

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA-171 002**

NOTIFICATION

Dated 18th April, 2013

No.HPERC/Secy/RPB/705/CV/KD/2011- In exercise of the powers conferred by clauses (zj) and (zk) of sub section (2) of section 181, read with sub-sections (2) and (3) of section 91 of the Electricity Act, 2003 (Act No.36 of 2003) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission with the prior approval of the State Government and after prior publication, makes the following regulations to specify the terms and conditions of the service of the Secretary, the other Officers and Employees of the Commission, namely:-

- 1. Short title, commencement and application.-** (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions of Service of Staff) Regulations, 2013.
 - (2) These shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
 - (3) These regulations shall apply to the staff of the Commission i.e. Secretary, other Officers and Employees of Himachal Pradesh Electricity Regulatory Commission but shall not apply to the Chairperson and the Members of the Commission.

- 2. Definitions.-** In these regulations unless the context otherwise requires.-
 - (a) **“Act”** means the Electricity Act 2003(36 of 2003);
 - (b) **“Chairperson”** means the Chairperson of the Commission;
 - (c) **“Commission”** means the State Electricity Regulatory Commission referred to in the Act;
 - (d) **“Schedule”** means the schedule annexed to these regulations;
 - (e) **“Secretary”** means the Secretary of the Commission appointed under section 91 of the Act;
 - (f) **“State Government”** means the Government of Himachal Pradesh.
 - (g) **“Staff”** includes both officers and employees of all categories appointed whether on deputation on foreign service terms or permanent absorption or on short-term contract basis.

3. Categories of posts, salaries/pay, allowances etc.- (1) The Secretary, Officers and other Employees of the Commission shall constitute the staff of the Commission. The numbers/sanctioned strength, nature and categories of the officers and other employees; and pay/salaries and allowances payable to, and other terms and conditions of service of, the Secretary, Officers and other employees shall be such as are specified in Schedule-I by the Commission, with the approval of the Government of Himachal Pradesh, from time to time.

(2) While filling up a post by way of secondment, if a suitable candidate with the requisite qualification, skill and experience is not available to fill such post, the Commission may fill up the same by a person who is in the rank and pay of any other level/post in the Commission, by assigning appropriate designation, within the overall sanctioned strength of the posts in the respective category.

Explanation.- A post of Deputy Director in technical category may be filled by an officer in the pay and designation of the Director, in addition to total sanctioned post of Directors.

(3) The Himachal Pradesh State Electricity Board Ltd. based pay scales allowed to the existing employees, appointed on permanent absorption basis by the Commission, shall remain protected as a measure personal to such employees till vacation of such posts by the incumbents.

(4) Unless otherwise expressly specified in these regulations, the emoluments, allowances and other conditions of service for appointment on secondment basis (deputation) or on contract basis shall be such as are laid down by the State Government from time to time for its employees.

(5) The officers and the employees on secondment to the Commission from the Himachal Pradesh State Electricity Board Ltd., or its successor utilities, Satluj Jal Vidyut Nigam Ltd; and any other Central/State Govt. Deptt./Public Sector Undertakings having different pay structures and allowances than that of State Government in general, shall continue to draw such pay and allowances as are paid to them in their respective parent organizations:

Provided that any allowance or pay attached to performance of a specific function in the parent organization shall not be admissible if such person is appointed against a post which does not involve performance of such function in the Commission.

(6) The approval/sanction of the posts accorded by the State Government shall also be deemed as an approval for creating such posts and filling up the same by the Commission, from time to time.

4. Appointment of Secretary.- The Secretary of the Commission shall be appointed by the Commission from amongst the All India Service Officers or the Himachal Pradesh Administrative Service Officers preferably having professional qualification in engineering or finance or management or economics and preferably having 14 years of experience in Himachal Pradesh Administrative Service.

Provided that the Secretary shall be appointed by the Commission from amongst the candidates on the penal sponsored by the State Government.

Provided further that in the absence of the Secretary or during the leave period of an incumbent of the post of Secretary or when regular appointment is under process the Commission may appoint any officer of the Commission to function as the Secretary.

5. Mode of appointment/recruitment of Officers and employees:- (1) The officers and other employees of the Commission shall ordinarily be appointed on secondment or on re-employment basis as specified in Schedule-II:

Provided that Commission may identify certain posts and specify such posts to be filled up by promotion, along with terms and conditions of promotion, from amongst its officers/ employees appointed on regular basis and while specifying terms and conditions for such promotions, the essential qualifications, experience etc. shall not be less than those prescribed for similar non-technical categories of posts in the State Govt. Departments and technical categories of posts in the Himachal Pradesh State Electricity Board Ltd.

Provided further that in exceptional situations, where the Commission requires the posts to be filled up by way of absorption or by direct recruitment, Commission may fill up such posts in such manner with the approval of the State Government.

(2) Appointment on secondment or on absorption shall be from amongst the officers and employees of the Central and State Govt. Departments, Boards, Corporations, Autonomous and Local Bodies and from surplus pool maintained by the State Govt.

(3) The employees who are appointed on contract basis in the parent organisations shall be eligible for appointment on secondment on contract basis in the Commission;

(4) Notwithstanding any provision contained in the Schedule II, if suitable officers or employees with requisite expertise, skills and experience are not available to fill any post on

secondment basis, or if the services of a retired person having such expertise/skill/experience is required by the Commission in public interest, the Commission may fill up such post by way of re-employment from amongst the retired persons of the State Govt., Boards or Corporations or Autonomous bodies or the Commission having such requisite expertise, skills and experience for a period not exceeding three years at a time or up to the age of 65 years, whichever is earlier and emoluments of such re-employed persons will be those as are applicable for re-employment of retired State Govt. officers and employees in the State Govt. Departments, including FR/SR.

6. Qualifications, experience and eligibility conditions.- (1) The educational qualifications, eligibility, experience and other conditions for appointment to the posts of the Commission shall be such as are laid down by the Commission from time to time keeping in view its specific requirements and as specified in Schedule-II:

Provided that in case of appointment on secondment and by way of absorption, the Commission may relax the educational qualifications and experience, if suitable candidate fulfilling the eligibility conditions is not available or in view of the requirement of the Commission.

(2) In addition to essential qualifications and experience specified in Schedule-II, the computer literacy, knowledge of customs and dialects of the State, experience of regulatory affairs and working in the hilly areas shall be the desirable qualification for all categories of posts.

(3) The posts to be filled up by promotion from regular officers/ employees of the Commission and eligibility conditions for such promotions shall be as are specified in Part-II of the Schedule-II.

7. Other conditions of service.-(1) The conditions of service, including recruitments and appointments of the officers and other employees of the Commission, grant of House Building Advance, medical reimbursement after retirement, leave encashment, ex-gratia etc., for which no express provision or insufficient provision has been made in these regulations, the rules and orders as made or may be made applicable to the similarly situated State Government employees, shall apply.

(2) Unless otherwise allowed with the approval of the State Govt., the Himachal Pradesh Civil Services Contributory Pension Rules, 2006 shall apply to the regular employees of the Commission.

8. Conduct and Applicability of Government Instructions.- (1) Every officer/employee of the Commission shall, at all times, maintain absolute integrity and devotion to duty.

(2) No officer/employee of the Commission shall act in a manner prejudicial to discipline and good order in the Commission.

(3) Unless otherwise provided in these regulations the service rules and orders of the Central Government as adopted by the State Government or for the time being in force and applicable to Government servants in the State Government and the rules and orders of the State Govt. shall apply to the officers/employees of the Commission.

9. Selection Committee.- (1) Appointments of the officers, other than the Secretary, and employees on secondment, re-employment, absorption, promotion or in any other manner etc. to the various posts, shall be made on the recommendations of the selection Committee.

Provided that selection for direct recruitments shall be made by the concerned recruiting agency i.e. the Himachal Pradesh Public Service Commission or the Himachal Pradesh Subordinate Service Selection Board or the Departmental Recruitment Committee, as the case may be.

(2) The Selection Committee shall consist of -

(a) for the posts of Officers -

- (i) the Chairperson of the Commission (Chairman);
- (ii) one Officer to be nominated by the Chairperson;
- (iii) the Secretary.

(b) for the post of employees -

- (i) the Chairperson of the Commission or Secretary nominated by the Chairperson (Chairman);
- (ii) an officer to be nominated by the Chairperson.
- (iii) the Secretary or in case Secretary is the Chairman of the Selection Committee any other officer to be nominated by the Chairperson.

(3) The Selection Committee may, at its discretion, co-opt one or more persons as experts to assist it.

(4) The Selection Committee shall devise the mode or procedure, from time to time, in consultation with the Chairperson, for the selection of candidates to various posts, including conduct of written or practical tests, interview etc. so as to ensure selection based on suitability and merit.

10. **Appointing Authority.-** Appointing authority shall be:-

- (a) the Chairperson, in respect of the posts specified as Officers in Part I of Schedule-I
- (b) the Secretary, in respect of the posts specified as Employees in Part II of Schedule-I

11. **Disciplinary, reviewing and appellate authorities.-** The disciplinary authority, appellate authority and reviewing authority, in respect of the officers and employees of the Commission, except those on secondment, shall be as under:-

For officers as specified in Schedule-I

- | | |
|---------------------------|-------------|
| 1. Disciplinary Authority | Chairperson |
| 2. Appellate Authority | Commission |
| 3. Reviewing Authority | Commission |

For employees as specified in Schedule-I

- | | |
|---------------------------|-------------|
| 1. Disciplinary Authority | Secretary |
| 2. Appellate Authority | Chairperson |
| 3. Reviewing Authority | Commission. |

12. **Outsourcing -** (1) The Commission may identify certain services, essential to the efficient running of the Commission and its office, to be performed by outsourcing and may outsource on competitive rates.

(2) These services shall include, but not be limited to, the security of the office, dusting and cleaning of the office, office help, process /messenger service, reception/diary/dispatch/telephone attendance etc. typing, secretarial assistance, running and maintenance of specialized services.

(3) The Commission may, in addition, also outsource the functions against sanctioned posts.

13. **Power to Relax.-** Where the Commission is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and with prior consultation with the State Government, relax any of the provision(s) of these regulations with respect to any class or category of person(s) or post(s), provided that where specific provisions of

relaxation by the Commission are provided in the regulations or are authorised to the State Commission by the State Govt. in its approval accorded vide letter No. MPP-A(3)-1/2003 Loose dated 4.9.2012, the Commission may relax such provision(s) at its own level.

14. Interpretation.- If any question arises relating to the interpretation of these regulations, the decision of the Commission shall be final provided that with respect to Regulations 2(1), 2(4), 2(5), 4,6,7(3) and 14, the Commission shall require prior approval of the State Govt. for such interpretation.

15. Savings.- Notwithstanding anything to the contrary contained in these regulations, any approvals/ sanctions accorded by the State Government, appointments made or anything done or any action taken by the Commission, prior to the commencement of these regulations, shall be deemed to have validly been made or done or taken under these regulations so far as the same is not inconsistent with these regulations or the rules/instructions applicable to the State Government employees or approvals accorded by the State Government prior to these regulations.

By order of the Commission

Sd/-
Secretary

SCHEDULE-I

(see regulations 2(d), 3, 10 and 11)

CATEGORISATION OF POSTS AND STRENGTH OF THE OFFICERS AND EMPLOYEES OF THE COMMISSION WITH PAY SCALES/PAY BANDS

Part-I OFFICERS

S r. N o.	Nature of posts	Posts sanctioned	Designation	No. of posts	Pay band and Grade Pay	Pre revised scale (Pre 2006)
1.	Head of Department	1	Secretary	1	In his own pay band & Grade Pay.	
2.	Technical	9	Executive Director (Technical Analysis)	1	37400-67000+ 10000/-	18600-22100
			Executive Director (Tariff Financial Analysis)	1	37400-67000+ 10000/-	18600-22100
			Director (Tariff Engineering)	1	37400-67000+ 8700/-	14300-18600
			Director (Technical Analysis)	1	37400-67000+ 8700/-	14300-18600
			Deputy Director (Trading)	1	15600-39100+ 6600/-	10025-15100
			Deputy Director (Generation)	1	15600-39100+ 6600/-	10025-15100
			Deputy Director (Tariff Engineering.)	1	15600-39100+ 6600/-	10025-15100
			Deputy Director (Tariff Economic)	1	15600-39100+ 6600/-	10025-15100
			Deputy Director (Consumer Affairs)	1	15600-39100+ 6600/-	10025-15100
3.	Legal	3	Deputy Director (Law)	1	15600-39100+ 6600/-	10025-15100
			Reader	1	10300-34800+ 5000	7220-11660
			Law Officer	1	10300-34800+ 4200	6400-10640
4.	Finance & Accounts		Sr. Accounts Officer	1	10300-34800+ 5000	7220-11660
Part-II STAFF						
5.	Ministerial	8	Personnel -Cum-Administrative Officer	1	10300-34800+ 5400	7880-11660
			Superintendent	1	10300-34800+ 4200	6400-10640
			Sr. Asstt.	2	10300-34800+ 3800	5800-9200
			Record Keeper	1	10300-34800+ 3800	5800-9200
			Clerk	3	5910-20200+ 1900	3120-5160
7.	Secretarial	11	Sr. Private Secretary	1	15600-39100+ 6600	10025-15100
			Personal Assistant	5	10300-34800+ 4200	6400-10640
			Sr. Scale Stenographer	2	10300-34800+ 3800	5800-9200
			Steno Typist	3	5910-20200+ 2000	3330-6200
8.	Support staff.	13	Driver	5	5910-20200+ 2000	3330-6200
			Peon	8	4900-10680+ 1300	2520-4140
Total		46		46		

NOTE (1) The categorization of posts and number of posts shall be such as are amended by the Commission, from time to time, within the overall approval of the State Government.

(2) Pay scale/band and grade pay as allowed to the Officers and employees of the Commission at the time of absorption with the approval of the State Govt. shall remain protected as measure personal to them till vacation of such posts by them.

(3) The above posts have been created by the Himachal Pradesh Government from time to time vide their letters as detailed below:-

1.	MPP-B(1)-2/2000 dated 09.05.2001	30 post
2.	MPP-C(1)-1/2000(Loose dated 12.08.2002	01 ”
3.	MP-A(4)-5/2005 dated 08.03.2006	06 ”
4.	MPP-A(1)-3/2006 dated 03.08.2007	09 ”
5.	MPP-(B)(1)-2/2000-Pt dated 04.02.2012 Down gradation of two posts of Personal Asstt. and one post of Sr. Scale Steno to that of 3 posts of Steno Typist and one post each of Sr. Asstt. and Record Keeper and one post of Computer Operator to that of three Posts of Clerks (Overall number remained the same)	

Total Posts 46 Posts

SCHEDULE –II
(see Regulations, 5 and 6)

PART-I

**MINIMUM QUALIFICATIONS, EXPERIENCE AND OTHER ELIGIBILITY
CONDITIONS FOR APPOINTMENT ON SECONDMENT OR ON RE-EMPLOYMENT
BASIS OR BY ABSORPTION.**

Sr.No.	Name of Post	Minimum qualifications and other eligibility conditions.
1.	(i) Executive Director(Technical Analysis) or in brief Executive Director (Technical) (ii) Executive Director (Tariff & Financial Analysis) or in brief Executive Director(Tariff)	From amongst the Chief Engineers or persons holding equivalent posts having degree in Electrical Engineering and having experience of at least 25 years in electricity distribution and transmission or generation and preferably having experience in commercial and power procurement, failing which from amongst Superintending Engineers or equivalent posts with at least 3 years service as such, in addition to other conditions specified above.
2.	Director (Tariff Engineering) or in brief Director (Tariff) Director (Technical Analysis or in brief Director (Technical)	(1)From amongst the Superintending Engineers or persons holding equivalent/analogous posts having degree in Electrical Engineering and having 20 years of service/ experience on Assistant Engineer Class-I and above levels in electricity supply and transmission or distribution failing which from amongst Executive Engineers or equivalent posts having a minimum service of 3 years as such, in addition to the other eligibility conditions specified above.
3.	(i)Deputy Director(Tariff Engineering or in brief Deputy Director (Tariff) (ii)Deputy Director (Generation) (iii)Deputy Director (Trading)	From amongst Assistant Engineers Class-I or equivalent posts, having degree in Engineering with at least 8 years service as such and having experience in electricity distribution or transmission or generation.

4.	(i) Deputy Director (Tariff Economics) (i) Deputy Director (Consumer Affairs)	From amongst Assistant Engineer Class-I or persons holding equivalent posts having degree in Engineering or post graduate degree in Economics/ Commerce/ Maths or MBA or CA/ICWA with at least 8 years service as such and having experience in electricity distribution or regulatory affairs or consumer affairs or commercial accounts or finance.
5.	Deputy Director (Law)	From amongst Under Secretaries (Law) or above, with degree in Law, from H.P. Govt. Secretariat or from amongst District Attorneys and above level with experience in legislative and legal opinion or regulatory matters.
6.	Reader	From amongst persons holding analogous post or from amongst persons in equivalent grade having graduation degree and experience in court and legal matters and preferably having degree in law.
7.	Law Officer	From amongst persons holding analogous or equivalent posts or from Legal Assistants having experience of court and legal matters and having degree in law.
8.	Sr. Accounts Officer	From amongst Asstt. Controller (F&A) of SAS (OB) cadre of State Govt. having experience in commercial accounts or from amongst candidates holding analogous/equivalent posts and having post graduate degree in Commerce/Economics/Maths with experience in commercial accounts or MBA finance or CA/ICWA.
9.	Pers-cum-Admn Officer (in brief Administrative Officer)	From amongst persons holding analogous post and having graduation degree.
10.	Superintendent	From amongst persons holding analogous posts and having graduation degree.

11.	(i) Senior Assistant (ii) Record Keeper (iii) Clerk	From amongst persons having minimum of graduation degree holding an analogous post or any post in equivalent grade and holding computer and typing efficiency as prescribed for the post of clerk by the State Govt. Provided that Commission may specify specific qualification of graduation level for the posts of Senior Assistants. Record Keeper as per requirement like Commerce, Economics, Maths, Statistic, Library Science etc.
12.	(i) Sr. Private Secretary (ii) Personal Assistant (iii) Sr. Scale Stenographer Steno Typist	From amongst persons having a minimum of graduation degree holding an analogous post or any post in similar grade and having efficiency in computer, typing and short hand writing as prescribed for the post of Steno typist by the State Govt.
13.	Driver	From amongst persons holding the analogous post or any other similar post like mechanic, cleaner, conductor etc. and having experience in driving and having requisite driving licence and further having matriculation qualification.
14.	Peon	From amongst persons holding analogous post or any post in class-IV/group D services.

PART-II

POSTS TO BE FILLED UP BY PROMOTION AND ELIGIBILITY CONDITIONS FOR PROMOTION AS PER PROVISIO TO REGULATION 5 AND REGULATION 6(3).

The following posts may be filled by promotion from amongst the regular officers and employees of the Commission as laid down hereunder, subject to fulfilment of eligibility and other conditions of promotion, failing which these may be filled up by other modes of appointment:

Sr.No.	Name of Post	Minimum Qualifications and other eligibility conditions.
1.	Senior Assistant and Record Keeper	From amongst clerks having 10 years of service and typing/computer efficiency specified for clerk's post in Part-I of this Schedule.

2.	Superintendent	From amongst Senior Assistants and Record Keeper, based on combined seniority, having six years service as such.
3.	Law Officer	From amongst Senior Assistants and Record Keeper, based on combined seniority, having six years service as such and further having degree in law.
4.	Reader	From amongst Superintendent, having 3 years service as such failing which from Superintendent having 9 years of service as Supdt. and Senior Assistant/Record Keeper combined together and further having graduation degree.
5.	Pers-cum-Admn Officer	From Reader with 3 years service as such failing which from Reader having combined service of 6 years as Reader and Superintendant and further having graduation degree.
6.	Sr.Scale Stenographer	From amongst Steno typist having 10 years of service as such and typing, computer and short hand writing efficiency as specified for Steno typist.
7.	Personal Assistant	From amongst Senior Scale Stenographers having 6 years of service as such.
8.	Private Secretary/Senior Private Secretary	The post of Sr. Private Secretary may be utilised temporarily in the rank and name of Private Secretary, Rs. 15600-39100 + 5400 GP the level next higher to Personal Assistant, and may be filled up by promotion from amongst Personal Assistants having 5 years service as such and further having graduation degree. The post of Senior Private Secretary may be restored to its sanctioned pay band and grade pay, to be filled up by promotion from Private Secretary having 3 years of service as such and further having graduation degree.
9.	Deputy Director (Consumer Affairs)	From Personal-cum- Administrative Officer having 3 years of service as such and further having qualification as specified for the post in Schedule-II, Part-I.

10.	Joint Director(Tariff Engineering)/ Director (Tariff Engineering)	The post of Director (Tariff Engineering) may be utilised temporarily in the scale/ grade of 12000-15100, analogous/equivalent to Executive Engineer/Joint Director, the level next higher to Deputy Director, and may be filled by promotion from amongst Deputy Directors having at least 6 years of service as Deputy Director on regular appointment basis in the Commission and such post on having filled will be designated as Joint Director (Tariff Engineering). The post of Director (Tariff Engineering) may be restored to its sanctioned pay band and grade pay, to be filled up by promotion from Joint Director (Tariff Engineering) having 8 years service as such.
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PART-III
(see Regulation 5)

1. **Direct Recruitment:-** Direct recruitment may ordinarily be at the entry level in the officer category and at the level of support staff, clerk, assistant, steno-typist and sr. scale stenographer in the employees category. Under proviso to Regulation 5, educational qualifications and other eligibility conditions specified in Part-I of this Schedule-II for filling up of post shall apply for direct recruitment also. Other terms and conditions like age, reservations, recruiting agency etc. shall be those as prescribed by the state Govt. for such posts.
2. **Appointment by absorption:-**
 - (i) Appointment by absorption of officers and employees already appointed may be made against any post. Educational qualification and other eligibility conditions specified for the post in Part-I of this Schedule-II shall be applicable for absorption to that post.
 - (ii) Absorption of the incumbent on secondment to the Commission will be in the same scale which the employee holds/carries in the parent organisation. Where the

pay of the post in the Commission is higher than that of the incumbent on secondment or the post is vacant, the selection process based on application invited/received after circulation/ requisition shall be followed, if such post is required to be filled up by absorption, so that person in lower scale is considered only when suitable candidate in the same scale is not available.

(iii) Absorption of staff on secondment will be considered only where balance service left before superannuation is at least 5 years.

(iv) From the date of appointment on absorption after 15-5-2003, all employees shall automatically be covered under the Himachal Pradesh Civil Services Contributory Pension Rules 2006 unless other terms and conditions have been given in their absorption orders.

Note: These terms for absorption are as per approval accorded by the State Government vide letter No. MPP-B(L)-1/2009 dated 3.9.2011 from Pr. Secretary (Power) to the Government of H.P. addressed to Secretary, HPERC.

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