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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

Govt. of West Bengal
Personnel & Administrative Reforms Department
Administrative Reforms Cell, Writers' Buildings,
Kolkata-700 001

NOTIFICATION

Dated 29.05.2007

No. 493-PAR (AR)/O/3B-3/2006

In exercise of the power conferred by section 21 read with Section 19, of the West Bengal Lokayukta Act, 2003 (West Ben. Act XXXV of 2003), the Governor is pleased hereby to make the following rules, namely :-

Rules

1. Short title and Commencement- (1) These rules may be called the West Bengal Lokayukta and Upa-Lokayukta (Salaries and Conditions of Service and Appointment) Rules, 2006.

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

2. Definitions. - (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the West Bengal Lokayukta Act, 2003 (West Ben. Act XXXV of 2003);

(b) "pension" means the amount of pension including any portion of pension which was commuted.

(2) Words and expressions used and not defined but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. Oath or affirmation. - Every Lokayukta or Upa-Lokayukta shall make and subscribe before the Governor an oath or affirmation in the form as mentioned below:-

"I, having been appointed Lokayukta/Upa-Lokayukta do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge, and judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws"

4. Pay and Allowances of Lokayukta or Upa-Lokayukta. - (1) The Lokayukta shall, in every month, be entitled to such an amount of pay and allowances including dearness allowance as admissible to the Chief Justice of the High Court:

Provided that if the Lokayukta at the time of his appointment is in receipt of pension and retirement benefits in respect of any previous service from the Government of India or from the Government of a State, as the case may be, his salary in respect of appointment as the Lokayukta shall be reduced by the amount of pension and the amount of pension equivalent of other forms of retirement benefits like dearness pension, if any.

(2) The Upa-Lokayukta shall, in every month, be entitled to such an amount of pay and allowances including dearness allowance as admissible to a Judge of the High Court:

Provided that if the Upa-Lokayukta at the time of his appointment is in receipt of pension as retirement benefits in respect of any previous service from the Government of India or from the Government of a State, as the case may be, his salary in respect of appointment as the Upa-Lokayukta shall be reduced by the amount of pension and the amount of pension equivalent to other forms of retirement benefits like dearness pension, if any.

(3) The Lokayukta and an Upa-Lokayukta shall be entitled to all perquisites admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively.

5. Facility for accommodation of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta shall, without payment of rent, be entitled to a furnished residential accommodation throughout the term of their office and for a period of one month thereafter:

Provided that where the Lokayukta or an Upa-Lokayukta does not avail himself of the use of such residential accommodation, he shall, in every month, be entitled to a House Rent Allowance equal to thirty per centum of his pay or at such enhanced rate as may be determined by the State Government.

6. Facility for conveyance of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta shall be entitled to -

- a) a staff car and such volume of petrol as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively; or
- b) in case the Lokayukta or an Upa-Lokayukta does not avail the facility of a staff car and volume of petrol as mentioned in clause (a), a car allowance as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively.

7. Facility while on tour of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta, as the case may be, while on tour, be entitled to traveling allowance as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively.

8. Leave, vacation and Leave Travel Concession (LTC) of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta shall be entitled to such leave, vacation and Leave Travel Concession as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively.

9. Facilities for medical treatment of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta shall be entitled to such medical treatment and hospital facilities as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively.

10. Provident Fund of Lokayukta or Upa-Lokayukta. - (1) The Lokayukta or an Upa-Lokayukta shall be entitled to subscribe to the Provident Fund at their option.

(2) If the Lokayukta or an Upa-Lokayukta opts for subscribing to the Provident Fund, the provisions of the General Provident Fund (Central Service) Rules, 1960, shall be applicable to such Lokayukta or Upa-Lokayukta.

11. Leave Salary of Lokayukta or Upa-Lokayukta. - The Lokayukta or an Upa-Lokayukta shall be entitled to cash equivalent of leave salary in respect of the earned leave standing to his credit on the expiry of the term of office of such Lokayukta or such Upa-Lokayukta:

Provided that the quantum of leave to be encashed under this rule and the leave encashed, if any, during his previous service, taken together, shall not in any case exceed three hundred days.

12. Other Conditions of Appointment and perquisites of the Lokayukta and Upa-Lokayukta. - The other conditions of appointment and perquisites of the Lokayukta and an Upa-Lokayukta shall be the same as admissible to the Chief Justice of the High Court and a Judge of the High Court, respectively, in accordance with the provisions of the High Court Judges (Conditions of Service) Act, 1954 and the High Court Judges (Travelling Allowances) Rules, 1956 and other notifications issued thereunder from time to time.

13. Interpretation. - If any question arises about the interpretation of the provisions of these rules, the decision of the State Government thereon shall be final.

By Order of the Governor,

(Trilochon Singh)

Principal Secretary to the Govt. of West Bengal