

**THE MEMBERS OF THE PUBLIC SERVICE COMMISSION  
(TERMS AND CONDITIONS OF SERVICE) ACT, 1974**

(ACT ON. XXI OF 1974)

[12<sup>th</sup> February, 1974]

An Act to determine the terms and conditions of service of the members of the Public Service Commission.

WHERE AS it is expedient to determine the terms and conditions of service of the Members of the Public Service Commission;

It is hereby enacted as follows:-

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| Short title and commencement   | <p>1. (1) The Act may be called the Members of the Public Service Commission (Terms and Conditions of Service) Act, 1974.</p> <p>(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.</p>  |
| Definitions                    | <p>2. In this Act, unless there is anything repugnant in the subject or context,</p> <p>(a) "Chairman" means the Chairman of <sup>1</sup>[the commission]</p> <p>(b) "Commission" means <sup>2</sup>[The Bangladesh Public Service Commission established under section 3 of the Bangladesh Public Service Commission Ordinance (Ord. LVII of 1977;]</p> <p>(c) "Member" means a Member of the commission.</p> |
| Salary of Chairman and Members | <p>3. <sup>3</sup>[Salary of Chairman and members.-</p> <p>(1) Subject to sub-section</p> <p>(2) there shall be paid per mensem-</p> <p>(a) to the Chairman such salary as is admissible to the cabinet secretary, and</p> <p>(b) to the Member such salary as is admissible to the Secretary to the Government.]</p>  |

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1. Substituted for section-2(a) of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) The Members of the Public Service Commission (Terms and condition of Service), Ordinance-1978, (Ordinance XLVII of 1978), section-2.

2. Inserted for Section-2(b) of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) "The Bangladesh Public Service Commission". Ordinance, 1977 (Ordinance No. LVII of 1977), section-3.

3. Substituted for the former section-3 sub-section (1) of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) The Members of the Bangladesh Public Service Commission (Terms and condition of Service) (Amendment) Act, 2012 (Act No. 38 of 2012) section-2.

- (2) Where-
- (a) a person who is, or has been, in the service of the Republic or of a statutory body or nationalized enterprise is appointed as the Chairman or a member, he shall be paid the salary specified in sub-section (1), or a salary which would have been admissible to him in the National Scale of Pay for the post last held by him had he continued in that post, whichever is higher;
- <sup>4</sup>[(b) a person is, at the time of his appointment as the Chairman or a member, a retired servant of the Government or of a statutory body or nationalized enterprise, he shall be paid the salary specified in sub-section (1), and no pensionary benefit, if any, will be deducted from the salary which the Chairman or a member is entitled to draw under sections 3 (1) and 3 (2);
- (c) a person appointed as the Chairman or a member, retires from the service of the Republic or of a statutory body or nationalized enterprise during the term of his office as the Chairman or a member, he shall with effect from the date of his retirement, be paid the salary specified in sub-section (1), and no pensionary benefit, if any, will be deducted from the salary which the Chairman or a Member is entitled to draw under sections 3(1) and 3(2).]

Allowances other than house allowance and other benefits <sup>5</sup>[3A. The allowances other than house allowance and other benefits of the chairman shall be the same as are admissible to the cabinet secretary and a member shall be the same as are admissible to the secretary to the Government.]

Residence 4. (1) The Chairman shall be entitled to a rent-free Government accommodation or a house allowance at the rate or <sup>6</sup>[50 percent] of his salary per mensem in lieu of such accommodation.

(2) A Member shall be entitled to a rent-free Government accommodation or a house allowance at the rate of <sup>6</sup>[50 percent] of his salary per mensem in lieu of such accommodation.

(3) The Chairman and the members shall each be entitled to the re-imbusement of the actual charges of electricity, water and gas in the residence for an amount not exceeding <sup>7</sup>[Taka 1950] per mensem

4. Substituted for the former Section 3 Sub-section 2(b) and 2(c) of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) The Members of Bangladesh Public Service Commission (Terms and conditions of Service) (Amendment) Ordinance, 2008 (Ordinance No. 8 of 2008) section- 2.

5. Inserted for Section-3A of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) Act, 2012 (Act No.38 of 2012), section- 3.

6. Substituted for the Section-4 Sub-section (1) and (2) of The Members of The Public Service Commission (Terms and Conditions of Service) Act, 1974 (Act No.XXI of 1974) (Amendment) The Members of The Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Act, 2006 (Act No.14 of 2006), section- 3.

- Transport <sup>8</sup>[5. (1) The Chairman shall be entitled to a Government transport for official purposes free of charge or a conveyance allowance of Taka 1,000 per mensem in lieu of such transport.
- Provided that if the Government transport is also used otherwise then for official purposes, the chairman shall make payment to the Government for such use at the rate at which a Government servant pays for such use of official transport.
- (2) A member shall be entitled to a Government transport for official purposes free of charge or a conveyance allowance of Taka. 650 per mensem in lieu of such transport.
- Telephone 6. The Chairman and the members shall each be entitled to have one telephone installed at his residence at Government expense and no charges on account of rental of the telephone and the calls made there from, except personal trunk-calls, shall be payable by the chairman or member.]
- <sup>9</sup>[\*\*\*] [6A. Sumptuary allowance: The chairman and the members shall each be entitled to a sumptuary allowance of Taka 600 and 325 respectively per mensem] (Omitted).
- <sup>10</sup>[\*\*\*] [6AA. Domestic Aid Allowance: A Chairman Shall be paid a domestic aid allowance of Taka 1000 per mensem] (Omitted).
- <sup>11</sup>[\*\*\*] [6B. Income-tax on salary and allowances: Income-tax payable by the chairman or a members on account of salary and salary have been paid by the Government] (Omitted).
- Leave of Chairman and Members 7. (1) A person who is, at the time of his appointment as chairman or member, in the service of the Republic or of a statutory body or nationalized enterprise shall, until he retires from that service, be entitled to such leave as would have been admissible to him had he not been so appointed, and, after his retirement from that service, be entitled to such leave as is admissible to a temporary Government servant.
- (2) A person who is not, at the time of his appointment as Chairman or member, in the service of the Republic or of a statutory body or nationalized enterprise shall be entitled to such leave as is admissible to a temporary Government servant.

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7. The word and figure "Taka 1950" were substituted for the word and figure "Taka 1,500" by section-2 of the Members of the commission (Terms and Conditions of Service) (Amendment) Act, 2001 (Act No. XXII of 2001).

8. Section 5, 6, 6A and 6B were substituted for the previous sections 5 and 6 of Act No. XXI of 1974, Amendment by section seven of the Members of the commission (Terms and Conditions of Service) (Amendment) Ordinance, 1978 (ordinance No. XLVII of 1978)

9. Section-6A of Act No. XXI of 1974 are omitted by The Members of Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Act, 2012, (Act of 38, 2012), section-4.

10. Section-6AA of Act No. XXI of 1974 are omitted by The Members of Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Act, 2012, (Act of 38, 2012), section-5.

11. Section-6B of Act No. XXI of 1974 are omitted by The Members of Bangladesh Public Service Commission (Terms and Conditions of Service) (Amendment) Act, 2012, (Act of 38, 2012), section-6.

Gratuity	<p><sup>12</sup>[8. (a) A person who is not, at the time of his appointment as chairman or member, in the service of the Republic or of a statutory body or nationalized enterprise, or</p> <p>(b) at any time before his appointment as chairman or member retired from or ceased to be in any such service without any pension, gratuity or other retirement benefits being admissible to him, shall be entitled to a gratuity which shall be equal to one month's pay for every completed year of his service as chairman or member and payable after he ceases to hold office.]</p>
Provident fund	<p>(1) Where a person appointed as chairman or member is, at the time of his appointment, a subscriber to any contributory provident fund and contribute to be such subscriber after his appointment, the Government shall continue to be such subscriber after his appointment, the Government shall contribute to such fund the amount which would have been required to be contributed by his employer had he not been so appointed.</p> <p>(2) Where a person is not, at the time of his appointment as Chairman or member, in the service of the Republic of a statutory body or nationalized enterprise, he shall be eligible to be a subscriber to a general provident fund on the same conditions as are applicable to a temporary Government servant.</p>
Travelling allowance	<p>10. <sup>13</sup>[The Chairman] or member travelling on duty shall be entitled to such travelling allowances as are admissible to a class-I Government servant.</p>
Medical facilities	<p>11. <sup>14</sup>[The Chairman] or member shall be entitled to such medical benefits as are admissible to a class-I Government servant.</p>

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12. Substituted for Section-8 of The Members of the Public Service Commission (Terms and Conditions of Service) Act No. 1974 (Act No. XXI of 1974) (Amendment) The Members of the Public Service Commissions (terms and Conditions of Service) (Amendment) Act, 1974 (Act of LXV of 1974), section-2.

13. The words ``The Chairman`` were substituted for the words ``A chairman`` by section-2 of The Members of the Public Service Commission (Terms and Conditions of Service) (Amendment) Ordinance, 1978 (Ordinance No. XLVII of 1978).

14. The words ``The Chairman`` were substituted for the words ``A chairman`` by section-2 of The Members of the Public Service Commission (Terms and Conditions of Service) (Amendment) Ordinance, 1978 (Ordinance No. XLVII of 1978).