

In exercise of the powers conferred by Section 57 read with Section 7 of the Mizoram Lok Ayukta Act, 2014 (Act no. 11 of 2014), the Governor of Mizoram is pleased to make the following Rules, namely :-

CHAPTER - I PRELIMINARY

1. Short title and commencement:
 - (1) These rules may be called “The Member, Lok Ayukta, Mizoram (Terms and Conditions of Service) Rules, 2019”.
 - (2) They shall come into force from the date of their publication in the Mizoram Gazette.
2. Difinitions:
 - (a) ‘Member’ means Member, Lok Ayukta, Mizoram.
 - (b) ‘Chief Justice of the High Court’ means Chief Justice of the Gauhati High Court.
 - (c) ‘Judge of the High Court’ means Judge of the Gauhati High Court.

CHAPTER - II RANK & STATUS

3. The rank and status of the Member shall be the rank and status accorded to the Judge of Gauhati High Court in all respects.

CHAPTER - III SALARY & ALLOWANCES

4. Section 7 of the Mizoram Lok Ayukta Act, 2014 provides that the salary, allowances and other conditions of service of –
 - 1) The Member shall be the same as those of the Judge of the High Court;
 - a) Accordingly, there shall be paid to the Member, by way of salary of two lakh twenty-five thousand rupees per mensem as amended from time to time, which is equivalent with the salary of the Judge of a High Court.
 - b) **Dearness Allowance:** There shall be paid to the Member, by way of Dearness Allowance, which is equal to the percentage of Dearness Allowance released by the Government of India from time to time and which shall be computed form the amount of salary immediately before reduction of the amount of his pension.
 - c) **Sumptuary Allowance:** A Monthly Sumptuary Allowance of rupees twenty-seven thousand per mensem as admissible to the Judge of the High Court shall be paid to the Member, by way of Sumptuary Allowance (Section 22C of the High Court Judges (Salaries and Conditions of Service) Act, 1954).
 - d) **House Rent Allowance:** Where, for any reason, the Member, does not avail himself of the use of an official residence, he may be paid every month an allowance equivalent to an amount of twenty-four per cent of the salary. (Section 22A of the High Court Judges (Salaries and Conditions of Service) Act, 1954)

e) **Conveyance Facilities:** The Member shall be entitled to a staff car and two hundred litres of fuel every month or the actual facilities consumption of fuel whichever is less (Section 22B of the HC Judges (Salaries and Conditions of Service) Act, 1954).

Provided further that the salary, allowances and pension payable to, and other conditions of service of the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

CHAPTER - IV

TRAVELLING ALLOWANCE AND LEAVE TRAVEL CONCESSION

5. (1) **Travelling Allowance:** The Member, on the date of his appointment, was in the service of the Government of India or of a State, a local body, or any other body wholly or substantially owned or controlled by the Government, shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per Rules applicable to him in his previous service.

(2) When a person not already in Government service is appointed to be the Member, he may when travelling by train to join his post, travel in a reserved compartment of the highest class.

(3) When the Member travels on duty, he shall be entitled:

(a) When travelling by railway-

- (i) To a reserved two-berth compartment of the highest class including air-conditioned, and if one such compartment is not available, then to a reserved four-berth compartment of the highest class but excluding the air-conditioned;
- (ii) If such a compartment is provided to take his wife along with him without payment of the fare; and
- (iii) to the fares at the lowest class rates actually paid for servants not exceeding two in number.

(b) When travelling by road, to road mileage allowance at the rate notified by the concerned Director of Transport provided that –

- (i) No such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid;
- (ii) No mileage allowance shall be admissible for journeys undertaken within a radius of eight kilometres from the residence of the Member or for a journey between such residence or temporary residence and the place of sitting of the Lok Ayukta and
- (iii) Where daily allowance is admissible and is claimed for any day, no mileage allowance shall be admissible in addition in respect of any journey

- undertaken by road within a radius of eight kilometres from the temporary residence of the Member at the place of halt;
- (iv) No such allowance shall be payable in cases where the Member use transport provided at Government expense;
- (c) To a daily allowance up-to Rs. 7500/- per day for hotel or guest house accommodation, transport charges (AC taxi) of up-to 50 kms for travel within the city and food bills not exceeding Rs. 1200/- per day for the entire period of absence from headquarters, the absence being reckoned from the time of departure from headquarters to the time of return to headquarters:

Provided that the daily allowance so admissible shall be regulated as follows:-

- (i) Full allowance for each completed day, that is reckoned from mid-night to mid-night;
- (ii) For absence from headquarters for less than twenty four hours, the daily allowance shall be at the following rates, namely:-
- (1) If the absence from headquarters does not exceed six hours, 30% of the full daily allowance;
 - (2) If the absence from headquarters exceeds six hours, but does not exceed twelve hours, 50% of the full daily allowance;
 - (3) If the absence from headquarters exceeds twelve hours, full daily allowance.
- (iii) If the date of departure from and return to headquarters fall on different dates, the period of absence from headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii) :

Provided further that –

- (i) When a Member is required to perform functions outside his normal duties away from his headquarters he may, subject to such conditions as the Governor may in each case determine, be granted daily allowance up-to Rs. 7500/- per day for Hotel or guest house accommodation, and transport charges (AC taxi) of up-to 50 kms. for travel within the city and food bills not exceeding Rs. 1200/- per day and shall also be entitled to Government accommodation at the same rates as for the Judge of a High Court.
- (ii) When a Member is required to perform similar functions, whether part-time or whole-time in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expenses in which case he may be granted such allowance not exceeding Rs. 7500/- per day as the Governor in each case determine;
- (iii) When a Member is a State Guest or is allowed to avail free board and lodging at the expenses of the Central or State Government or any autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority, in which Government funds have been

invested, or in which Government has any other interest, the daily allowance shall be restricted to 25% of the amount admissible or sanctioned; and if only board or lodging is allowed free, the Member may draw daily allowance at one-half of the admissible rate.

- (d) To the expenditure, if any, actually incurred on the transport by passenger train at Railway risk or by Air at owner's risk, whichever is less or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a Railway or steamer service in respect of one driver or cleaner for the car.
- (4). (1) When a Government servant, appointed to be a Member travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class including air conditioned.
- (2) A Government servant availing himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station master of the station from which the journey commences, the fare for any members of his family accompanying him whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.
- Explanation- For purposes of the above, a reserved compartment means a two-berthed compartment or a four berthed compartment if a two-berthed compartment is not available in the train by which a Member travels.
- (5) When a person not already in Government service is appointed to be a Member, he may when travelling by railway to join his post, travel in a reserved compartment of the highest class including air-conditioned and subject to the conditions prescribed above.
- (6) **Leave Travel Concession:** The Member who has completed one year of service with the Lok Ayukta shall be entitled to LTC for self, spouse and dependent members visiting any place in India including Home Town during leave thrice a year in accordance with rules applicable in this behalf to the Judge of a High Court.

CHAPTER -V LEAVE AND ENCASHMENT OF LEAVE SALARY

6. The Member shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling subject to the provisions as follows:
- a) A person who, immediately before the date of assuming office of the Member, was in service of the Government may be granted during his tenure of office but not thereafter,

b) 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.

c) Any other person who is appointed as Member may be granted leave in accordance with the provisions of The High Court Judges (Salaries and Conditions of Service) Act, 1954.

d) The power to grant or refuse leave to the Member, and to revoke or curtail leave granted to him shall rest in the Governor of Mizoram. (Section 13 of The High Court Judges (Salaries and Conditions of services) Act, 1954)

e) The Member, shall on his demitting office except by resignation, shall be entitled to claim encashment of Earned Leave in respect of the Earned Leave at his credit subject to a maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955 as amended from time to time.

f) In case the Member demits Office by resignation, he is entitled to encashment of leave at his credit on the date of cessation of service to the extent of half of such leave at his credit subject to half of the maximum period stated above. Provided that the overall limit for encashment of leave including both Earned Leave and half pay leave shall not exceed three hundred days. To make up for the shortfall in Earned Leave, no commutation of half pay leave shall be admissible.

g) For the purpose of this chapter, Casual Leave may be admissible to the Member in a calendar year for such number of days and subject to such conditions as may be prescribed and Leave granted to the Member shall generally be at his option.

CHAPTER – VI OTHER FACILITIES

7. a) **Medical Facilities:** The Member and the dependent members of his family shall be entitled to such facilities and for medical treatment and for accommodation in Hospitals prescribed for the Judge of a High Court.

Provided that such expenses shall be re-imbursed on prescription of Government Doctors/Hospitals or Recognised Private Practitioners/Hospitals.

b) **Post Retiral Benefits:** The Member shall be entitled during his life time a payment of Rupees fourteen thousand only per month for defraying the services of an Orderly and for meeting the expenses incurred towards Secretarial Assistance on contract basis.

He shall also be entitled to a residential telephone/mobile phone free of cost and the number of free calls to the extent of two thousand rupees and one thousand rupees respectively: Re-imburement of the post retiral benefits shall be paid by the Mizoram Lok Ayukta.

c) **Free Furnishing:** The value of Free Furnishing including Electrical appliances provided free of rent in the Official Residence allotted to the Member, shall not exceed Rs. 6,00,000/- (Rupees six lakhs only)

d) **Death-cum-retirement Gratuity:** The rules, notifications and orders for the time being in force with respect to the grant of Death-cum-retirement Gratuity benefits to or in relation to the Judge of a High Court as per the provisions of the High Court Judges (Salaries and Conditions of Service) Act, 1954 shall apply to the Member, who retires or dies in circumstances to which the provisions of rule 8 do not apply subject to the modifications:

- i) The minimum qualifying service for the purpose to entitlement to the gratuity shall be two years and six months.
- ii) The amount of gratuity shall be calculated on the basis of ten days salary for each completed six months period of service as the Member, , while the maximum amount of gratuity payable shall not exceed Rs. 20, 00,000/-.

CHAPTER - VII PENSION AND FAMILY PENSION

(1) Pension payable to the Member : Subject to the provisions of any law for the time being in force, the Member shall on his retirement, be paid a pension in accordance with the scale and provisions in Part-I of the First Schedule of the High Court Judges (Salaries and Conditions of Service) Act, 1954: Provided that no such pension shall be payable to the Member, unless:

- a) He has completed not less than five years of service; or
- b) He has attained the age of seventy years whichever is earlier or
- c) His retirement is medically certified to be necessitated by ill health

Provided further that if the Member is in receipt of a pension in respect of any previous service under the Union or a State or any other authority, the pension payable under this rule shall be reduced by the amount of that portion of pension.

(2) For the Member, who is eligible to receive pension under Part-I of the first schedule, the rules notifications and orders for the time being in force with regard to the person or persons entitled to pension/family pension in relation to an Officer of the State Civil Services, Group-A, shall apply.

(3) The retired Member or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:-

Age of pensioner of family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty five years	Twenty per cent of basic pension or family pension
From eighty five years to less than ninety years	Thirty per cent of basic pension or family pension
From ninety years to less than ninety five years	Forty per cent of basic pension and family pension
From ninety five years to less than hundred years	Fifty per cent of basic pension or family pension
From hundred years or more	Hundred per cent of basic pension or family pension

(4) The Member shall be entitled to subscribe to the General Provident Fund as applicable to Group 'A' Officers of the State.

Provided that a Member, has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as such;

(5) The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Insurance Services) Rules, 1960, shall apply to the Member, , whether he subscribe to the General Provident Fund (Central Service) or any other Provident Fund.

9. **AUTHORITY COMPETENT TO GRANT PENSION ETC:** Save as may be otherwise expressly provided in the relevant Act or rules relating to the grant of pension, extraordinary pension and Gratuities, the authority competent to grant pension or gratuity to the Member, shall be the Governor of Mizoram.

10. **CONDITIONS OF SERVICE WHERE NO EXPRESS PROVISION IS MADE:** The conditions of service of the Member, for which no express provision has been made in these rules, shall be determined under the relevant provisions of the High Court Judges (Salaries and Conditions of Service) Act, 1954 read with any rules made under the Act.