

Delhi Co-Operative Tribunal Rules, 2006

DELHI

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Rule DELHI-CO-OPERATIVE-TRIBUNAL-RULES-2006 of 2006

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Delhi Co-Operative Tribunal Rules, 2006Published vide Notification

No.F.47/Coop/16/Policy05Notification No.F.47/Coop/16/Policy05. - In exercise of the powers conferred by Section 137 read with Section 114 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004), the Government of National Capital Territory of Delhi, hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Delhi Co-operative Tribunal Rules, 2006.(2)They shall come into force on the day of their publication in the Delhi Gazette.

2. Definitions.

- (I) In these rules, unless the context otherwise requires,-(a)"Act" means the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004);(b)"Chairman" means the Chairman of the Tribunal;(c)"Form" means a form appended to these rules;(d)"Government" means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution.(e)["Member" means a member of the Delhi Co-operative Tribunal.] [Inserted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 2.](2)Words and expressions used herein but not defined shall have the meaning assigned to them in the Act.

3. [Constitution of Tribunal. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 3.]

- There shall be one Chairman and not more than two other members in the Delhi Co-operative Tribunal]

4. Qualifications of Chairman.

- A person shall not be qualified to be appointed as a Chairman of the Tribunal unless he-(a)is, or has been, or is qualified to be a District Judge, or has for, at least, two years, held the post of a Joint Secretary to the Government of India or any other post under the Central Government or the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has for, atleast, two years functioned as a quasi-judicial authority at the appellate level; and(b)in the opinion of the Government, is a person of ability, integrity and standing and has adequate knowledge or experience in dealing with the problems relating to economics, law, public affairs, administration or revenue laws, etc.

5. [Qualification of the member. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 4.]

- A member shall not be appointed unless he has, for at least two years, held the post of a Joint Secretary to the Government of India or any other post under the Central or a State Government or Government of Union Territory carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.]

6. [[Omitted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 5.]

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7. Disqualification.

- A person shall be disqualified for appointment as Chairman or member of the Tribunal, if he-(a)has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or(b)is an undischarged insolvent; or(c)is of unsound mind and stands so declared by a competent court; or(d)has been removed or dismissed from the service of the government or a body corporate owned or controlled by government; or(e)has, in the opinion of the Government, such financial or other interest, as is likely to affect prejudicially the discharge by him of his functions as a Chairman or as a member of the Tribunal, as the case may be; or(f)is medically unfit.

8. [Appointment on deputation. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 6.]

- Every person, who is a member of Judicial Service or is in Service under the Central Government or a State Government or the Government of a Union Territory and who fulfills the requisite qualification under Rule 4 shall be eligible for appointment on deputation basis. Terms and conditions of appointment on deputation basis including pay and allowances, pension, leave and other benefits, etc., will be decided by the Government.]

9. [Term of office. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 7.]

- Every person appointed as Chairman and the member of the Tribunal shall hold office for a term of three years from the date on which any one of them enters upon his office, but shall be eligible for reappointment for another term of three years, provided that no such person shall hold office, as member of the Tribunal after he has attained the age of sixty-five years.]

10. Method of recruitment.

- Every appointment of Chairman or members shall be made by the Government in the manner as specified by it.

11. Oath of office and secrecy.

- The Chairman and members shall, before entering upon their office, make and subscribe to oaths of office and secrecy in Form I and Form II.

12. Resignation and removal.

- (1) Chairman or a member of the Tribunal may, by notice in writing under his hand addressed to the Lieutenant Governor, resign his office: Provided that unless he is permitted by the Lieutenant Governor to relinquish his office sooner, he shall continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest. (2) The Chairman or any member shall not be removed from his office except by an order made by the Lieutenant Governor.

13. [Pay and increments. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 8.]

- The Chairman and each member shall receive pay in the scale structure of PB-4 Rs. 37,400-67,000+10,000 (Grade Pay) and earn annual increments, in accordance with the rules applicable to a Joint Secretary to the Government of India belonging to the Indian Administrative Service: Provided that- (i) the subsequent increment shall be granted on the first day of July every year subject to the condition that he has completed six months in the revised pay structure as on 1st of July as laid down in Rule 10 of the CCS (Revised Pay) Rules, 2008. (ii) the officer appointed on deputation shall be given an option either to have fixed his pay in the pay scale of the post of Chairman or Member as the case may be, or to draw his own pay scale plus deputation duty allowance as prescribed in FRSR.]

14. [Dearness allowances and city compensatory allowance. [Substituted by the Delhi Co-operadve Tribunal (Amendment) Rules, 2009, Rule 9.]

- The Chairman and members shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to a Group 'A' officer of the Central Government drawing pay in the scale of Rs. 37,400 - 67,000.]

15. Leave.

- The Chairman and members of the Delhi Co-operative Tribunal shall be entitled to such leave as is admissible to Group 'A' officers of the Government, if appointed on full time basis.

16. [Leave sanctioning authority. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 10.]

- The Secretary (Co-operation) of the Government shall be the authority to sanction leave to Chairman and members.]

17. [[Omitted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 11.]

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18. [[Omitted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 12.]

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19. [Travelling allowances. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 13.]

- The Chairman and members of the 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 travelling allowances, daily allowances, transportation of personal effects and other similar allowances at the same scale at the same rate as are applicable to a Joint Secretary to the Government of India from the Indian Administrative Service.]

20. [Accommodation. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 14.]

(1)The Chairman and members of the Tribunal shall be entitled to use of an official residence from the General Pool accommodation of the Government of the type admissible to an officer of the rank

of a Joint Secretary to the Government of India stationed at Delhi on the payment of licence fee at the rates determined by the Government from time to time.(2)When Chairman or member is not provided with or does not avail himself of the accommodation referred to in sub-rule (1), he may be paid every month an allowance of an amount equal to 30% of his pay.(3)Where Chairman or member occupies an official residence beyond the permissible period, he shall be required to pay additional licence fee or penal rent, as the case may be, and liable to eviction in accordance with the rules applicable to a Joint Secretary to the Government of India belonging to the Indian Administrative Service.]

21. [Facility of conveyance. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 15.]

- The Chairman and members of the Tribunal shall be entitled to a facility of staff car for journey for official and private purposes in accordance with the staff car rules of the Government of India.]

22. [Facility for medical treatment. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 16.]

- The Chairman and members of the Tribunal shall be entitled to medical treatment and hospital facility as provided in the rules applicable to the employees of the Government.])

23. [Residuary provisions. [Substituted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 17.]

- The conditions of service of the Chairman and members of the Tribunal, for which no express provision is available in these rules, shall be determined by the rules and orders for the time being applicable to a Joint Secretary to the Government of India belonging to the Indian Administrative Service.])

24. [[Omitted by the Delhi Co-operative Tribunal (Amendment) Rules, 2009, Rule 18.]

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25. Procedure regarding disposal of appeals by the Tribunal.

- The proceedings of the Tribunal shall be governed as far practicable by the provisions of the Code of Civil Procedure, 1908 as amended in 1999 and 2002 (Central Act 5 of 1908).

26. Headquarters of the Tribunal.

- The place of the Headquarters and the time of sitting of the Tribunal shall be notified by the Registrar in the official Gazette.

27. Decision of the Tribunal.

- Where the Tribunal consists of more than one member, the decision of the majority shall prevail. Where the members, are equally divided, the decision of the Chairman shall be the decision of the Tribunal in that case.

28. Procedure regarding appeal other than those to the Tribunal and application for revision.

(1)An appeal under sub-section (2) of Section 112 or an application for revision under sub-section (6) of Section 114 shall be either presented in person or sent by registered post to the appellate or revising authority.(2)The appeal or the application for revision shall be in the form of a memorandum and shall be accompanied by the original or certified copy of the order appealed from or sought to be revised.(3)Every appeal or application for revision shall-(a)specify the name and address of the appellant or applicant and also the name and address of the respondents, as the case may be;(b)state by whom the order appealed from or sought to be revised was made;(c)set forth concisely and under distinct heads, the grounds of objection to the order appealed from or sought to be revised together with a memorandum of evidence;(d)state precisely the relief which the appellant or the applicant claims; and(e)give the date of the order appealed from or sought to be revised.(4)Where an appeal under sub-section (2) of Section 112 is preferred after the expiry of sixty days specified in sub-section (2) of the said section, it shall be accompanied by a petition supported by an affidavit setting forth the facts on which the appellant relies to satisfy the appellate authority that he had sufficient cause for not preferring the appeal within the said period of sixty days.(5)On receipt of the appeal or the application for revision, the appellate or revising authority shall as soon as possible examine it and ensure that-(a)the person presenting the appeal or the application has the locus standi to do so;(b)it is made within the prescribed time-limit; and(c)it conforms to all the provisions of the Act and these rules.(6)The appellate or revising authority may call upon the appellant or the applicant for revision to remedy the defects, if any, or furnish such additional information as may be necessary, within a period of fifteen days of the receipt of the notice to do so.(7)The revising authority may, before passing orders under sub-section (6) of Section 114, obtain from any subordinate officer such further information in regard to the enquiry or the proceedings for the purpose of verifying the regularity of such proceedings or the correctness, legality or propriety of any decision passed or order made therein. The revising authority may also call for and obtain from the parties connected with such enquiry or proceedings such information as is necessary with reference to the examination of the records of enquiry or proceedings and the information obtained from the subordinate officer.(8)In the proceedings before the appellate or revising authority, legal practitioners shall be entitled to appear to represent parties.(9)The appellate or revising authority shall on the basis of the enquiry conducted and with reference to tire

records examined pass such order on the appeal or on the application for revision as may seem just and reasonable.(10)Every order of the appellate or revising authority under sub-section (2) of Section 112, sub-section (6) of Section 114 or, as the case may be, shall be in writing and it shall be communicated to the appellant or applicant, to such other parties as in the opinion of the authority are likely to be affected by the decision or order and to the officer concerned against whose order the appeal or the application for revision was made.

29. Application for review.

(1)Every application under sub-section (1) of Section 115 shall be in the form of a memorandum setting forth concisely and under distinct heads the views and important facts which, after the exercise of due diligence, were not then within the knowledge of the applicant or could not be produced by him when the order was made or mistakes or errors apparent on the face of the record or other reasons on the basis of which review is sought. A memorandum of evidence shall accompany it.(2)The application shall be accompanied by the original or a certified copy of the order to which the application relates.(3)No application for review shall be entertained unless it is accompanied by such additional number of copies, as there are parties to the original order.(4)The application shall, so far as it may be necessary, be disposed of by the Tribunal in such manner as may be deemed fit, provided that no order prejudicial to any person shall be passed unless such person has been given an opportunity of making representation.

30. Interpretation.

- If any question arises relating to the interpretation of these rules, the decision of the Lieutenant Governor thereon shall be final.

31. Power to relax.

- Where the Lieutenant Governor is of the opinion that it is necessary or expedient so to do, he may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

32. Saving.

- Nothing in these rules shall affect reservations, relaxation of age limit, and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes. Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard.