NOTIFICATION ISSUED BY GOVERNMENT NOTIFYING RULES FOR SALARIES AND ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF CHAIRPERSON AND OTHER MEMBERS

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Secondary and Higher Education)

NOTIFICATION

New Delhi, the 6th July, 2006

G.S.R. 416(E). – In exercise of the powers conferred by sub-section(1) read with clause (a) of sub-section (3) of Section 24 of the National Commission for Minority Educational Institutions Act, 2004(2 of 2005), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for Minority Educational Institutions (Salaries and Allowances and Conditions of Service of Chairperson and other Members) Rules, 2006.

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

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

(a) "Act" means the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005);
(b) "Chairperson" means the Chairperson of the Commission;
(c) "Commission" means of the National Commission for Minority Educational Institutions constituted under Section 3;
(d) "Section" mean a section of the Act;
(e) all other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Salaries and Allowances:- (1) Save as otherwise provided in sub-rule (2), the Chairperson and every Member shall be paid a salary of eighty thousand* rupees per month with Dearness Pay and Allowances less the pension equivalent to retirement benefits according to the instructions of the Ministry of Finance. They shall be entitled to house rent allowance, travelling allowance and telephone facilities as admissible to a Secretary to the Government of India Provided that in the case of appointment as a Chairperson or a Member, who has a retired person from the Central Government or a State Government or Union territory Administration or a Semi-Government or public sector undertaking or a recognized research institution or other autonomous or statutory body, the salary payable shall not exceed rupees eighty thousand per month with dearness pay and allowances less the pension and pension equivalent of retirement benefits according to the instructions of the Ministry of Finance.

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* Substituted …. vide Notification dated 17.11.2008.

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(2) If at the time of his appointment to the Commission, a Member is in service of the Central or a State Government or a Union territory Administration, he shall have the option to receive his salary upto the age of superannuation in accordance with the rules applicable to him under the Central or State Government or Union Territory Administration, as the case may be and thereafter, the provisions of these rules shall apply.

(3) The Chairperson, Members and Staff of the Commission shall be the public servants within the meaning of Section 21 of the Indian Penal Code.

(4) In case any Member is already occupying Government accommodation, he is allowed to retain the same. No travelling allowance shall be provided at the time of joining the Commission and on relinquishing of charge.

4. Leave: - (1) The Chairperson and every Member shall be entitled to leave as follows:

(a) earned leave, half pay leave and commuted leave in accordance with the Central Civil Services (Leave) Rules, 1972; and

(b) extraordinary leave, as admissible to the temporary Government servants under the Central Civil Service (Leave) Rules, 1972.

(2) Where a Chairperson or Member retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service before his appointment to the Commission, he shall be entitled to cash equivalent of leave salary for earned leave, if any, at his credit on the date of retirement, upto a maximum period of 300 days. In case of a Chairperson or Member who is re-employed after retirement, he shall on termination of his re-employment be entitled to cash equivalent in respect of earned leave at his credit on the date of retirement of re-employment upto a maximum period of 300 days, including the period for which encashment was allowed to him at the time of earlier retirement.

Note: Cash equivalent of earned leave shall be computed in accordance with the provisions of Central Civil Services (Leave) Rules, 1972.

5. Leave Sanctioning Authority:- The Chairperson shall be the authority competent to sanction leave to the Members and the Central Government shall be authority competent to sanction leave to the Chairperson.

6. Retirement from parent service on appointment in Commission:- The Chairperson or a Member who, on the date of his appointment to the Commission, was in the service of the Central or a State Government or a Union Territory. Administration, shall be deemed to have retired from such service with effect from the date of his appointment as the Chairperson or a Member of the Commission.

7. Pension:- (1) The Chairperson or a Member, who at the time of his appointment as such, was in the service of the Central or a State Government or a Union Territory Administration shall, without prejudice to Rule 6, at his option to be exercised within a period of six months from the date of his appointment in the Commission or on or before the date of his superannuation, whichever is earlier, be entitled to draw his pension and other retirement benefits as per the rules applicable to the service to which he belonged with effect from the date of his appointment as Chairperson or Member, as the case may be.

(2) If a Chairperson or Member, who at the time of his appointment as such was in the service of the Central or a State Government or a Union Territory Administration does not exercise the option specified in sub-rule(1), he shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

8. Provident Fund:- (1) The Chairperson or a Member, who on the date of his appointment to the Commission as such was in the service of the Central or a State Government or a Union Territory Administration and who had been admitted to the benefits of General Provident Fund may, at his option, continue to subscribe to that Fund until the date on which his retires according to the rules applicable to him in that service. In case of the Contributory Provident Fund, the employer's contribution payable to that Fund shall, as from the date of the Chairperson or Member's appointment to the Commission, be payable by the Commission during the tenure of appointment as such Chairperson or Member on the basis of emoluments which he would have drawn in the post he held immediately before appointment.

Explanation: The Chairperson or a Member exercising his option under this sub-rule shall communicate his option in writing to the Central Government within six months of his appointment and the option so exercised shall be final.

(2) The Chairperson or a Member, including the persons who has exercised an option under sub-rule (1) of rule 7 or sub-rule (1) of rule 8 or under both, shall be entitled to be admitted to the benefits of the Contributory Provident Fund Scheme and for his purpose shall be governed by the Contributory Provident Fund (India) Rules, 1962 as amended from time to time.

Provided that the Chairperson or Member shall cease to contribute to any other Provident Fund from the date of admission to the Contributory Provident Fund Scheme under these rules.

9. Service conditions of Chairperson / Members of special status:- Without prejudice to any of the provisions in these rules, the Central Government may by order, if it is considered necessary, sanction salaries, allowances and other facilities to the Chairperson or a Member in accordance with any special status that may be conferred on the incumbent.

10. Journeys on tour:- (1) A Chairperson, who is or has been, a Judge of a High Court shall be governed by the provisions applicable to a Minister of State of the Union of India, as regards his entitlement for travelling allowance and daily allowance etc.

(2) A Member shall, while on tour, be entitled to travelling allowance and daily allowance at the same scale and at the same rate as are applicable to a Group 'A' officer of equivalent pay-scale in the Central Government.

(3) The Chairperson and Members shall be their own Controlling Officers in respect of bills relating to their travelling allowances and daily allowances.

11. Accommodation:- (1) Every person appointed to the Commission as Chairperson or a Member shall subject to approval by the Cabinet Committee on Accommodation, be entitled to the use of an official residence from the Central Government, on the basis of a licence fee at the rates prescribed by the Central Government from time to time.

(2) A Chairperson, who is a retired Judge of a High Court, shall be entitled to use of the official residence from the Central Government on the same terms and conditions as are applicable to a Minister of State of the Union of India.

(3) Residential accommodation for the Chairperson or a Member, where Central Government accommodation is not available may be hired on lease by the Central Government subject to such ceiling on hire charges as may be specified by the Central Government from time to time.

(4) When the Chairperson or a Member is not provided with or does not avail himself of the accommodation referred in sub-rules (1) and (2), he may be paid every month house rent allowance as may be admissible from time to time to an officer of the equivalent pay scale in the Central Government.

(5) When the Chairperson or a Member occupies an official residence beyond the permissible period, he shall be liable to pay such additional licence fee or other charges as are leviable under the corresponding rules of the Central Government governing allotment of accommodation and in addition, be liable to be evicted in accordance with the rules applicable to the officers drawing equivalent pay in the Central Government.

12. Facility of Conveyance:- (1) A Chairperson, who was a Judge of a High Court, shall be entitled to the facility of a staff car on the same terms and conditions as are applicable to a Minister of State of the Union of India.

(2) A Member shall be entitled to the facility of a staff car for journeys for official and private purpose in accordance with the rules governing the use of staff car facilities applicable to officers of the Central Government drawing equivalent pay in the Central Government.

13. Facility for Medical Treatment:- (1) A Chairperson or a Member shall be entitled to medical treatment and hospital facilities as provided in the Central Government Health Scheme Rules, 1954.

(2) Notwithstanding anything contained in sub-rule(1), the Chairperson shall be entitled, at his option, to avail of health service facilities available to a Minister of State of the Union of India and a Member shall be entitled, at his option, to avail of health service facilities available to a Secretary to the Government of India.

14. Residuary provision:- The conditions of service of the Chairperson or Members for which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India.

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SUNIL KUMAR, Jt. Secy.

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