

**The Odisha State Election Commissioner
(Appointment, Conditions of Service and
Miscellaneous Provisions) Rules, 1994 and
Amendment Rules, 2014.**

Rule	Contents	Page No.
1	Short title and commencement	1
2	Definition	1-2
3	Qualification for appointment as the Election Commissioner	2
4	Terms of Office	2
5	Oath of allegiance	3
6	Salary and allowances	3-6
7	Filling of casual vacancy	6
7A	Filling of leave vacancy	7
8	Interim period to be within the term of Office	7
9	Power to remove difficulties	7

**ODISHA STATE ELECTION COMMISSIONER
(APPOINTMENT, CONDITIONS OF SERVICE &
MISCELLANEOUS PROVISIONS) RULES, 1994*
And AMENDMENT RULES, 2014****

S. R. O. No. 442/94 -In exercise of the powers conferred by clause (2) of Article 243-K of the Constitution of India and in cancellation of the notification of the Governor of Odisha in the Panchayati Raj Department No.1685, dated the 29th January, 1994 published in the Extraordinary issue No.120 of the Orissa Gazette, dated the 31st January, 1994, the Governor of Orissa has been pleased to make the following rules, namely:-

Short title and commencement.

1. (1) These rules may be called the Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994 and Amendment Rules, 2014.

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

Definition.

2. Unless the context otherwise require:-

(a) ***Omitted.

(b) “Commissioner” means the State Election Commissioner, appointed under Article 243-K of the Constitution;

(c) “Civil Servant” means and includes a member of the All-India Service or State Civil Service;

*Published in Extraordinary Orissa Gazette No.566 bearing S.R.O NO.442/94 dated. 19.05.1994 and

**Published in Extraordinary Odisha Gazette No.699 bearing S.R.O.No167/2014 dated 23.04.2014.

***Omitted vide P.R. Deptt. Notification No.6184/PR dated 10.04.2014 & published in Extraordinary Odisha Gazette No.699 bearing S.R.O.No167/2014 dated 23.04.2014.

* (d) 'Pay last drawn' means the pay drawn by the person concerned while in Government service or the minimum of the corresponding revised scales of pay, if any, of the post last held by him, whichever is higher;

* (e) 'Pension' means the pension as defined in rule 34 of the Odisha Service Code.

Qualification for appointment as the Election Commissioner.

3. (1) No person shall be qualified for being appointed as the Commissioner, if he is not -

- (a) a retired Judge of the High Court; or
- (b) a retired District Judge; or
- (c) a retired Civil Servant; or
- (d) a serving Civil Servant;

(2) If a person, immediately before his appointment, was under employment as a civil servant under the State or Central Government, he shall be deemed to have demitted his office as such with effect from the date of his appointment as Commissioner.

Term of Office.

4. (1) The tenure of the office of the Commissioner shall be ** Five years" or till the Commissioner attains the age of sixty-five years, whichever is earlier.

(2) Notwithstanding anything contained in sub-rule (1), the Commissioner may, by writing under his hand, addressed to the Governor, resign from his office at any time.

*Added Vide P.R (G.P) Dept. Notification No.23731, dated 08.12.1988

**Substituted vide P.R (G.P) Dept. Notification No.10095/GP., dated 31.05.1996

Oath of
allegiance.

5. The Commissioner shall, before entering upon his office; make an oath or affirmation of his allegiance to the Constitution in the following form, namely:-

“Ihaving
been appointed as the State Election Commissioner, swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter”.

Salary &
Allowances
and leave
etc.

**6. (1) There shall be paid to the Commissioner, the salary and allowances of a Judge of a High Court:

Provided that if the Commissioner at the time of his appointment is in receipt of or being eligible to receive any pension and had elected to draw or receive the pension (other than disability or wound pension) in respect of any previous service under the Government of the Union or of a State, his salary in respect of service as a Commissioner, shall be reduced-

- (i) by the amount of that pension:
- (ii) if he had, before assuming office, received in lieu of a pension due to him in respect of such previous service, the commuted value of that portion of the pension; and
- (iii) by any other form of retirement benefits, including Temporary increase being drawn or availed of by him.

**Substituted vide P.R (G.P) Deptt. Notification No.6184/PR dated 10.04.2014.

**Published in Extraordinary Odisha Gazette No.699 bearing S.R.O.No167/2014 dated 23.04.2014.

(2) A person who on the date of appointment as a Commissioner of the Commission, was in the service of the Government of India or the Government of Odisha or a District Judge or any officer, shall be deemed to have retired from Service with effect from the date on which he enters upon his office as a Commissioner of the Commission.

(3) A person, on appointment as Commissioner shall be entitled to the following leave namely:-

(i) earned leave of fifteen days for every completed calendar year of service or a proportionate number of days for a part thereof and the leave salary for earned leave shall be equivalent to his salary drawn prior to proceeding on leave;

(ii) half, pay leave on medical certificate or on private affairs of twenty days in respect of each completed calendar year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) Leave on half pay can be computed to full pay leave if it is taken on self Medical ground and is supported by a Medical Certificate from the competent medical authority;

(iv) Extraordinary leave without pay and allowances up to a maximum of one hundred eighty days in one term of office; however, there shall be no break in the term of office due to such leave if availed on the ground of self illness;

(4) On the Expiry of a term in the Commission, the Commissioner shall be entitled to received cash equivalent of leave salary in respect of earned leave standing to his credit subject to condition that the maximum of leave encashed under this sub- rule or at the time of retirement from previous service, as the case may be or taken together shall not in any case exceed 300 days.

(5) The Commissioner shall be entitled to receive dearness allowance as admissible on the leave salary under sub-rule. (4) at the rates in force on the date of the relinquishment of their office in the Commission:

Provided that he shall not be entitled to city compensatory allowance or any other allowance on such leave.

(6) If a sitting Judge of the High Court is appointed as a Commissioner, then, notwithstanding anything contained in sub-rules (3), (4) or (5) the provision of chapter-II of the High Court Judges (Conditions of Service Act, 1954 shall apply to him up to the date of his superannuation as a sitting Judge of a High Court and thereafter he shall be entitled to leave in accordance with the provisions of sub-rules (3) to (5) of this rule.

(7) Casual Leave is admissible to the Commissioner up to 15 days in a calendar year. Casual Leave for the Commissioner shall be sanctioned by the Governor.

(8) Casual leave combined with Sunday and other authorized holidays should not exceed 10 days at a time.

(9) The Commissioner shall be entitled to leave travel concession at the same rate and at the same scale and on the same conditions as are applicable to a judge of a High Court.

(10) The power to grant or refuse leave to the Commissioner and to revoke or curtail leave granted to him, shall vest with the Governor.

(11) The Commissioner, while on tour (including the journey undertaken to join the Commission or on the expiry of his term with the Commission to proceed to his home town) shall be entitled to travel allowances, allowances for transportation of personal effects and other similar matters and daily allowances at the same rates as are admissible to a Judge of a High Court.

(12) The conditions of service-relating to provision for rent free accommodation, conveyance facilities, medical facilities and such other conditions of service as are, for the time being, applicable to a Judge of a High Court under Chapter IV of the High Court Judges (Conditions of Service) Act, 1954 and the rules made there under shall, so far as may, apply to the Commissioner.

(13) The conditions of service of the Commissioner for which no express provisions are made in these rules shall be determined by the rules and orders for the time being applicable to the highest civil servant of the Government of Odisha.

(14) Person appointed to the Commission as the Commissioner shall be entitled to pension calculated at the rate of rupees four thousand seven hundred sixteen per annum, provided that no such pension shall be payable, if he has put in less than two years of service with the Commission:

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

Filling of casual vacancy.

7. The casual vacancy in the office of the Commissioner due to death, resignation, removal or otherwise shall be filled up by the Governor by fresh appointment in accordance with the provisions of these rules.

Filling of
leave
vacancy.

** 7 A. (1) Whenever the Commissioner proceeds on leave, other than casual leave, the Governor shall, by notification, direct a civil servant not below the rank of Principal Secretary under the State Govt., to remain in charge of the office of the Commissioner till the Commissioner On leave returns and joins on duty.

(2) The provisions of sub-rule (2) of rule 3 shall not apply to the Civil Servant while functioning as the Commissioner under Sub-rule (1)

Interim period
to be within
the term of
office.

8. The term of office of the Commissioner shall be deemed to include any period which may elapse between the date on which the Commissioner ceases to be in office and the date from which the succeeding Commissioner enters upon office.

Power to
remove
difficulties.

9. (1) If any doubt or difficulty arises in implementing these rules the Governor may, subject to the proviso to clause (2) of Article 243-K, by order, published in the official Gazette, make orders, as may be necessary, for removing the doubt or difficulty.

(2) Every order made under this rule shall be laid before the State Legislature as soon as may be after it is made.

** Inserted Vide P.R.(GP) Deptt. Notification No.9170/GP. Dtd. 10.05.2001.

hmm
12.9.22

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2523, CUTTACK, THURSDAY, AUGUST 25, 2022 / BHADRA 3, 1944

[No.16282-PR-SEC-ESTT-0003/2022/PR.]

PANCHAYATI RAJ & D.W DEPARTMENT

RESOLUTION

The 25th August, 2022

B'
soilai
12/9/2022

Sub.: The Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994 and Amendment Rules, 2014.

The State Election Commission, Odisha had submitted a proposal vide its letter No.7047, dated the 24th May, 2022 for amendment in the State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994 and Amendment Rules, 2014.

The objective of the amendment proposal is to enhance the period of Earned Leave provided to the State Election Commissioner from the existing 15 days under rule-6(3) (i) of the said Rules to 30 days in a calendar year.

The subject matter of the Odisha Leave Rules comes under the purview of the Finance Department and hence the approval of the Finance Department has been taken to this effect. Further, kind approval of the Competent Authority has been obtained to proceed for amendment.

The necessity for amendment arises as the Commissioner enjoys status of a High Court Judge in terms of the existing provisions. However, unlike the High Court Judge, he is not entitled to Summer Vacation and Winter Holidays.

Therefore, the permissible Earned Leave (EL) provided to the State Election Commissioner is enhanced to 30 days from existing 15 days. This will be effective from this Calendar Year.

Necessary amendment to the Odisha State Election Commissioner (Appointment, Conditions of Service and Miscellaneous Provisions) Rules, 1994 is being made separately.

This Resolution supersedes the previous Resolution No. 16238-PR-SEC-ESTT-0003-2022, dated the 24th August, 2022.

By Order of the Governor
A.K.K. MEENA
Principal Secretary to Government

DY No 2050/Sec
103.22

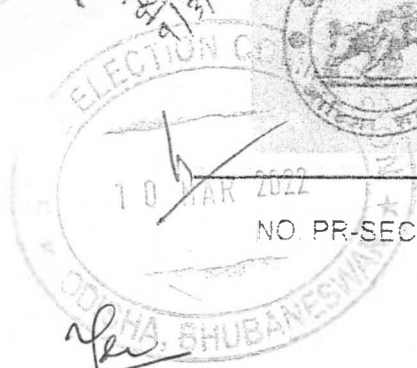
(239)

1/3
A. Issue
9/3/22



ଓଡିଶା ସରକାର
ପଞ୍ଚାୟତିରାଜ ଓ ସାମାଜିକ କଲ୍ୟାଣ
Government of Odisha
Panchayati Raj & C.W Department

Odisha Lot Seva Bhawan
Sachibabara Marg
Bhubaneswar - 751001
Fax 0674 - 2391413
E-mail: osec@nic.in



NO. PR-SEC-ESTT-0001-2022 2158 PR & DW Date 09/03/2022

ORDER

In continuation of this Department Order No 3163 Dt 18.02.2022 Government after careful consideration have been pleased to allow the retired State Election Commissioners of Odisha including their spouses & dependent family members for treatment in the state even in Private Hospitals which are not recognized by the State Government and not empanelled by CGHS Hospitals. In such cases, prior approval of the Government will not be necessary so far medical reimbursement of medical expenses is concerned.

This has been concurred in by FD vide their File No FIN-SOS2-ESTT-0001-2020.

B
S. Bisoi
10/3/2022

Memo No 2159 PR&DW Dt 09/03/2022 Director, Panchayati Raj

10/3/22

Copy A forwarded to the A G (A&E) Odisha, Bhubaneswar, Finance Department, Director, Treasury & Inspection Odisha, Treasury Officer, District Treasury, Khurda, Bhubaneswar, information and necessary action.

Shankar
09/03/22
Under Secretary to Govt

Memo No 2160 PR&DW Dt 09/03/2022

Copy forwarded to Secretary, State Election Commission, Odisha for information and necessary action.

Shankar
09/03/22
Under Secretary to Govt

220

18/2/22

37

18.2.22



ଓଡିଶା ସରକାର
 ପଞ୍ଚାୟତିରାଜ ଓ ପାନୀୟଜଳ ବିଭାଗ
Government of Odisha
Panchayati Raj & D.W Department

ଓଡିଶା ଲୋକସେବା ଭବନ
 ସଚିବାଳୟ ମାର୍ଗ, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୧
 Odisha Lok Seva Bhawan,
 Sachibalaya Marg
 Bhubaneswar - 751001
 Fax 0674 - 2391413
 E-mail-prsec_or@nic.in

NO. PR-SEC-ESTT-0001-2022 3183 /PRDW, Date 18/02/2022

ORDER

Government after careful consideration of the proposal of the State Election Commission, Odisha, have been pleased to allow retired State Election commissioner, Odisha including their spouses & dependent family members for medical reimbursement for treatment availed in any Hospital (Private / Govt.) in any other state, which is not recognized by the State Government or not impaneled by the CGHS Hospitals.

This has been concurred in by the Finance Department in their OSWAS File No. FIN-SOS2-ESTT-0001-2020

[Signature]
 18/2/22
 Director, Panchayati Raj

Memo No. 3184 PR&DW, Dt 18/02/22.

Copy forwarded to the A.G (A&E) Odisha, Bhubaneswar / Finance Department / Director of Treasury & Inspection, Odisha / Treasury Officer, District Treasury, Khurda, Bhubaneswar for information and necessary action.

[Signature]
 18/02/22
 Under Secretary to Govt.

Memo No. 3185 PR&DW, Dt 18/02/22

Copy forwarded to Secretary, State Election Commission, Odisha / secprdw@gmail.com for information and necessary action.

[Signature]
 18/02/22
 Under Secretary to Govt.

229

18/2/22

36
18.2.22



ଓଡ଼ିଶା ସରକାର
ପଞ୍ଚାୟତ୍ତ୍ୱିରାଜ ଓ ପାନୀୟତ୍ତ୍ୱ ବିଭାଗ
Government of Odisha
Panchayati Raj & D.W Department

ଓଡ଼ିଶା ଲୋକସେବା ଭବନ
ସଚିବାଳୟ ମାର୍ଗ, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୧
Odisha Lok Seva Bhawan,
Sachibalaya Marg
Bhubaneswar - 751001
Fax 0674 - 2391413
E-mail-prsec_or@nic.in

NO. PR-SEC-ESTT-0001-2022 3186 PR&DW, Date 18/02/2022

ORDER

Government after careful consideration of the proposal of the State Election Commission, Odisha, have been pleased to allow Travelling allowance to retired State Election commissioner of Odisha including their spouses & dependent family members for medical treatment within & outside the state as applicable to the sitting State Election Commissioner as per the provision under Rule 5-A "The High Court Judges Travelling Allowance Rule, 1956.

This has been concurred in by the Finance Department in their OSWAS File No. FIN-SOS2-ESTT-0001-2020

[Signature]
18/02/22
Director, Panchayati Raj

Memo No. 3187 /PR& DW, Dt 18/02/22

Copy forwarded to the A.G (A&E) Odisha, Bhubaneswar / Finance Department / Director of Treasury & Inspection , Odisha / Treasry Officer, District Treasury , Khurda, Bhubaneswar for information and necessary action.

[Signature]
18/02/22
Under Secretary to Govt.

Memo No. 3188 /PR& DW, Dt 18/02/22

Copy forwarded to Secretary, State Election Commission, Odisha / secprdw@gmail.com for information and necessary action.

[Signature]
18/02/22
Under Secretary to Govt.

142

(SC)
18/8/2013
Reserve Govt. has granted
for Ret. Judges.
Sept. 21. 11.
3/8/13

GOVERNMENT OF ODISHA
HOME DEPARTMENT

ORDER

No. HOME-HC-/CASE 1-0009-2013- 32198 /HS, Dated 30.8.13

In pursuance of the orders of Hon'ble Orissa High Court, dated 20.03.2012 passed in W.P. (C) No.7532 of 2011 filed by Orissa High-Court Retired Judges Association-Vrs-Union of India & others in the matter of post-retirement benefits to the retired Judges/Chief Justices of Orissa High Court, the Government have been pleased to consider the proposal as follows :-

1. **Domestic Help Allowance:** - Domestic Help Allowance @ Rs.2500/- per month was allowed to the retired Judges/Chief Justices of Orissa High Court with effect from 01.01.2011 vide Home Department letter No.7056, dated 14.02.2011. Now, Government have been pleased to revise the Domestic Help Allowance from Rs.2500/- to Rs.3500/- P.M. in favour of retired Judges/Chief Justices of Orissa High Court with effect from the date of issue of this Office Order.

The procedure for sanction and drawal of Domestic Help Allowance in respect of retired Judges/Chief Justices of Orissa High Court is as follows:-

(i) The Registrar (Judicial), Orissa High Court will sanction the Domestic Help Allowance in favour of retired Judges/Chief Justices of Orissa High Court., The amount so sanctioned shall be drawn by the Registrar (Judicial), Orissa High Court on presentation of a Bill in Form NO. O.T.C.-37 B of Odisha Treasury Code for which a statement in the format indicated below may be attached.

Statement for payment of Domestic Help Allowance for the month of to be appended to the Bill for drawal of the allowance.....

Sl. No.	Name of the retired Judge/Chief Justice of Orissa High Court	Domestic Help Allowance (In Rs.)	Amount due for the month of (In Rs.)	SB A/c No. with Name of the Bank
1.				
2.				
3.				
Total				

Registrar (Judicial)
Orissa High Court

C41
116

-: 2 :-

The charge shall be debitable to the Head of Account as indicated below:

(ii) Finance Department will make necessary Budget provision under Demand No.5-2071-Pension and Other Retirement Benefits-01-Civil-106-Pensionary charges of High Court Judges/Chief Justices-2677-Allowance for retired High Court Judges given by the State Government-38015-Domestic Help Allowance-Charged.

The Registrar (Judicial), Orissa High Court shall furnish estimate of annual requirement of funds to Finance Department through Home Department for provision of funds in the Budget Estimate.

(iii) The amount will be drawn and credited to the recipient's account by the Registrar (Judicial), Orissa High Court every month. The allowance for a particular month shall be drawn on or after 1st day of the succeeding month. The allowance for a fraction of a month is to be drawn proportionately.

(iv) Retired Judges/Chief Justices would be required to furnish a declaration in the following form for drawal of the allowance through their Bank Account. This allowance is payable till the date of death. On receipt of information regarding death, the Registrar (Judicial), Orissa High Court shall cease payment of the allowance.

DECLARATION

I do hereby authorize (name of the Bank and Branch) to receive my Domestic Help Allowance payment on my behalf for credit to my Savings Bank Account Number as stated above and further authorize that the proof of credit to my Savings Bank Account on account of Domestic Help Allowance should be treated as legal quitance.

I hereby declare that I and my heirs and successors accept the liability of making good to Government for over payment, if any, made to me under the scheme.

I hereby authorize the Bank to recover any excess payment credited to my Account as per the instruction of Registrar (Judicial), Orissa High Court.

Signature of the retired Judge/Chief Justice
of Orissa High Court

(v) Retired Judges/Chief Justices shall furnish life (survival) certificate to the Registrar (Judicial), Orissa High Court in November each year in the following proforma. In case of non-receipt of Life Certificate, the allowance payable for the month of November in December shall be withheld onwards till receipt of the Life Certificate.

40

LIFE CERTIFICATE

(To be submitted by Pensioner once a year in November)

Certified that I have seen the pensioner Shri/Smt./Ms. _____
(Name of the pensioner)

Holder of Pension Payment Order No. _____ and that he/she is alive on
this date.

Place: _____ Name:-
Designation of Authorised Officer
Date: _____ Seal

Note: - Authorised Officer means as follows:-

- i) a Gazetted Government Servant
- ii) a Class-I Officer of Reserve Bank of India, an Officer (including Grade-II Officer) of State Bank of India or its Subsidiary; or of any Public Sector Bank.
- iii) a Member of Parliament or State Legislature;

In the case of a Pensioner drawing pension through a Public Sector Bank, Life Certificate may be signed by an Officer of that Public Sector Bank. In the case of Pensioner residing abroad and drawing his pension through any other bank including to the Reserve Bank of India Act, 1934, Life Certificate may be signed by an Officer of that Bank. (Subsidiary Rule 291 of Odisha Treasury Code, Volume-1).

2. **Medical facilities** - Government have been pleased to provide Medical facilities to the retired Judges/Chief Justices of Orissa High Court as available to the sitting Judges of Orissa High Court with effect from 03.06.2013 in lieu of the fixed Medical Allowance of Rs.1500/- P.M. granted vide Home Department letter No.7056 dated 14.02.2011.

The procedure for drawal of Medical facilities is as follows:-

(i) State Government will reimburse the medical expenditure and cost of medicines for retired Judges/Chief Justices of Orissa High Court and their dependents incurred in treatment in Government Hospitals, Hospitals recognized by the State Government of Odisha/ such Hospitals situated in the State where the retired Judges/Chief Justices of Orissa High Court are residing after their retirement.

(ii) The Judges entitled for above financial benefits will get their claim from the Orissa High Court/High Court of the State where they are residing after their retirement. The expenditure incurred by the other High Court shall be reimbursed by Orissa High Court regularly to the concerned High Court

(iii) The above expenditure will be debited to Demand No,01-2014-Administraion of Justice - 102 - High Court - 0632 - High Court Establishment - 01003 - Salaries - 516 - Reimbursement of Cost of Medicine- (Non-Plan) Charged.

39
H

3. The above financial benefits regarding Domestic Help Allowance and Medical facilities shall not be made available to the retired Judges/Chief Justices of Orissa High Court, if he/she is getting the same by the virtue of holding any assignment, post, commission, etc.
4. The Home Department letter No.7056, dated 14.02.2011 allowing Domestic Help Allowance and Medical Allowance is modified to the above extent.
5. This supersedes previous orders issued vide Home Department letter No.12560, dated 22.03.2012, No.20288, dated 03.06.2013 and No.25301, dated 12.07.2013.


This has been concurred in by Finance Department vide their U.O.R. No. 246 GS-I, dated 06.08.2013.

By the order of Governor

S.Mohapatra
Joint Secretary to Government


Memo No. 32199 /HS, Dated 30.8.13

Copy forwarded to the Accountant General (A&E/Audit), Odisha, Bhubaneswar/ Finance Department/Law Department/Registrar General, Orissa High Court, Cuttack/Registrar (Judicial), Orissa High Court, Cuttack/Home (FS) Department/ Home (B&P) Department/ Director of Treasuries & Inspection, Odisha, Bhubaneswar/Treasury Officer, District Treasury, Cuttack/ Guard File for information and necessary action.


Joint Secretary to Government

Memo No. 32200 /HS, Dated 30.8.13

Copy forwarded to the Secretary to Government of India, Ministry of Law & Justice (Department of Justice), Jaisalmer House, Mansingh Road, New Delhi-110011 for information and necessary action.


Joint Secretary to Government