त करने का हकदार होगा।

5. महाराणा भगतन और महाराणा प्रतिकारक भागी—अध्यक्ष और सदस्य केंद्रीय सरकार के स्वभाव 'क' के अधिकारी जो इनके समतुल्य वेतन प्राप्त कर रहे हैं, को अनुदंि कर देगा। उनका स्वभाव भागी और अन्य प्राप्त करने के इकाइयों होंगे।

6. छुट्टी—अध्यक्ष या सदस्य से के प्रत्येक वर्ष के लिए ही इस विधि की उपलब्ध की छुट्टी का प्राप्त करें। छुट्टी के दौरान छुट्टी के वेतन का संयुक्त सरकार सरकारी विधेयक सेवा (छुट्टी) नियम, 1972 के नियम 40 के उपरात्कों के अंतर्गत मान्य रहेगा।

7. छुट्टी कम्पनी करने वाला प्रतिकारी—अध्यक्ष के रूप में, विद्युत मंत्रालय का भारतीय विद्युत सरकार और सदस्य के रूप में अध्यक्ष छुट्टी ग्राहक करता वाला प्रतिकारी होगा।

8. भविष्य निधि—अध्यक्ष और सदस्य अंतरालाय पार्थिव निधि नियम, 1962 के उपरात्कों द्वारा शामिल रहेगी और सार्वजनिक भविष्य निधि नियम (केन्द्रीय सरकार), 1960 के उपरात्कों के अंतर्गत सरकार का कोई विकल्प उत्पाद नहीं होगा। आदेश में की गई सेवा के लिए अतिरिक्त पैसे और उपरात्कों अनुदेश नहीं होंगे।

9. बाजार भागी—(1) अध्यक्ष और सदस्य भागी के दौरान दौरान सरकार वा आदेश में कार्यभार प्राप्त करने के लिए व्यवस्था और उनके दौरान दौरान दे निकाल या आदेश में प्रतिकारण के पर्यवेक्षण पर अन्य केंद्रीय सरकार उनके करें। उनमें निकल निदान समय के पर्यवेक्षण के लिए उन्होंने वापस और उनके दौरान पर इकाइयों होंगे जो समतुल्य प्राप्त प्राप्त करने वाले केंद्रीय सरकार के समान 'क' को अधिकारी को लागू होती है।

(2) अध्यक्ष और सदस्य द्वारा दे जाने वाले विदेशी दीवार के लिए जिन्हें विद्युत मंत्रालय का भारतीय संस्थान मंत्री और समीकरण की अनुबंध समीकरण का पूर्वानुमान और विदेश मंत्रालय से राजनीतिक उच्चाधिकारियों के और विदेशी अधिकारियों (विदेशी) अधिकारियों, 1976 के उपरात्कों के अंतर्गत वेतन एवं निरीक्षण करने के लिए यदि कोई हो तो, यह मंत्रालय से अनप्राप्त बदल होगी।

परन्तु विदेशी दीवार के अवधि के दौरान नैतिक भाव के और होना आवश्यक व्यवस्था ऐसे आदेशों के जो केंद्रीय सरकार के समतुल्य वेतन प्राप्त करने वाले समान 'क' के अधिकारी को लागू होगा। अन्य अनुदेशों के अनुकूल होगा।

10. छुट्टी या विदेशी—अध्यक्ष और सदस्य उनकी वेतनान्तर और उनके दौरान पर जो समतुल्य वेतन प्राप्त करने वाले केंद्रीय सरकार के समान 'क' के अधिकारी को लागू होते हैं, छुट्टी या विदेशी वाले प्राप्त करने के हकदार होंगे।

11. आदेश सुचिवाल—(1) अध्यक्ष और सदस्य संयुक्त आदेश के पुस्तकालय में आदेश के लिए मानना करें। प्राप्त के हकदार हैं जैसे कि ममतुस वेतन प्राप्त वाले केंद्रीय सरकार के अधिकारी की मान्यता में लागू है।
(2) पद्धति पर आवास की दशा में, हकदारी कॉडीय सरकार द्वारा अनुसूची ‘क’ के पवित्र ऐक्य उद्योग के अध्यक्ष और प्रबंध निदेशक की हकदारियों की ध्यान में रखते हुए सार्वजनिक उद्योग विभाग द्वारा समस्त-समय पर विनिर्दिष्ट कृतियों का क्षेत्र और निर्यात की अधिकृत सीमा के अनुसार तथा टाइम-6 के आवासों के लिए शहरी विकास मंत्रालय द्वारा विनिर्दिष्ट बाधाओं के क्रम और कृतियों का भी ध्यान में रखते हुए की जायेगी:

परन्तु ऐसी पद्धति पर आवास के लिए जो अध्यक्ष या सदस्य की हकदारी के अनुसार और उसके भीतर है, ताकि अनुमोदित कौशल या होती हो जो समर्थन वैदेय प्राप्त करने वाले कॉडीय सरकार के समूह ‘क’ के अधिकारी की दशा में है:

परन्तु यह और कि ऐसी पद्धति पर आवास के लिए जो हकदारी से उत्तरार्थ है, यथायोग्य प्रति अध्यक्ष या सदस्य के वैदेय से मूल वैदेय के अनुसार, वेधसंग्रह सिद्ध किया जा रहा पर वैदेय की जायेगी।

12. परिवहन—अध्यक्ष और सदस्य की सदस्यीय यात्रा का उपयोग करने अथवा ऐसी ध्यानित की प्रति पृथ्वी को कॉडीय सरकार द्वारा समस्त-समय वैदेय प्राप्त करने वाले कॉडीय सरकार के समूह ‘क’ के अधिकारी के संबंध में समस्त-समय पर उसके अनुमोदित की तरह उपयोग करने और उसके रख-रखाव के लिए लिया किया जाए, का विकल्प अनुमोदित होगा।

13. विनिर्दिष्ट उद्योग—अध्यक्ष और सदस्य ऐसी विनिर्दिष्ट प्रति पृथ्वी और सृजन के हकदार होंगे जो समस्त-समय वैदेय प्राप्त करने वाले कॉडीय सरकार के समूह ‘क’ के अधिकारी को लगाया हो।

14. टेलीफोन सुविधा, सरकारी अधिपत्य और मनोरंजन यथावत—अध्यक्ष और सदस्य ऐसे टेलीफोन सुविधा, सरकारी अधिशक्तियों और मनोरंजन यथावत के लिए पात्र होंगे जो समस्त-समय वैदेय प्राप्त करने वाले कॉडीय सरकार के समूह ‘क’ के अधिकारी का अनुमोदित है।

15. सेवा की अन्य शाखाएं—अध्यक्ष और सदस्य की सेवा की अन्य शाखाएं जिनकी यात्रा इन विवेचनों में कोई स्पष्ट उपयोग नहीं किया गया है, वे होंगी की समस्त-समय वैदेय प्राप्त करने वाले कॉडीय सरकार के समूह ‘क’ के अधिकारी पर लागू हैं।

16. विशेष विवेचन करने की शक्ति—जहाँ कॉडीय सरकार की यह अधिकार है कि ऐसा करना आदर्शक या सम्मिल्लित है, वहाँ यह उसके लिए जो कारण है उन्हें लेखन करने और जन हित में इस विवेचन के किसी उपबन्ध का आदेश द्वारा सिद्धित कर सकते हैं।

[फा सं/47/2005–आर.एन.आर.]

निरीक्ष भर, प्रभान, समय सन्धि

MINISTRY OF POWER
NOTIFICATION

New Delhi, the 19th March, 2007

G.S.R. 211(E).—In exercise of the powers conferred by clause (2) and (3) of Section 89 of the Electricity Act, 2003 (36 of 2003) the Central Government hereby makes the following rules, namely:

1. Short title and commencement.—(1) These rules may be called the Joint Electricity Regulatory Commission for Union Territories except Delhi (Salary, Allowances and other Conditions of Service of Chairperson and Member) Rules, 2007.

(2) They shall come into force on 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; and

(b) "Commission" means Joint Electricity Regulatory Commission for Union Territories.

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

3. Oath of office and secrecy.—The Chairperson and Member of the Commission shall, before entering upon his office, subscribe to an oath of office and secrecy before the Minister-in-charge of the Ministry of Power. The oath of office and secrecy shall be administered in the following form:
Oath of Secrecy

I, ................. do swear in the name of God and solemnly affirm that I shall not directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Chairperson/Member of the Joint Electricity Regulatory Commission for Union Territories except Delhi, except as may be required for the due discharge of my duties as such Chairperson/Member.

Oath and affirmation of allegiance to Constitution

I, ................. having been appointed Chairperson/Member of the Joint Electricity Regulatory Commission for Union Territories except Delhi, do swear in the name of God and solemnly affirm that I shall bear true faith and allegiance to the Constitution of India as by law established, that I shall uphold the sovereignty and integrity of India, that I shall duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws of the land.

4. Pay.—The Chairperson and Member of the Joint Commission shall be entitled to receive a pay of rupees twenty six thousand per month:

Provided that in case a person appointed as the Chairperson or Member is in receipt of pension from:

(a) Union Government including Railways, Defence, Posts and Telecommunication; or

(b) State Governments and Union Territory Administrations; or

(c) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organizations like Port Trusts;

the pay of such person shall be reduced by the gross amount of pension drawn by him:

Provided further that the Chairperson or Member shall be entitled to receive allowances on the original basic pay before such fixation of pay.

5. Dearness allowance and city compensatory allowance.—The Chairperson and Member shall be entitled to receive dearness allowance and city compensatory allowance, and other allowances at the rate admissible to a Group ‘A’ Officer of the Central Government drawing an equivalent pay:

6. Leave.—The Chairperson or Member shall be entitled to thirty days earned leave for every year of service. The payment of leave salary, during leave, shall be governed under the provisions of rule 40 of Central Civil Services (Leave) Rules, 1972.

7. Leave sanctioning authority.—In the case of the Chairperson, the Minister-in-charge of the Ministry of Power, and in the case of Member, the Chairperson, shall be the leave sanctioning authority.

8. Provident Fund.—The Chairperson and Member shall be governed by the provisions of the Contributory Provident Fund (India) rules, 1962 and no option to subscribe under the provisions of the General Provident Fund Rules (Central Services), 1960 shall be available. Additional pension and gratuity shall not be admissible for service rendered in the Commission.

9. Travelling allowances.—(1) The Chairperson and Member while on tour within India or for the journey undertaken by self and family to join the Commission or on the expiry of term with the Commission to proceed to his home town with family shall be entitled to the journey allowance, daily allowance and transportation of personal effects at the same scale and at the same rates as are applicable to a Group ‘A’ Officer of the Central Government drawing an equivalent pay.

(2) Foreign tours to be undertaken by the Chairperson or Member shall require prior approval of the Minister-in-charge of the Ministry of Power and of the Screening Committee of the Secretaries and clearance from the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provisions of the Foreign Contribution (Regulation) Act, 1976:

Provided that the daily allowance and provision for hotel accommodation during the period of tour abroad, shall be in accordance with such orders of the Central Government as are applicable to a Group “A” officer of the Central Government, drawing an equivalent pay and as per the economy instructions or other instructions issued by the Ministry of Finance from time to time.

10. Leave travel concession.—The Chairperson and Member shall be entitled to leave travel concession at the same scale and at the same rates as applicable to Group ‘A’ Officers of the Central Government drawing an equivalent pay.
11. Accommodation.—(1) The Chairperson and Member shall be entitled for House Rent Allowance for residence located at the headquarter of the Joint Commission at the rate as applicable in the case of a Central Government officer drawing equivalent pay.

(2) In the case of a leased accommodation, the entitlement shall be determined by the Central Government keeping in view the entitlements of the Chairman and Managing Director of a Schedule “A” public sector enterprise in terms of plinth area and rental ceiling specified by the Department of Public Enterprises from time to time and also taking into consideration the market rent and plinth area specified by the Ministry of Urban Development for Type VI accommodation:

Provided that for such leased accommodation which is according to and within the entitlement of the Chairperson or the Member, the standard license fee shall be the same as in the case of a Group “A” officer of the Central Government drawing an equivalent pay:

Provided further that for leased accommodation which is higher than the entitlement, recovery at the rate of ten per cent of the basic pay i.e., without deducting pension shall be made from the salary of the Chairperson or Member, as the case may be.

12. Transport.—The Chairperson and Members shall be allowed the option to make use of an official vehicle or reimbursement of such amount as may be fixed by the Central Government from time to time in respect of a Group “A” officer of the Central Government drawing an equivalent pay for the use and maintenance of his personal car.

13. Medical treatment.—The Chairperson and Members shall be entitled to medical reimbursement and facility as may be applicable to a Group “A” officer of the Central Government drawing an equivalent pay.

14. Telephone facility, official meetings and entertainment expenses.—The Chairperson and a Member shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to a Group “A” officer of the Central Government drawing an equivalent pay.

15. Other conditions of services.—Other conditions of service of the Chairperson and a Member, with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group “A” officer of the Central Government drawing an equivalent pay.

16. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, in the public interest by order and for reasons to be recorded in writing, relax any of the provisions of these rules.

[F. No. 47/1/2005-R&R]
GIREESH B. PRADHAN, Jt. Secy.