

UPSC (Members) Regulations

**No. 19/2/64-Estt(B)
Government of India
Ministry of Home Affairs**

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Dated the 19th September, 1969

REGULATIONS

G.S.R. No. 2404

In exercise of the powers conferred by sub-clause (a) of Article 318 of the Constitution, the President hereby makes the following regulations, namely:-

1 Short title, commencement and application.-

(1) These Regulations may be called the Union Public Service Commission (Members) Regulations, 1969.

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

(3) They shall also apply to Members of the Commission holding office at the commencement of these regulations except in so far as they may have the effect of varying to the disadvantage of a Member, the conditions of service to which he was entitled immediately before the commencement of these regulations.

2 Definitions.-

In these Regulations, unless the context otherwise requires,

(a) "Chairman" means a Chairman of the Commission and includes an acting Chairman appointed by the President under Article 316 (1A) of the Constitution;

(b) "Commission" means the Union Public Service Commission;

(c) "Member" means a member of the Commission and includes the Chairman thereof.

3 Number of Members.-

The maximum number of Members of the Commission, excluding the Chairman, shall be ten*.

*Amended vide DOP&T Notification No. 39024/1/80-Estt(B) dated 22.06.1986

4 Pay.-

The Chairman shall receive a pay of Rs.2,50,000 (two lakhs and fifty thousand rupees) and each of the other Member shall receive a pay of Rs.2,25,000 (two lakh and twenty five thousand rupees) per mensem:

Provided that if a person who, immediately before the date of assuming office as the Chairman, or as the case may be, a Member, was in receipt of, or, being eligible so to do, had elected to draw, a pension (other than a disability or wound pension) in respect of any previous service under the Government of the Union or under the Government of a State, his salary in respect of service as the Chairman, or, as the case may be, a Member shall be reduced –

- (a) by the amount of that pension; and
- (b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

EXPLANATION: For the purposes of this regulation,

- i) service under the Union or a State Public Service Commission shall be considered as service under the Government;
- ii) the term "University" shall include any institution for higher education wholly or substantially financed by the Central Government or any State Government or both, and deemed to be a University under Section 3 of the University Grants Commission Act, 1956.
- iii) the term "any other body wholly or substantially owned or controlled by the Government" shall include a Government Company as defined in the Companies Act, 1956, and any other statutory body, whether incorporated or not, in which the Central Government or any State Government or both, has a controlling interest in the share or other capital thereof, or has directly or through its nominees substantial control over its working.

4A Omitted

(Regulation 4 substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 10.02.2017)

(Explanation under Regulation 4 substituted vide Notification No. 39018/12/77-Estt B dated 22.02.1980)

(Regulation 4A omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

5 Retirement from parent service on appointment as Member.-

A Member who, on the date of his appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Member of the Commission.

6 Leave.-

(1) A person who, immediately before the date of assuming office as the Chairman or a Member, was in service of Government may be granted during his tenure of office but not thereafter, leave in accordance with the rules for the time being applicable to the service to which he belonged before such date, and he shall be entitled to carry forward the amount of leave standing at his credit on such date notwithstanding anything contained in regulation 8.

(2) Any other person who is appointed as the Chairman or a Member may be granted leave in accordance with such rules as are for the time being applicable to a member of the Indian Administrative Service.

(3) The power to grant or refuse leave to the Chairman or a Member and to revoke or curtail leave granted to him, shall vest in the President.

7 Omitted

7A Cash Payment in lieu of unutilised Earned Leave.-

A Member shall be paid cash equivalent of leave salary in respect of period of earned leave at his credit at the time of his ceasing to hold office and shall be limited to such number of days as may be specified by the regulations to be made in this behalf.

(Regulation 6 substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 7 omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 7A substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 10.02.2017)

8. Pension payable to Chairman and Members.-

(1) A Member who at the time of his appointment as such, was in the service of the Central Government or a State Government shall, at his option to be exercised within a period of six months from the date of his appointment, 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 appointment as Member;

Provided that, in such event, his pay as Member 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 of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) Subject to the provisions of these regulations, every Member, who at the date of his appointment as such was not in the service of the Central Government or the State Government, a local body, or any other body wholly or substantially owned or controlled by Government shall, on his ceasing to hold office as such Member, be paid a pension and gratuity at such rates as may be specified by the regulations to be made in this behalf:

Provided that no such pension and gratuity shall be payable to a Member-

- (a) unless he has completed not less than three years of service for pension as such Member and not less than five years of service for gratuity; or
- (b) if he has been removed from office as such Member;

(3) The pension under these regulations shall be payable to a Member for life.

(4) The pension under these regulations shall not be payable to a Member-

- a) who, at the date of his appointment as such, was in the service of a local body or any other body wholly or substantially owned or controlled by the Government; or
- b) who, at the date of his appointment as such, had retired from service under the Central Government or a State Government, a local body or any other body wholly or substantially owned or controlled by Government,

if, he is in receipt of, has received or has become entitled to receive any retirement benefit by way of pension, gratuity, payment from any Provident Fund or otherwise.

9. Right to subscribe to General Provident Fund.-

Every person holding office as the Chairman or a Member shall be entitled to subscribe to the General Provident Fund (Central Services).

10. Other conditions of service.-

Save as otherwise provided in these regulations, the conditions of service relating to travelling allowance, medical facilities, Leave Travel Concession, conveyance allowance and such other conditions of service as are for the time-being applicable to equivalent pay in the Central Government, as far as may be, apply to the Chairman and other Members.

11. Leave Encashment on availing Leave Travel Concession.-

The Chairman and other Members shall be eligible for leave encashment at the time of availing of Leave Travel Concession at such rate as may be specified by the regulations to be made in this behalf.

11A. Omitted

12. Omitted

13. Omitted

14. Omitted

14A. Omitted

(Regulation 9 substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 10 substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 10.02.2017)

(Regulation 11 inserted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 10.02.2017)

(Regulation 11A omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 12 omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 13 omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 14 omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

(Regulation 14A omitted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 28.06.2007)

15. Applicability of rules and orders.-

(1) The conditions of service of the Chairman and other Members for which no express provision has been made in these regulations shall be determined by the rules and orders for the time being applicable to equivalent pay in the Government of India.

(2) Nothing contained in these regulations shall have effect so as to give to a Chairman or a Member appointed before the commencement of these regulations less favourable terms in respect of his pay or his allowances or his rights in respect of leave of absence or pension or any other entitlement than those to which he would have been entitled if these regulations had not been made.

16. Repeal and Savings.-

Nothing contained in these Regulations shall have effect so as to give to a Member who is serving as such at the commencement of these regulations less favourable terms in respect of his allowances or his rights in respect of leave of absence or pension than those in which he would have been entitled if these Regulations had not been made.

(Regulation 15 substituted vide Notification No. 39019/05/96-Estt(B)(Vol.IV) dated 10.02.2017)

SCHEDULE

Omitted

(Omitted vide Notification No. 39019/05/96-Estt. (B)(Vol.IV) dated 28.06.2007)