

HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT

Notification
The 5th May, 1994

No. G.S.R. 37/Const/Art.243-k/94.-In exercise of the powers conferred by clause (2) of article 243K of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules, regulating the conditions of service and tenure of the State Election Commissioner, namely:-

- Short title 1. These rules may be called the State Election Commissioner Conditions of Service Rules, 1994.
- Definitions. 2. In these rules, unless context otherwise requires.-
(a) "Commissioner" means an officer who has served in the rank of a Commissioner in the State Government of Haryana;
(b) "Governor" means the Governor of the State of Haryana;
(c) "Government" means the Government of the State of Haryana;
(d) "State Election Commissioner" means the State Election Commissioner appointed under clause (1) of article 243K of the Constitution of India.
- Qualifications for appointment as State Election Commissioner 3. The person to be appointed as the State Election Commissioner shall be a person-
(i) who is or has been a judge of a High Court;
(ii) a person has served the Government in the rank of a Commissioner for a minimum period of five years, or has served the State Government in a higher rank, namely, Financial Commissioner.
- Age 4. The State Election Commissioner shall not be below the age of fifty five years.
- Salary 5. The State Election Commissioner shall be entitled to the salary equal to the salary of 'Chief Secretary to Government, Haryana'² :
Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner was in receipt of, or being eligible so to do, had opted to draw, a pension in respect of any previous service under the Government of India or under the State Government or any other service, his salary in respect of Service as the State Election Commissioner shall be reduced-
(a) by the amount of that pension;
(b) by the amount of the commuted value in respect of previous, if he had, before assuming office, received, in lieu of a portion of the pension due to him.
- Terms of office 6. The State Election Commissioner shall hold office for a period of five years from the date he assumes office:
Provided that where the State Election Commissioner attains the age of sixty-five years before the expiry of the said terms of five years, he shall vacate his office on the date on which he attains the said age:
Provided further that the State Election Commissioner may, at any time, by writing under his hand addressed to the Governor, resign his office.
'Provided further that on the expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed and enters upon his office, but this period shall not in any case, exceed six months.'⁴
- 6A. "Retirement from parent service on appointment as State Election Commissioner.- A person who on the date of his appointment as State Election Commissioner was in the service of the Central of a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as State Election Commissioner."¹

Disqualifications of being the State Election Commissioner

7. A person shall be disqualified for being appointed or for being as the State Election Commissioner-

- (a) if he is of unsound mind;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted of an offence involving moral turpitude.

Other conditions of service.

8. Other Conditions of Service.-‘Save as otherwise provided in these rules, the conditions of service relating to traveling allowance, rent free accommodation and exemption from liability to pay income tax on the value of such rent free accommodation, conveyance facilities, sumptuary allowance and such other conditions of service, as are, for the time being, applicable to a Judge of the High Court under Chapter IV of the High Court Judges (Salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the rules made thereunder, shall as far as may be, applicable to the State Election Commissioner.’³

8A. Leave- Any person who is appointed as the State Election Commissioner may be granted leave by Governor in accordance with such rules as are for the time being applicable to the members of the service to which he/she earlier belonged.

8B. Pension – (1) where the State Election Commissioner demits his office either by resignation or is deemed to have demitted his office as per sub rule (2), he shall on such demission be entitled to a pension at the rate of rupees sixteen thousand twenty per annum for each completed year of service in the Commission :

Provided that the aggregate amount of the pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office as State Election Commissioner shall not exceed the maximum amount of pension for the Chief Secretary of the State.

(2) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purposes of these rules, to have demitted his office, if,-

(a) he has completed the term of office specified in rule 6; or

(b) he has attained the age of 65 years; or

(c) his demission of office is medically cetified to be necessitated by ill health.’⁵

Bar to appointment under Government. Repeal

9. On ceasing to hold office, the State Election Commissioner shall not be eligible for any further appointment under the Government.

10. The State Election Commissioner (Condition of Service) Rules, 1994, notified,- *vide* Haryana Government Development and Panchayats Department, notification No. G.S.R.14/Const./Art.243K/PR/94, dated the 18th February, 1994 are hereby repealed.

M.C.GUPTA,
Chief Secretary to Government, Haryana.

1. Inserted vide Notification No. G.S.R. 11/Const/Art.243-k/95 Dated the 25th January, 1995.
2. Inserted vide Notification No. G.S.R. 43/Const/Art.243-k/98 Dated the 18th May, 1998.
3. Substituted vide Notification No. G.S.R. 11/Const/Art.243-k/2005 Dated the 15th September, 2005.
4. Inserted vide Notification No. G.S.R. 9/Const/Art.243-k/2009 dated 23rd April, 2009
5. Inserted vide Notification No. G.S.R. 21/Const/Art.243-k/2009 dated 26th August, 2009