

The National Highways Tribunal (Salaries, allowances and other terms and conditions of service of Presiding Officer) Rules, 2005

UNION OF INDIA

India

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Rule

THE-NATIONAL-HIGHWAYS-TRIBUNAL-SALARIES-ALLOWANCES-AND-OTHER-TERMS-AND-CONDITIONS-OF-SERVICE-OF-PRESIDING-OFFICER) RULES, 2005

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The National Highways Tribunal (Salaries, allowances and other terms and conditions of service of Presiding Officer) Rules, 2005 Published vide Notification No. G.S.R. 428(E), dated 29th June, 2005 Ministry of Shipping, Road Transport and Highways (Department of Road Transport and Highways) G.S.R. 428(E). - Whereas the draft of certain rules, which the Central Government proposes to make, in exercise of the powers conferred by section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003) was published in the Gazette of India, Extraordinary, Part-II, section 3(i) dated 16th March, 2005 with the notification of Government of India in the Ministry of Shipping, Road Transport & Highways, Department of Road Transport & Highways number G.S.R. 179(E) dated 16th March, 2005, inviting objection or suggestion from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the said notification, as published in the Gazette of India, are made available to the public. And whereas, copies of the said notification were made available to the public on 16th March, 2005. And whereas no objection or suggestion have been received from any person with respect to such draft rules within the time period specified in the said notification; Now therefore, in exercise of the powers conferred by section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003) and section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules namely :-

Chapter I

Preliminary

1. Short title and commencement.

(1) These rules may be called the National Highways Tribunal (Salaries, allowances and other terms and conditions of service of Presiding Officer) Rules, 2005. (2) They shall come into force on the date of final publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires:- (a) "Act" means the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003); (b) "Presiding Officer" means a person appointed as Presiding Officer of a Tribunal under section 6; (c) "section" means a section of the Act; (d) all other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

Chapter II

Salaries, Allowances and Other Terms and Conditions of Service of Presiding Officer in the National Highway Tribunal

3. Salary.

- The Presiding Officer of a Tribunal shall be paid a salary in the scale of pay of Rs.18,400-500-22,400: Provided that in the case of an appointment of a person as a Presiding Officer, who has retired as a District Judge, or who has retired from service, under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Presiding Officer shall be reduced by the gross amount of pension or employers contribution to the Contributory Provident Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

4. Dearness allowance and city compensatory allowance.

- The Presiding Officer of a Tribunal shall be entitled to draw dearness allowance and city compensatory allowance at the rate admissible to Group 'A' officer of the Central Government drawing an equivalent pay.

5. Leave.

- The Presiding Officer of a Tribunal shall be governed in matters relating to his rights in respect of leave by the Central Civil Services (Leave) Rules, 1972.

6. Leave sanctioning authority.

- The President of India shall be the Competent Leave Sanctioning authority to the Presiding Officer of such Tribunal.

7. Pension and Provident Fund.

(1) The rules made by the Central Government to regulate the salary, allowances, Provident Fund and other conditions of service of an officer of the Central Government in the scale of pay of a Presiding Officer shall be applicable to the Presiding Officer as they apply to such officer of the Central Government. (2) In case a serving Judge or an officer of the Central Government or State Government is appointed on the post of Presiding Officer, the service rendered by him as such Judge or officer, as the case may be, shall be counted for the purposes of his pension, gratuity and other retirement benefits and in case he was entitled for the benefit of added years of service as such Judge or officer under the rules applicable to him, he shall also be entitled for such benefit on his appointment as a Presiding Officer.

8. Travelling allowances.

- The Presiding Officer of a Tribunal while on tour or on transfer (including the journey undertaken to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rates as are applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

9. Leave travel concession.

- The Presiding Officer of a Tribunal shall be entitled to leave travel concession at the same rates and at the same scale as are applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

10. Accommodation.

(1) Every person appointed as a Presiding Officer of a Tribunal shall be eligible, subject to availability, to the use of official residence from the general pool accommodation of the type admissible to a Group 'A' officer of the Central Government who is working at the place where such Tribunal is located and drawing an equivalent pay on payment of the licence fee at the rates specified by the Central Government from time to time. (2) Where the Presiding Officer of a Tribunal

occupies an official residence beyond permissible period, he shall be liable to pay additional licence fee or penal rent, as the case may be and he shall be liable to eviction in accordance with the rules applicable to Central Government Servants.(3)Where the Presiding Officer of a Tribunal is not provided with or does not avail of facility of official residence under sub-rule (1), he shall be entitled to House Rent Allowance as admissible to Group 'A' officers of the Central Government drawing an equivalent pay.

11. Facilities for medical treatment.

- The Presiding Officer of a Tribunal shall be entitled to medical treatment and hospital facilities as provided in the Central Services Medical Attendance Rules, 1944.

12. Facility of Conveyance.

- The Presiding Officer of a Tribunal shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the staff car rules of the Government of India.

13. Age limit for appointment.

- The person who has completed the age of sixty years before the appointment shall not be appointed as a Presiding Officer of a Tribunal.

14. Residuary provision.

- Matters relating to the conditions of services of the Presiding Officer of a Tribunal with respect to which no express provision has been made in these rules, shall be referred in each case to the Central Government for its decision and the decision of the Central Government thereon shall be binding on the said Presiding Officer.

15. Power to relax.

- The Central Government shall have power to relax the provisions of any of these rules in respect of any class or category of persons.