

**MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS  
ACT, 1971**

No .. LPL. 1173- DI.-- In exercise of powers conferred by clause ( b) of sub-section (2) of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act. 1971 (Maharashtra XLVI of 1971) and of all other powers enabling him in this behalf the Governor of Maharashtra hereby makes the following rules, namely :--

1. *Short title and commencements.*----(1) These rules may be called the Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973.

(2) They shall come into force on the 1st October 1973.

2. *Residential accommodation.* --- (1) An Upa-Lokayukta shall be entitled, without payment of rent to the use of a residence provided by the State Government in Bombay throughout his term of office.

(2) The State Government shall be responsible for the maintenance of the residence (including the payment of rates and taxes due to Government or any local authority [provided under sub-rule (1) and shall bear the expenditure incurred on such maintenance. ]

(3) Where an Upa-Lokayukta, occupies any accommodation other than that provided by the Government. he shall be entitled to a consolidated house allowance of [equivalent to an amount of thirty percent of salary plus thirty percent of the dearness pay] per month, in lieu of residence and maintenance as aforesaid.

(4) The Upa-Lokayukta, irrespective of the fact whether he resides in an official residence or not, shall be entitled to reimbursement of charges on account of 3,600 kilolitres of water and 10,000 units of Electricity per annum consumed at his residence.

3. *Conveyance.* -- *The State Government shall provide a motor car for the use of Upa-Lokayukta and shall bear all expenditure on-its maintenance and repairs including expenditure on petrol- and oil. The State Government shall also provide free of charge the services of a chauffeur for the motor car so provided.*

4. *Travelling and daily allowance* --- An Upa-Lokaukta shall be entitled to travelling allowance and daily allowance for journeys undertaken by him in the performance of his duties, at the rates admissible to a Minister under the Bombay Ministers' Salaries and Allowances Act, 1956 (Bombay XLVIII of 1956) and the-rules and orders made thereunder.

[4A. An Upa-Lokayukta shall be entitled to leave travel concession for himself and dependent members of the family residing with him for visiting any place in India (including permanent residence in his home State) during his leave twice a year, in accordance with the rules applicable in this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government. The Upa-Lokayukta shall have the option to travel or by air by air-conditioned first class by railway.

*Explanation.-- For the purpose of this rule, the expression "members of the family" means "the husband, wife, son, daughter, father, mother brother or sister."*]

5. *Leave.* -- (1) An Upa-Lokayukta shall be entitled to leave, in accordance with the provisions of the High Court Judges (Conditions of Service) Act, 1954 (XXVIII of 1954) and the rules made thereunder applicable to a judge of the High Court subject to the following modifications, namely :-

(a) The Upa-Lokayukta shall be entitled to leave on full allowances at the rate of one month for each completed year or service and proportionately for the remaining period of service. **{deleted}**

(b) The Upa-Lokayukta shall, every year, be entitled to a vacation of fifteen days in summer and 2[seven days] in winter

(c) The Upa-Lokayukta shall be entitled, at the time of retirement, to encash the earned leave at his credit. **{deleted}**

6. *Provident Fund* .-- An Upa-Lokayukta shall be entitled to subscribe to the Contributory Provident Fund in accordance with the provisions of the Contributory Provident Fund Rules (Bombay) and subject to the conditions as laid down in Government Resolution, General Administration Department, No. PFR-1060-J, dated the 20th April 1961 3[and Government Resolution, General Administration Department, No. GPF-1185/CR-52/XIII-A dated the 28th May, 1986 ]:

Provided that, a person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Lokayukta and Upa- Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) shall be entitled to subscribe only to the General Provident Fund in accordance with the provisions of Bombay General Provident Fund Rules;

Provided further that the conditions laid down in Government Resolution, General Administration Department No. GPF. 1185/CR-52/XIII-A dated the 28th May, 1986 shall not apply to the person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Upa-Lokayukta (Conditions of Service) Rules, 1997.

7. *Pension*.-- A person appointed to the office of the Upa-Lokayukta on or after the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) Shall not be entitled to pension:

Provided that, a person holding the office of the Upa-Lokayukta before the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment), Act, 1988 (Maharashtra XXIX of 1988) shall be entitled to a

pension for life at the rate of [Rs. 6,580] per year for each completed year of service as the Upa-Lokayukta or proportionately for part thereof:

Provided further that, the maximum amount of such pension shall not exceed [Rs.32,900] per annum :

Provided also that, in computing the service for part of a year, only six monthly period of completed service shall be taken into account and not any broken period less than six months.

*8. Charge allowance to Upa-Lokayukta performing duties of office of Lokayukta.---* An Upa-Lokayukta who is directed to perform the duties of the office of the Lokayukta under clause (a) sub-section (2) of section 5 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, shall in addition to his salary as an Upa-Lokayukta, be entitled to draw [ "per month difference between his;

(i) Salary, Dearness Allowance, and Sumptuary Allowance, with effect from 1st January, 1996; and

(ii) House Rent Allowance, with effect from 1st August, 1997, and the salaries and allowances aforesaid entitled to the post of Lokayukta as a charge allowances during the period, he performed such duties."]

*9. Dearness Allowance.---* The Upa-Lokayukta shall be entitled to dearness allowance and additional dearness allowance at the rate admissible to the members of the Indian Administrative Service drawing pay of [ Rs.26,000] and above per mensem.

*10. Medical attendance.--* Save as otherwise provided in these rules or in the absence of any other specific order in this behalf the Upa-Lokayukta and the members of the family of the Upa-Lokayukta residing with and dependent on him shall be entitled, free of charge to accommodation in hospital maintained by the State Government and to medical attendance and treatment.

*Explanation.*- For the purpose 'Of this rule, the expression "a member of the family" means "the husband, wife, son, daughter, father, mother, brother or sister."]

11. *Sumptuary allowance.*--- The Upa-Lokayukta shall be entitled to a sumptuary allowance of [Rs.6000] per month.

12. *City Compensatory allowance.* --- *The* Upa-Lokayukta shall be entitled to the City Compensatory Allowance with effect from the [ 1 st August, 1997] at the rate admissible to the members of "Indian Administrative Service" of the rank of Secretary to the Government.]

By order and in the name of the Governor of Maharashtra,

K.P. NADKARNI,  
Deputy Secretary to Government.