OFFICE MEMORANDUM

Subject:- Terms and conditions of appointment of the Chairperson and Members of the Regulatory Authorities – Extension to Statutory Bodies/Tribunals – Policy regarding –

The undersigned is directed to refer to this Department's Office Memorandum No. 3/6/98-Estt. (Pay II) dated the 29th Jan., 1998 read with OM dated 13.2.1998 on the above subject and to say that the above instructions provide inter alia that the Chairperson and Member(s) shall be deemed to have retired from Government Service upon taking up their respective appointment in the Regulatory Authority. The question whether the Central Govt./State Govt. Servants on their appointment should resign or retire from the Service before taking up appointment in the statutory bodies/tribunals has been considered in this Department. It is a recognized fact that the Statutory Bodies are set up by the Government of India either under the provisions of the Constitution or under an Act of Parliament and the service conditions of the Chairperson/Members may be regulated either directly under the statute under which such Bodies are set up or under the rules framed thereunder. These Bodies are mostly autonomous in nature in respect of the fields of their functioning and the orders issued by the Department of Pension and Pensioners' Welfare regarding immediate absorption/deputation apply in such cases. After careful consideration of the matter it has been decided that the Chairperson and Member(s) who, on the date of his appointment to the Statutory Body/Tribunal was in the service of the Central/State Govt. shall be deemed to have retired from such service w.e.f. the date of his respective appointment as such Chairman/Member. It is, however, clarified that this provision will not apply to the cases where the Constitutional provisions or the provision in the statute under which the body is established, is contrary to the above.
2. It is also clarified that the above decision shall apply to the appointments in the existing statutory bodies and tribunals and also to the future authorities and the pay on such appointments will be regulated in accordance with the prevailing orders of Govt. of India applicable to the re-employed pensioners i.e. pay minus pension.

3. The Ministries of Agriculture & Cooperation etc. are requested to bring the above decisions to the notice of all concerned for taking suitable action for amending the relevant rules accordingly.

(HARINDER SINGH)
JOINT SECRETARY TO THE GOVT OF INDIA

To
All Ministries and Departments
As per standard list attached

No. 3/15/99-Estt.(Pay.II) Dated the 8th November,99
Copies also forwarded to:
1. The Comptroller & Auditor General of India and all States under the control.
2. Registrar General, Supreme Court of India.
3. Secretaries to Union Public Service Commission/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/ President’s Secretariat/Vice President’s Secretariat/Prime Minister’s Office/Planning Commission.
5. Department of Personnel & Training (AIS Division)/JCA/Admn. Section.
6. Additional Secretary (Home), Ministry of Home Affairs.
7. Joint Secretary (Union Territories), Ministry of Home Affairs.