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ARUNACHAL PRADESH STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 1st August, 2018

SERVICE CONDITIONS OF STAFF REGULATIONS - 2018

No. APSERC/Notification/28/2018.— **WHEREAS**, the State Electricity Regulatory Commission has been empowered to make regulations prescribing the terms and conditions of services of its Secretary, officers and other employees of the Commission under sub-section (1) and clause (zk) of sub-section (2) of section 181 of the Indian Electricity Act, 2003 (Act No. 36 of 2003);

AND WHEREAS, the regulations so made are subject to previous publication in terms of sub-section (3) of section 181 of the aforesaid Act;

THEREFORE, after previous publication in exercise of the powers conferred by sub-section (1), (2) (zk) & (3) of section 181 of the Indian Electricity Act, 2003 (Act No. 36 of 2003), the Arunachal Pradesh State Electricity Regulatory Commission, after approval of the State Government vide notification No. PWRS/W-1075/2004/Pt/3211-21, Dtd. 10/8/2015 (**Annexure-I**) as required under section 91(2) & (3) of the said Act, notified the regulations prescribing the service conditions of the Secretary, officers and other employees of the Commission which were published in the extraordinary Official Gazette of Arunachal Pradesh on 16th October 2015, Vol. XXII for information of all concerned.

WHEREAS, now the Commission feels and realise that these regulations need review of the various clauses to align them appropriately to the emerging requirement of the Commission and to make them more relevant in the overall interest of the functioning of the Commission.

NOW, THEREFORE, in exercise of powers conferred on Regulation (25) of the Arunachal Pradesh State Electricity Regulatory Commission (Service Conditions of Staff) Regulation, 2015, APSERC, after previous publication, hereby makes the necessary Amendments in the above mentioned Regulation of 2015 published in the Extraordinary Gazette of Arunachal Pradesh, dated 16/10/2015. The amended regulation replace the existing Arunachal Pradesh State Electricity Regulatory Commission (Service Conditions of Staff) Regulation, 2015 and shall be effective from the date of its publication in the Gazette of Arunachal Pradesh.

1. **Short title and commencement** : (1) These regulations may be called the Arunachal Pradesh State Electricity Regulatory Commission (**Service Conditions of Staff**) **Regulations, 2018**.

(2) These regulations shall come into force from the date of their publication in the Official Gazette.

(3) Interm of section 91, sub-section (2) of the Indian Electricity Act, 2003, **the numbers, nature and categories of posts shall be as provided in the Schedule appended to these regulations.**

2. **Applicability** : These regulations shall apply to all the staff of the Arunachal Pradesh State Electricity Regulatory Commission. The staff appointed on a regular basis in the Commission before the commencement of these regulations shall be deemed to have been appointed under these regulations.

3. **Definitions** : In these regulations unless the context otherwise requires:-

(1) 'Act' means the Indian Electricity Act, 2003 (Act No. 36 of 2003).

(2) 'Appointing Authority' means Chairperson of the Commission in respect of all posts.

(3) 'Commission' means the Arunachal Pradesh State Electricity Regulatory Commission.

(4) 'Chairperson' means the Chairperson of the Arunachal Pradesh State Electricity Regulatory Commission.

(5) 'Government' means Government of Arunachal Pradesh.

(6) 'Government Organization' means Government. of India or Government of Arunachal Pradesh or any other State Government organizations or any Public Sector Undertaking of the Government of India and any State Government.

- (7) 'NPS' means New Pension Scheme as notified by the Government of India and subsequently adopted by the Government of Arunachal Pradesh as well.
- (8) 'Staff' includes both Officers and employees of all categories appointed whether on deputation or permanent absorption or on short-term contract basis or direct recruitment or promotion.

Words and expressions used in these regulations but not defined shall have the same meaning as respectively assigned to them under the Act.

4. **Number, Nature and Categories of posts :**

The staffing structure in the Commission shall be as follows :

Category I : Secretary (Head of Deptt. /Secretariat of the Commission).

Category II : Technical & Professional Staff (to deal with the technical & professional matters of the Commission).

Category III : Administrative, Accounts & Supporting Staff.

5. **Nationality, domicile and character of a person to be appointed in the Commission :**

- (1) No person shall be appointed to any post in the Commission, unless he is acitizen of India.
- (2) All regular appointments under these regulations shall be subject to verification of character and antecedents, as per the Government instructions issued from time to time. However, those persons who have joined the Commission on deputation / absorption from various Government Organizations shall be exempted from this requirement, subject to production of such documents/ records from the previous employer.

6. **Modes of Appointment :** Recruitment to the posts under these regulations shall be made by any of the following modes:-

- (1) **By direct recruitment :** A post can be filled up by direct recruitment following **State Government guidelines** of giving wide publicity by way of advertisement in news papers / by hosting it on the official website of the Commission;
- (2) **By deputation :** A post can be filled by way of deputation from amongst the employees of Government Departments, Public Sector Undertakings / Power Utilities (Centre and States), State Electricity Regulatory Commissions, etc. Initially for a fixed term, which can be extended from time to time by the Commission in consultation with the lending organization. If the Commission decides that, the services of the person on deputation are no longer required due to unsatisfactory performance or otherwise, the incumbent shall be repatriated to his parent organization.
- (3) **Absorption :** Provided that the Staff appointed on deputation and willing to get permanently absorbed in the Commission, on completion of one year of service in the said post may be considered for permanent absorption in the Commission in the said post.
- (4) By promotion from amongst the Staff of the Commission as per State Government Rules till promotion rules are framed by the Commission.
- (5) **Contract Service :** If the exigencies of the Commission's service so demands and after recording reasons there of, any vacant post in the Commission may be temporarily filled on contract basis on fixed pay or in the pay scale of sanctioned post or equivalent post with all applicable allowances as deemed fit for a period normally not exceeding one year at a time. In exceptional cases, the Commission may extend this period to five years. The Commission may also engage persons on daily wages at **the prescribed rates of the State Government** as and when considered necessary on the terms and conditions prescribed by the Commission from time to time. Such persons engaged as contingency staff should have preferably Multi-tasking Ability for their optimum utilization.

Bungalow Peons: For entitled officers of the Commission (Director, Secretary and above), Bungalow peon as well as Care Taker for the Chairman's Bungalow appointed shall be as per their choice and on a fixed amount equivalent to the monthly wages of an unskilled labourer on the basis of minimum wages in the state as revised from time to time.

The persons engaged on contract basis may be considered for appointment/absorption on regular basis against a sanctioned post if found suitable in exceptional cases after recording reasons thereof. Similarly, the persons engaged on casual basis may also be preferred while considering for appointment/ absorption on regular basis for multi-tasking purposes against sanctioned post.

- (6) The staff absorbed on a regular basis in the Commission before the commencement of these regulations shall be deemed to have been appointed under these regulations and shall not be detrimental to them in any way.
- (7) So as to obtain appropriately qualified and experienced suitable candidates fulfilling the dynamic job requirements of the Commission, the vacancies of officers under category-II shall be filled up only by recruitment through deputation or promotion from feeder posts (if any) or by availing of the provisions of clause 7(iv) of APSERC Appointment of Consultants Regulation - 2017 and as amended from time to time by adopting a procedures as felt suitable by the Commission.

7. **Appointing Authority** : The Chairperson of the Commission shall be the appointing authority in respect of all the posts.
8. **Placement of Staff** : (1) The posting of staff, at any time, shall be as decided by the appointing authority in any post, not lower in the scale of pay than the post for which the staff member was recruited.
(2) A staff member may hold more than one post for which no extra remuneration shall be paid except as otherwise provided by the Government as per relevant rules.
9. **Power to keep posts vacant** : Nothing in clause 4 shall be construed as requiring the Commission to have at all times, staff serving in all the categories or posts. Decision regarding recruiting staff against the posts as shown in the Schedule shall be taken by the Commission considering the requirement/work load and financial position of the Commission.
10. **Selection Committee** : There shall be a Selection Committee comprising of such persons as specified by the Commission on case-to-case basis to select the personnel for appointment of Staff of the Commission. The Commission shall lay down the eligibility conditions and procedure to be followed by the Selection Committee in the selection of the personnel on case-to-case basis and shall follow State Government's relevant guidelines.
11. **Age Limit** : The age limit for the direct recruitment to the posts shall be as per the prevailing rules of the State Government. The appointing Authority shall however have the authority to condone the age requirements/limitations on case-to-case basis in respect of deserving candidates having adequate in line experience.
12. **Qualifications** : In view of the specialized and dynamic nature of duties of the Commission entrusted to it under the Indian Electricity Act, 2003, no person shall be appointed to any post in the Commission under these regulations, unless his qualifications and experience is found to be suitable by the Commission as per functional and emerging requirement of the work related to the post in case of Category I & II posts.
For Category III posts, which are of general nature like F & A O, P.S., P.A., Assistant/Accountant, UDC, LDC, Driver, Peon/Chowkidar, the Commission shall normally follow the qualification and experience requirements prescribed by the State Government but for the posts like Driver, Multi-tasking staffs it shall be primarily guided by the ability/skill of the person concerned to fulfil the requirements of the job for which the appointment is being made. For other posts viz. category I & II which are directly related to specialized nature of responsibilities entrusted to the Commission as per the Indian Electricity Act, 2003 Commission may prescribe the nature of qualification and experience on case to case basis as provided in clause 10.
13. **Disqualifications** :
(1) Unless permitted by his/her personal law no person shall be eligible for appointment to any post in the Commission.
(2) If he has entered into or contracted a marriage with a person having a spouse living,
(3) If having a spouse living has entered into or contracted a marriage with any person.
14. **Medical Examination** : Every candidate who is directly recruited on regular basis in the Commission shall be got medically examined as per the State Government rules. The appointment shall be null & void in case the standing Medical Board of the State finds the Candidate unfit for the post for which he/she has been selected.
15. **Probation** : A person appointed to any post in the Commission by direct recruitment against a sanctioned post shall remain on probation for a period as per the provisions stipulated by the State Government for such category of post. However, the probation period can be extended for another one year if the performance of the candidate is not found satisfactory during the initial prescribed period of probation.
16. **Seniority** : Seniority of staff in the Commission shall be maintained on similar principles as that of the State Government and other suitable/appropriate precedence upheld by the Court of Law.
17. **Pay, allowances, leave, pension and other matters** : (1) The existing scale of pay applicable to the posts of the Staff of the Commission shall be as per seventh pay commission's recommendations accepted and implemented by the State Government.
(2) **Revision of Pay** : The scale of pay of staff of the Commission shall get revised at par with the staff of corresponding grade / scale under the State Government as and when revised by the Government as a result of implementation/acceptance of subsequent Pay Commission reports or otherwise.
(3) **Allowances** : All the allowances (except TA/DA) including Dearness Allowance, House Rent Allowance, Medical reimbursement, Transport Allowance, Children Education Allowance, LTC, etc., shall be admissible to the Staff of the Commission as per relevant State Government Rules if felt appropriate by the Commission at the rates prescribed by the Government from time to time;
(4) The Commission may, from time to time, allow such other allowances / reimbursements to the Staff of the Commission, which it may consider necessary for efficient functioning of the Commission;
(5) Travelling Allowance /Daily Allowance (TA/DA) of employees of the Commission shall be governed by the APSERC (Reimbursement of Travel Expenses) Regulation, 2018 as and when notified by the Commission. Until then those shall be admissible as followed by the State Govt.
(6) The staff of the Commission shall be governed by the CCS Leave Rules followed by the State Government except that, as a special measure, the child care leave to the female employees shall be admissible up to one year only during the entire service life due to limited staff strength of the Commission.

- (7) Loans and advances such as house building advance, conveyance advance, and any other advance shall be granted to the staff of the Commission, as per terms and conditions applicable to the State Government employees.
- (8) The performance of the officers and staff shall be assessed and reviewed annually as per prescribed format Annexed to these Regulations and shall be termed as "Employees Annual Performance Review".
- (9) Disciplinary proceedings in cases of misconduct of employees of the Commission shall be governed by the APSERC (Code of Conduct) Regulations being notified by the Commission in due course.
18. **Contribution to Provident Fund :** (1) The Commission shall follow GPF, CPF Rules and CGEGIS scheme as prescribed by the relevant Government Rules. Staff joining on Deputation on Foreign Service terms shall be eligible for contribution to the respective Provident Fund to which they are subscribing in their parent organization. Where a deputationist has been a member of a Contributory Provident Fund, the Commission shall bear the cost of the employers' contribution as applicable in each case.
- (2) Such staff borne on pensionable service in the State Government and posted to the Commission on deputation and subsequently on being absorbed in the Commission through proper channel shall continue to subscribe to their existing GPF accounts maintained by the Director of Accounts, Government of Arunachal Pradesh. For Advance/Part/Final withdrawal by the concerned staff from their GPF account, the disbursement/payment of money shall be done through the Nodal Department of the State Government (Department of Power) or any other specific procedure prescribed by the State Government in this regard.
- (3) In case of staff borne on pensionable service in the State Government and posted to the Commission on deputation and subsequently on being absorbed in the Commission through proper channel opting to be a member of the CPF in the Commission as per CPF Rules, 1962, employer's contribution shall be paid by the Commission with effect from the date the staff had originally joined the Commission on deputation.
19. **Accommodation :** The regular staff shall be eligible for allotment of Residential accommodation out of the General pool accommodation of the State Government at normal license fee at par with the State Government employees.
20. **Modified Assured Career Progression Rules : The MACP Rules** as notified by Government from time to time shall also be applicable to the Staff of the Commission with such modifications as may be deemed suitable by the Commission.
21. **Retirement :** The Staff, appointed on regular basis i.e. direct recruitment or on permanent absorption in the Commission shall retire from the service of the Commission in accordance with the prevailing retirement and pension rules followed by the State Government on attaining the age of superannuation in accordance with the retirement age prescribed by the State Government from time to time;
22. **Retirement Benefits :** (1) The pensionary and other benefits as per relevant CCS Pension Rules and followed by the State Government shall also be applicable to the staff of the Commission and shall be sanctioned and paid by the State Government for the cases as described in sub-clause (2) below as being paid to the retiring staff of the State Government.
- (2) The staff joining the Commission through proper channel on permanent absorption basis **from a pensionable establishment in:**
- (a) Government of India;
- (b) Government of Arunachal Pradesh; or
- (c) Any other State Government in any State Electricity Regulatory Commission.
- Will either have an option**
- (i) To receive pro-rata monthly pension and other retirement benefits from the respective Governments in respect of the period of service rendered by them under those respective Governments as per relevant CCS Pension Rules of the Government. Such staff opting to receive pro-rata monthly pension and retirement benefits from their parent organisation shall be covered either under Government's NPS or CPF Rules 1962 of the Government, as opted by the staff, in the Commission. Employer's contribution in such cases shall be borne by the Commission as mentioned in clause 18 (3). **OR**
- (ii) **will have the option** that the pensionary services rendered by them under the Government of Arunachal Pradesh, prior to the date of joining in the Commission **through proper channel** on permanent absorption, shall be taken into account for the purpose of grant of the pension and other retirement benefits together with the service rendered by them under the Commission which shall be sanctioned and paid by the State Government on their retirement, as mentioned in clause (a) above. The Services rendered under the State Government of such Staff shall be deemed to be service under the Commission for the purpose of pensionary and other retirement benefits as per relevant CCS Pension Rules followed by the State Government.

- (3) The staffs who were covered under NPS in their parent organization prior to joining the Commission on permanent absorption, however, shall continue to be covered under NPS in the Commission also **as per State Government Rules**. Staff appointed on regular basis in the Commission through direct recruitment shall be automatically covered under NPS in accordance to relevant State Government notifications. The NPS account of such staff shall be opened & maintained by the Directorate of Accounts & Treasury of the State Government like State Government employees and the employer's contribution shall be borne by the Commission in such cases. OR
- (4) The Commission shall be at liberty to adopt procedure notified by the Govt. of India for NPS in respect of Central Autonomous Bodies (CAB) or that for Corporate Bodies.
23. **Resignation / premature retirement / compulsory retirement** : The Staff of the Commission shall be governed by the rules/procedure / instructions followed in this regard by the State Government from time to time as per relevant CCS Pension Rules.
24. **Service Continuity** : (1) The period of service of the Staff rendered under the Government organization prior to joining of the Commission through proper channel shall be treated as continuous service for the purpose of all service benefits in accordance with the State Government guidelines.
- (2) The Personnel joining the service of Commission on transfer or otherwise from Government Organization shall be deemed to have entered into an agreement with the Commission or the respective nominated authority, as the case may be, to repay the loans, advances and other sums due or otherwise perform the obligations undertaken by them to the Government Organization which remain outstanding against him on the date of joining as per the original terms and conditions.
25. **Power to issue instructions and amend the regulations** : The Commission may from time to time issue such instructions or directions or amend these regulations as may, in its opinion, be necessary for giving effect to or carrying out the service conditions of staff of the Commission.
26. **Other conditions of service** : Other conditions of service of the staff with respect to which no express provision has been made in these rules, shall be such as are admissible to staff of the State Government drawing an equivalent pay till those are clearly spelt and notified by the Commission.

By Order of the Commission

Secretary (In Charge)
Arunachal Pradesh State Electricity
Regulatory Commission.

SCHEDULE

(See Regulation 1 (3))

No. Sl.	Name & Nos. of the Post	Pay Scale	Category
1.	Secretary-1 No. (In the rank of Director)	Rs.37400-67000; GP-8700 (PB-4)	Category I (Head of Deptt. of the Commission)
2.	Joint Director- 1 No.	Rs.15600-39100; GP-7600 (PB-3)	Category II, Professional
3.	Deputy Director- 3 Nos.	Rs.15600-39100; GP-6600 (PB-3)	Category II, Professional
4.	F &AO- 1 No	Rs.15600-39100; GP-5400 (PB-3)	Category III, Accounts
5.	Private Secretary- 1 No.	Rs.15600-39100; GP-5400 (PB-3)	Category III, Supporting
6.	Personal Assistant-1 No.	Rs.5200-20200; GP-2800 (PB-1)	Category III, Supporting
7.	Assistant- 1 No.	Rs.9300-34800; GP-4200 (PB-2)	Category III, Accounts
8.	UDC- 2 Nos.	Rs.5200-20200; GP-2800 (PB-1)	Category III, Supporting
9.	LDC- 2 Nos.	Rs.5200-20200; GP-2400 (PB-1)	Category III, Supporting
10.	Driver- 2 Nos.	Rs.4440 -7440; GP-1900 (PB-1)	Category III, Supporting
11.	Peon/Chowkidar-2 Nos.	Rs.4440 -7440; GP-1300 (1S)	Category III, Supporting

Annexure- I**GOVERNMENT OF ARUNACHAL PRADESH
POWER SECRETARIAT: ITANAGAR****NOTIFICATION**

The 10th August, 2015

No. PWRS/W-1075/2004/Pt/3211-21.—In terms of the provisions of Section 91(2) & (3) of the Indian Electricity Act, 2003, the Government of Arunachal Pradesh hereby approves/specifies the terms and conditions of the services of the Secretary, officers and other employees of the Arunachal Pradesh State Electricity Regulatory Commission (APSERC) including their numbers, nature and categories.

Necessary regulations as approved by the Government regarding the aforesaid matter and appended to this notification as Annexure-I may now be notified by the Arunachal Pradesh State Electricity Regulatory Commission for which it is empowered by the Indian Electricity Act, 2003 under clause (zk) of sub-section (2) of Section 181 and the regulations so made shall be subject to previous publication in terms of sub-section (3) of section 181 of the aforesaid Act.

Kaling Tayeng
Commissioner (Power),
Government of Arunachal Pradesh,
Itanagar.