

UPSC (MEMBERS) REGULATIONS

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

Dated the 19th September, 1969.

REGULATIONS

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 applications:

- (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.

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 (IA) 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&Trg.'s Notification No. 39024/1/80-Estt.(B) dated 22.08.1986 - UPSC file no. 46011/3/79-Admn.I).

4. *Pay :

The Chairman shall receive a pay of rupees thirty thousand per mensem and each of the other members shall receive a pay of rupees twenty six thousand per mensem.

"Provided that, on appointment if a member, other than a member whose pension is regulated under sub-regulation (2) of regulation 8, is in receipt of or is entitled to receive pension or other forms of

retirement benefits from the Government, a local body, a University or any other body wholly or substantially owned or controlled by the Government for the past services rendered under them, the pay shall be reduced by the gross amount of pension (including any portion of pension which was commuted) and pension equivalent of other forms of retirement benefits (excluding pension equivalent of retirement gratuity)".

EXPLANATION: For the purpose 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. Dearness and Additional Dearness Allowance:

"The Chairman and the other members shall receive Dearness Allowance and Additional Dearness Allowance at the rates applicable from time to time to the Central Government servants of equivalent grade".

- * Regulation 4 amended vide DOP & Trg. Notification No. 39019/4/96-Estt.(B) dated 3rd December 1997 (UPSC file No. A-46011/3/97-Admn.I) and Regulation 4A amended vide DOP & Trg. Notification No. 39025/2/86-Estt.(B) dated 02.07.1993. (UPSC file No. A.46011/1/91-Admn.I)

(Explanation under Regulation 4 substituted vide MHA DOP & ARs Notification No. 39018/12/77-Estt.B dated 22.02.1980) (UPSC file No. A.46011/1/78 Admn.I) (Regulation 4A introduced vide MHA. DOP & ARs Notification No. 39025/4/79-Estt.B dated 21.09.1979) (UPSC file No.46011/1/78-Admn.I)

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 admissible to a Member in the service of the Central or a State Government:

Notwithstanding anything contained in the regulation 5, a Member who at the time of his appointment to the Commission was in the service of the Central or a State Government: -

- a) may be granted leave by the President under the rules applicable to him immediately before his appointment and his service as Member shall count for such leave; and
- b) the leave at the credit of any such Member in his leave account shall not lapse on the date of his appointment as Member but shall be carried forward and could be availed of during his tenure as Member.

7. Leave admissible to a Member who was not in the service of the Central or a State Government:

- 1) A Member who at the time of his appointment to the Commission was not in the service of the Central or a State Government shall be entitled to leave as provided in Schedule I appended to these Regulations.
- 2) The leave at the credit of a Chairman or a Member of a State Public Service Commission shall not lapse on the date of his appointment as a Member of the Union Public Service Commission, but shall be carried forward and could be availed of during his tenure as a Member.

(Sub-regulation 7(2) introduced vide Department of Personnel & ARs Notification No. 39025/1/81-Estt.(B) dated 30.05.1984). (UPSC file No. A.46011/2/84-Admn.I)

The provisions of sub-regulation (2) shall apply to the Members of the Commission including those holding office immediately before the commencement of the Union Public Service Commission (Members) Amendment Regulations, 1984.

7A. Cash payment in lieu of unutilised Earned Leave in certain cases:

- 1) A Member shall be paid cash equivalent of leave salary in respect of the period of Earned Leave at his credit at the time of his ceasing to hold office.
- 2) The payment of cash equivalent of leave salary under sub-regulation (1) shall be limited to a maximum of *Three hundred days of Earned leave #including the period for which cash payment was made prior to the appointment as Member.
- 3) The cash equivalent of leave salary thus admissible shall become payable to a Member at the time of his ceasing to hold office and shall be paid in one lumpsum as a one time settlement.
- 4) Cash payment shall be equivalent to leave salary as admissible for Earned Leave and Dearness Allowance admissible on that leave salary at the rates in force on the date of relinquishment of office. No City

Compensatory Allowance and House Rent Allowance shall be payable.

(Regulation 7A introduced vide DOP & ARs Notification No. 39025/1/78-Estt.(B) dated 09.01.1979) (UPSC file No. A.46011/1/78-Admn.I).

- * The words "Three hundred" substituted in place of the words "Two hundred and forty" vide DOP&T's Notification No. 39019/2/99-Estt.(B) dated 06.07.1999. (UPSC file No. A.46011/1/94-Admn.I).
- # The words viz. "including the period for which cash payment was made prior to the appointment as a Member" inserted vide DOP & ARs Notification No. 39025/1/81-Estt.(B) dated 30.05.1984. (UPSC file No. A.46011/2/84-Admn.I).

8. Pension payable to Members who were in the service of the Central or a State Government:

- 1) A Member who, at the time of his appointment as such, was in the service of the Central 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) A Member, who at the time of his appointment as such, was in the service of the Central or State Governments, if he does not exercise the option mentioned in sub-regulation (1), 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.

9. Pension payable to Members who were not in the service of the Central or a State Government, etc.:

- 1) 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 or 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: -

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

- a) Unless he has completed not less than three years of service for pension as such Member; or
 - b) if he has been removed from office as such Member
- 2) Pension under these regulations shall be payable to a Member for life.

Provided that no such pension shall be payable during any period for which such Member may, after his retirement as such, hold office as the Chairman of the State Public Service Commission.

3) *Pension under this regulation shall be paid at the following rates, namely: -

i) in the case of the Chairman, rupees fourteen thousand six hundred and thirty per annum for each completed year of service; and

ii) in the case of a Member, other than a Chairman, rupees eleven thousand one hundred and fifty per annum for each completed year of service.

* Amended vide DOP&Trg. Notification No. 39019/05/99- Estt.(B) dated 16th April, 2001.

EXPLANATION - I: -

Where a Member, who has completed not less than three years of service for pension, resigns from his post and such resignation is accepted by the President, pension shall be payable to such Member in accordance with these regulations.

EXPLANATION - II: - (w.e.f. 01.04.1979)

When the total service for pension is rendered by a person partly as Member and partly as Chairman (whether before or after the commencement of Union Public Service Commission

(Members) Amendment Regulations, 1993), the pension admissible to such person shall be aggregate of the pension calculated separately for each such term as a Member and as a Chairman.

EXPLANATION - III: -

The duration of service of a person as Member shall be computed in terms of completed years, but if the service rendered is six months or more, additional benefit of half a year's pension may be allowed.

- 4) Every Member referred to in sub-regulation (1) shall be eligible for graded relief in pension at the rates applicable to a Central Government Officer.
- 5) Commutation will be permissible in respect of pension granted under this regulation in accordance with the rules applicable to Central Government Officers of the highest grade.

(Sub-regulation 4 and 5 inserted vide MHA, DOP & ARs Notification No. 39024/1/77-Estt.(B) dated 03.02.1979) (UPSC file No. A.46011/1/78-Admn.I).

Amended w.e.f. 01.04.1979 vide DOP & T's Notification No. 39019/3/91-Estt.B dated 30.06.1993.

10. Pension when not payable:

- 1) No pension shall be payable under these regulations to a Member -
 - i) 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 Government; or
 - ii) who, at the date of his appointment as such, had retired from service under the Central 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 Contributory Provident Fund or otherwise, but such person may, at his option, come under the pension scheme under these regulations, if the amount of the pension or the pension equivalent of the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these Regulations.

- 2) A Member holding office as such shall communicate the option referred to in sub-regulation (1) in writing to the President during his tenure as

such Member, the option once exercised being final.

- 3) Any such Member, so exercising his option under this regulation, shall in case he has received any retirement benefit, by way of pension including any commuted value thereof, gratuity or the Government's or the employer's contribution as the case may be, to any Contributory Provident Fund together with any interest thereon, in respect of the said service, refund the entire amount of the said retirement benefits in a lumpsum; and in case he has become entitled to receive but has not actually received the retirement benefits, herein before referred to in this sub-regulation, signify in writing that he has agreed to forego his right to receive the same.

(Substituted vide MHA, DOP & ARs Notification No. 39025/2/80-Estt.B dated 25.08.1981) (UPSC file No.A.46011/2/80-Admn.I).

11. Provisions for Provident Fund in respect of a Member who was in the service of the Central or a State Government:

A Member who, at the date of his appointment to the Commission was in the service of the Central or State Government and who had been admitted to the benefits of a Contributory Provident Fund, may continue to subscribe to that Fund until the

date on which he must compulsorily retire according to the rules applicable to him in his service. The employer's contributions payable to the Fund, shall, as from the date of the Member's appointment to the Commission, be payable by the Central Government on the basis of the emoluments which he would have drawn in the post which he held immediately before such appointment.

Provided that if the pension equivalent of Government contribution to the Contributory Provident Fund together with the interest thereon falls short of the amount of the pension admissible to a Member in respect of the service rendered by him as such, such Member may, at his option, come under the pension scheme under regulation 9 (Nine).

EXPLANATION - I

A member exercising his option under the above proviso shall communicate his option in writing to the President during his tenure as such Member, the option once exercised being final.

EXPLANATION - II

If a Member exercising his option has received any benefits of Contributory Provident Fund on retirement from service under the Central or a State Government, he shall not become eligible for pension under these regulations unless he refunds in lumpsum the Government contribution to that Provident Fund with interest thereon together with other retirement benefits, if any.

11A. Contributory Provident Fund

- 1) A member who, at the time of his appointment as such Member was in the service of the Central or a State Government or of a local body, or any other authority wholly or substantially owned or controlled by Government and who opts, or had opted, to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged prior to such appointment; or
- 2) had retired from service under the Central or a State Government, a local body or other authority wholly or substantially owned or controlled by Government and who does not opt, or had not opted, to come under the pension scheme under these regulations; or
- 3) was not in the service of the Central Government or a State Government, a local body or any other authority wholly or substantially owned by Government and either does not become entitled to any pensionary benefits under these Regulations or opts not to come under the pension scheme under these Regulations;

shall be entitled to be admitted to the benefits of the Contributory Provident Fund Scheme and for this purpose shall be governed by the Contributory Provident Fund (India) Rules, 1962 as amended from time to time.

(Regulation 11A introduced vide MHA, DOP & ARs Notification No. 39025/1/79-Estt.B dated 14.11.1979) (UPSC file No. A.46011/1/75-Admn.I).

12. Option to subscribe to the Central Provident Fund (Central Services)

Every Member may, at his option, subscribe to the General Provident Fund (Central Services), in accordance with the rules or orders governing that fund:

Provided that a Member who at the date of his appointment was in the service of the Central or a State Government and who had been admitted to the benefits of any other Provident Fund, may instead be allowed to continue to subscribe to that Fund, in accordance with the rules or regulations applicable to that Fund, until he reaches the date on which he must compulsorily retire from service in accordance with the rules applicable to him in his service. On that date, his accumulated balance in that Provident Fund, including the Government's contribution, if any, shall, if the Member has exercised his option in favour of subscribing to the General Provident Fund (Central Services) be transferred to the said fund.

Provided further that where a Member opts to withdraw the accumulated balance in that Provident Fund, including the Government's contribution, if any, the said balance shall be paid to him.

(Second proviso inserted vide DOP & ARs Notification No. 19/1/73-Estt.B dated 07.05.1975) (UPSC file No. A.46011/2/74-Admn.I).

13. Facilities for medical treatment:

A member shall be entitled to such facilities for medical treatment as are provided for in the Contributory Health Scheme Rules, 1954, as amended from time to time.

*14. Allotment of accommodation :

In respect of allotment of residential premises owned, leased or requisitioned by the Central Government, the Chairman and other Members shall be governed by the rules and orders for the time being applicable to Central Government servants of equivalent grades.

#14A. Travelling concession to Members for joining the post

- 1) A person who is not in the service of the Central or State Government at the time of appointment as Member shall be entitled to the following benefits to join the post, namely:-
 - (a) First Class / AC 2 tier fare for journey undertaken by rail for self and family consisting of spouse and dependent children from the nearest railway station.
 - (b) Cost of transportation of baggage (including car) and necessary incidental charges, as

admissible to a First Grade Central Government Officer; and

(c) Lumpsum Transfer Grant and Packing Allowance at the rates prescribed for Central Government Officers of equivalent grade.

- 2) A person who is in the service of Central or a State Government at the time of his appointment as Member shall be entitled to Travelling Allowance and Transfer Travelling Allowance for joining the post as per rules of the service to which he belonged immediately before his appointment.

*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 the Central Government servants of equivalent grade.
- 2) Nothing in these regulations shall be construed as rendering the conditions of service of the Chairman or any other Member less favourable than that existed on the date of his appointment.

(Regulation 15 introduced vide MHA, DOP & ARs Notification No. 39025/3/78-Estt.B dated 09.09.1980) (UPSC file No.A.46011/1/78-Admn.I).

- * Regulations 14 & 15 amended vide DOP&T's Notification No. 39025/2/88-Estt.B dated 02.07.1993.
- # Regulation 14A inserted vide DOP&T's Notification No.39025/1/85-Estt.B dated 02.07.1993.

16. Repeal and Savings:

- 1) On the commencement of these regulations the Union Public Service Commission (Conditions of Service) Regulations issued with the late Home Department Notification No. F-322/35-Estt. dated 01.04.1937, as amended from time to time, shall stand repealed.

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 to which he would have been entitled if these Regulations had not been made. -

Sd/-

(UMA SHANKAR)
Joint Secretary to the Government of India

To

The Manager,
Government of India Press,
New Delhi.

SCHEDULE*
(See Regulation 7)

A Member who, at the time of his appointment to the Commission was not in the service of the Central or a State Government may be granted leave by the President as follows: -

- (a) Earned leave in accordance with the Central Civil Services (Leave) Rules, 1972, as amended by the Central Government from time to time.
- (b) Half Pay Leave and Commuted Leave in accordance with the Central Civil Services (Leave) Rules, 1972, as amended by the Government from time to time.
- (c) Extraordinary Leave without allowances, when no other leave is by rule admissible or when other leave is admissible, but the Member concerned applies in writing for the grant of Extraordinary Leave, as amended by the Central Government from time to time.

Sd/-

(UMA SHANKAR)
Joint Secretary to the Government of India

* (Substituted vide DOP&T's Notification No. 39025/3/86-Estt.B dated 14.10.1986) (UPSC file No.A.46011/3/86-Admn.I).