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ANNEXURE TO ORDER
RIGHT TO INFORMATION ACT, 2005
STATE INFORMATION COMMISSION UTTARAKHAND
TERMS AND CONDITIONS OF SERVICE OF THE CHIEF
INFORMATION COMMISSIONER AND INFORMATION
COMMISSIONERS

In exercise of the powers conferred by section (4) of section 15 of the Right to Information Act 2005 (Central Act No : 22 of 2005) and all other powers enabling him in this behalf, Governor of Uttarakhand has constituted the Uttarakhand State Information Commission. Dr. R.S. Tolia I.A.S. (Retd.) has been appointed as Chief Information Commissioner, Uttarakhand and he has taken the oath of office on 18.10.2005. The terms and conditions of his appointment are fixed as under :

1) Tenure

As per Section 16 (1) of the Act, he will hold office with effect from 18.10.2005 till 17.10.2010, five years and shall not be eligible for reappointment.

He may, at any time, by writing under his hand addressed to the Governor, resign from his office.

2) Removal of the State Chief Information Commissioner

As stipulated in Section 17 of the Right to Information Act, 2005

3) Salary, Allowances and other facilities

To be fixed as per Section 16 (5) of the Right to Information Act, 2005.

This Section is reproduced below:

"The Salaries and allowances payable to and other terms and conditions of services of :

- (a) The State Chief Information Commissioner shall be the same as that of an Election Commissioner;*
- (b) The State Information Commissioner shall be the same as that of the Chief Secretary to the state Government.*

provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the government of India or under the Government of state, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms retirement benefits excluding pension equivalent of retirement gratuity.

provided further that where the State Chief Information Commissioner or a State Information Commissioner if at the time of his appointment is, in receipt of retirement benefits in respect of any previous services rendered in a Corporation established by or under any Central Act. or a State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in receipt of the service as the State Chief Information commissioner or the State Information Commissioner shall be reduced by the amount of the pension equivalent to the retirement benefits;

provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment."

Accordingly, his pay and allowances etc. shall be as under :

2) Pay

He shall draw pay and of Rs. 30,000.00 p.m. (fixed). If he is in receipt of pension (other than a disability or wound pension) from government of India or from State Government, his salary as Chief Information Commissioner shall be reduced by the amount of that pension including committed portion of pension. If he is in receipt of retirement benefits in respect of any previous service rendered in a corporation established by or under any Central Act or a State Act or a government Company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits; (As per Sec. 16 (5) and the first proviso thereunder of the RTI Act, 2005 & Section 3 of the CEC and Other ECs (Conditions of service Act, 1991 & Section 12A(2) of the Supreme Court Judges (salaries and conditions of service) Act, 1958)

3) Sumptuary Allowance

A monthly sumptuary allowance as admissible to the Election Commissioner shall be admissible to the State Chief Information Commissioner. Accordingly he is entitled to Rs. 7500/- (Rupees Seven Thousands Five Hundred only) per month. (As per Sec. 8 of the CEC and other ECs (Conditions of service Act, 1991 & Sec 23 B of the Supreme court Judges (Salaries and Conditions of Service) Act, 1958)

(a) Provident Fund

He shall be entitled to subscribe to the General Provident Fund (Central Services).
(As per Sec. 7 of the CEC and other ECs (Conditions of Services. Act. 1991)

4) Leave

He shall be entitled to leave as per the provisions contained in Sec. 5 of the CEC and other ECs (Conditions of Service Act, 1991 & Sec 4A of the Supreme Courts Judges (Salaries and Conditions of Service) Act, 1958 according to which.

"A person who immediately before the date of assuming office as the Chief Election Commissioner or an Election Commissioner, 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 this service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit of such date. Notwithstanding anything entertained in Section 6.

Any other person who is appointed as Chief Election Commissioner or an Election Commissioner may be granted leave in accordance with such rules as for the time being are applicable to a member of the Indian Administrative Service.

The Chief Election Commissioner / Election Commissioners on their demitting office except by resignation, shall be entitled to claim encashment of earned leave in respect of the earned leave at their 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.

In case they demit office by resignation they are entitled to encashment of leave at their credit on the date cessation of service to the extent of half such leave of their credit subject to half of the maximum period stated above.

provided that the encashment of earned if any, already availed before joining the commission and the period of earned leave being encashed in the commission together shall in no case exceed the maximum period as stipulated under the all India Service (Leave Rules, 1955".

5. Accommodation

As per section -8 of the Chief Election Commissioner and other Commissioners (Condition of service) Act, 1991 and rule 4 of the Supreme Court rules, 1959 the Chief Election Commissioner/ Election Commissioners are entitled without payment of rent to the use of an official residence in accordance with the rules prescribed for Chief Election Commissioner/ Election Commissioners. Under the said rules they are also entitled to free furnishing including electrical appliances in their official residence, the value of which does not exceed Rs. 2 Lakh. They are also entitled without payment of rent to the use of

furnished residence through out the term of their office and for a period of one month immediately thereafter and no charge shall fall on them personally in respect of the maintenance of such residence. For this purpose residence includes the staff quarters and other buildings appurtenant there to and the garden there of and maintenance in relation to a residence includes the payment of local rates and taxes and electricity and water. Where, for any reason, the Chief Election Commissioner or Election Commissioners, Chief Information Commissioner in the case of Uttarakhand State Information Commissioner does not avail himself of the use of an official residence he may be paid every month an allowance equivalent to an amount 30% of his pay plus dearness pay as HRA in lieu of rent- free Official residence. In such case the residence of the CIC will be treated as official residence and all other facilities described above will provided. (As per Sec. 8 of the CEC and other ECs (Conditions of Service) Act, 1991 & Rule 4 of the Supreme Court Judges Rules, 1959)

6. Medical Facilities

The State Chief Information Commissioner and the members of his family who are dependent upon his shall be entitled to such facilities for medical treatment and for accommodation in hospitals as prescribed for Election Commissioner from time to time. In terms of section 8 of the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act 1991, he shall be entitled to medical facilities and such other conditions of service as are for the time being applicable to judges of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made there under. Accordingly as per Rule 5 of the Supreme Court Judges Rules 1959, in respect of facilities for medical treatment and accommodation in hospitals, the provisions of the All India Services (Medical Attendance) Rules, 1954 shall apply as they apply to a member of Indian Administrative service.

Provided that the expenses shall be reimbursed on prescription of Government doctors/hospitals or Recognized Private hospitals to the CIC.

In accordance with Section 23C of the Supreme Court Judge (Salaries and Conditions of Service) Act, 1958, after retirement he shall be entitled for himself and his family to the same facilities as respect to medical treatment and on the same conditions as a retired officer of the Central Civil Services Class-1 and his family are entitled under any rules or orders of the Central Government for the time being in force [As per Sec. 8 of the CEC and ECs (Conditions of Service Act, 1991) & Sec 23C of the Supreme Court Judge (Salaries and Conditions of Service) Act, 1958 & Rule 5 of the Supreme Court Judges Rules, 1959].

7. Conveyance facilities

The State Chief Information Commissioner shall be entitled to a staff car and 200 liters fuel per month or the actual consumption of fuel whichever is less. [As per Sec. 8 of the CEC and other ECs (Conditions of Service Act, 1991 & Sec. 23 A of the Supreme Court Judges (Salaries and Conditions of Service) Act 1958]

8. TA/LTC

He shall be entitled to Traveling Allowance/ LTC as applicable to Election Commissioner who is entitled to TA (Tour) and TA (Transfer/Retirement) as per the provisions contained

in the “Supreme Court Judges (TA) Rules, 1959. In terms of Rule 5 (f) ibid when a judge travels on duty he is entitled to a daily allowance at the rate of Rs. 600 for the entire period of absence from head quarters provided that daily allowance so admissible shall be regulated as follows :-

- a) Full daily allowance for each completed day that is reckoned from midnight to midnight.
- b) For absence from head quarters for less than twenty-four hours the daily allowance shall be at the following rates, namely :-
 - i. If the absence from headquarters does not exceed 6 hours, 30% of the full daily allowance;
 - ii. If the absence from headquarter exceed 6 hours, but does not exceed 12 hours, 50% of the full daily allowance;
 - iii. If the absence from head quarters exceeds 12 hours full daily allowance provided also that-

When a judge is required to perform functions outside his normal duties in localities away from his head quarters, he may subject to such conditions as the President may in each case determine, be granted daily allowance not exceeding Rs. 600 per day for all types of localities and Rs. 1000 and transport charges not exceeding Rs. 50 per day

In respect of especially expensive localities like Mumbai, Kolkata, Chennai, Delhi, Hyderabad, Ahmedabad and Bangalore or any other locality so declared hereafter by the President and shall also be entitled to accommodation at the same rates as for Government servants.

As admissible to Supreme Court Judges, Chief Election Commission / Election Commissioners the State Chief Information Commissioner is also entitled to LTC for self, Spouse and dependent members for visiting any place in India including home town during leave thrice a year in accordance with rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of Secretary to Government of India.

(As per Sec. 8 of the CEC and other ECs (Conditions of service Act, 1991 & Rule 6A of the Supreme Court Judges (TA) Rules, 1959).

9. Pension

As per section-6(2) of the Chief Election Commission and other Election Commissioners (Condition of Service) Act, 1991 and rule 4 of the Supreme Court. Judges pension which is equal to the pension payable to the judge of the Supreme Court in accordance with the provisions of the part III of the schedule to the Supreme Court Judges (conditions of service) Act, 1958 as amended from time to time. These provisions are also applicable to Chief Information Commissioner in terms of section (5) of RTI Act, 2005.

The provisions of part III apply to a judge who has held any pensionable post under the union or a state (but is not a member of Indian Civil Service) and who has not elected to receive the pension payable under part I ibid.

The pension payable to such a judge shall be

- (a) The pension to which he is entitled under the ordinary rules of his service if he had not been appointed a judge his service as a judge in India being treated as service therein for the purpose of calculation pension.
- (b) a special additional pension of Rs. 7800 per annum in respect of each completed year of service for pension as a judge in India.

Provided that the pension under (a) and additional pension under clause (b) together shall in no case exceed Rs. 270000 per annum.

The same facility of pension is admissible to state Chief Information Commissioner.

Commutation of pension and gratuity as are admissible to the judge of the Supreme Court are also admissible to State Chief Information Commissioner,

(As per Sec.6 of the CEs and other ECs (Conditions of service Act, 1991& part Service) Act,1959).

10. Post retirement benefits

As in the case of Supreme Court judges/Election Commissioners, the State Chief Information Commissioner is also entitled during his life time to a payment of Rs.14,000/- (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 is also entitled to a residential telephone free of cost and the number of free calls to the extent of Rs.1500/-per month (Over and above the number of free telephone calls per month allowed by telephone companies).

(As per Rule 3 B of the Supreme Court Judges Rules, 1959)

11. Administrative and other residuary matters

Administrative matters relating to terms and conditions of service of the State Chief Information Commissioner with respect to which no expenses provision has been made shall be as applicable to the Election Commissioners of India.(As per Sec.16 (5) of RTI Act,2005)

Annexure-2

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