

Tamil Nadu State Co-operative Societies Election Commissioner (Conditions of Service) Rules,2013

[G.O . Ms. No. 40,Cooperation, Food and Consumer Protection (CJI),5th May 2014

No. SRO A- 11/2014.- *In exercise of the powers conferred by sub- section (1) and (2) of Section 180 read with sub-section(5) of section 33-A of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983), 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 Co-operative Societies Election Commissioner (Conditions of Service) Rules,2013

(2) They shall come into force on the 5th February,2013.

2. Definition.— In these rules, unless the context otherwise requires,--

(a) “**Act**” means the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) ;

(b) “**Commission**” means the Tamil Nadu State Co-operative Societies Election Commission referred to in Section 33-A of the Act ;

(c) “ **Commissioner**” means the Tamil Nadu State Co-operative Societies Election Commissioner appointed under sub-section 2 of Section 33-A of the Act;

(d) “ **Rules**” means the Tamil Nadu State Co-operative Societies Rules, 1988.

3. Appointment.—The Commissioner shall be appointed by the Government.

4. Cessation of Government service.—(1) Any person who, on the date of his appointment as Commissioner, is 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 enters upon his office as the Commissioner:

Provided that Commissioner who, on the date of his entering upon his office as the Commissioner held a post under the central or State Government may opt within a period of six months from the date of his entering upon his office as the Commissioner to count the service as Commissioner for the purposes of pension and other retirement benefits under the rules applicable to the 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) Any person, who, on the date of his entering upon his office as Commissioner 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 entering upon his office 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 assuming office as Commissioner :

Provided that, in such an event, his 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 under sub-rule (2), shall count his service as Commissioner for pension and retirement benefits under the rules applicable to the service to 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, pay and such benefits taking his previous service into account and to have the pension and other retirement benefits re-fixed on demitting office as 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 Government :

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 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 Fund.

5. Pay.—(1) The Commissioner shall receive a salary, which, together with pension and pension equivalent of other forms of retirement benefits shall not exceed the pay last drawn per month, which will be regulated as per Rule 44 of the Tamil Nadu Pension Rules, 1978.

If a sitting person is appointed as Commissioner, he shall receive pay and other allowances and perquisites applicable to his respective post in the parent department till the date of his superannuation.

(2) The Commissioner shall be entitled to draw Dearness Allowance, House Rent Allowance, City Compensatory Allowance and other allowances, if any, as applicable as per orders in force.

(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 as applicable as per orders in force.

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

6. Leave.—A person who is appointed as Commissioner shall be entitled to grant of leave as applicable to the cadre of Secretary to Government.

7. Travelling allowances.—(1) The Commissioner shall be entitled to draw travelling and daily or other allowances as applicable to the cadre of Secretary to Government.

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

(3) The Commissioner may avail leave travel concession as applicable to the cadre of Secretary to Government:

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 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.

8. 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) The advance so drawn shall be adjusted in the appropriate traveling allowance bill, as per the rule under Article 54 of the Tamil Nadu Financial Code, Volume 1.

9. Medical attendance.—The Commissioner shall be entitled to draw medical attendance benefit as applicable to the cadre of Secretary to Government.