

The Appellate Tribunal For Forfeited Property (Conditions Of Service Of Chairman And Members) Rules, 1989

UNION OF INDIA

India

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Rule

THE-APPELLATE-TRIBUNAL-FOR-FORFEITED-PROPERTY-CONDITIONS-OF-SERVICE-OF-CHAIRMAN-AND-MEMBERS-RULES-1989

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The Appellate Tribunal For Forfeited Property (Conditions Of Service Of Chairman And Members) Rules, 1989 Published vide Notification S.O. 386(E), dated 29.5.1989, published in the Gazette of India, Extraordinary, Part 2, Section 3(ii), dated 29.5.1989.

17.

/783 In exercise of the powers conferred by section 76 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules to provide for terms and conditions of service of the Chairman and other Members of the Appellate Tribunal for Forfeited Property constituted under section 68-N of the Act, namely:-

Brought into force from 29.5.1989.

1. Short title and commencement

.- (1) These rules may be called The Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989. (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions

.-In these rules, unless the context otherwise requires,-(a)"Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), as amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989),(b)"Chairman" means the Chairman of the Tribunal,(c)"Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 68-N of the Act,(d)"Member" means a member of the Tribunal.

3. Remuneration, allowances, etc., of the Chairman

.- (1) A Judge of the Supreme Court or of High Court appointed as Chairman shall be entitled to a monthly salary at the same rate as is admissible to him as a Judge of the Supreme Court or of a High Court, as the case may be. He shall be entitled to such allowances and other benefits as are admissible to a Judge of the Supreme Court or of a High Court, as the case may be. (2) Where the Chairman retires from services as Judge of the Supreme Court or of a High Court during the term of office of such Chairman or a retired Judge of the Supreme Court or of a High Court is appointed as such, he shall be paid for the period he serves as Chairman, such salary, which, together with his pension and pension equivalent of any other form of retirement benefits shall not exceed the last pay drawn by him before retirement. He shall be entitled to such allowances and other benefits as are admissible to a serving Judge of the Supreme Court or High Court, as the case may be. (3) A person not being serving Judge or a retired Judge of the Supreme Court or of a High Court appointed as Chairman shall be paid a salary of Rs. 8,000 per mensem and shall be entitled to draw such allowances as are admissible to a Government officer of equivalent pay: Provided that if such a person at the time of his appointment as Chairman is in receipt of a pension in respect of his previous service under the Government or any local body/authority owned or controlled by the Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

4. Remuneration, allowances, etc., of Members

.-A person appointed as member shall be paid a salary of Rs. 7,600 per mensem and shall be entitled to draw such allowances, admissible to a Government officer of equivalent pay: Provided that if such a person, at the time of his appointment as member is in receipt of a pension in respect of any previous service under the Government or any local body/authority owned or controlled by Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

5. Retirement during the term of Member

.-Where a member retired from service under the Government or any local body/authority owned or controlled by the Government during the term of office as such member, his salary for the period he serves as members after such retirement shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

6. Travelling allowances

.- (1)(i) If the Chairman is a serving Judge of the Supreme Court or of a High Court he shall be entitled to draw travelling allowance at the rates as are admissible to a Judge of the Supreme Court or of a High Court under the Supreme Court Judges (Travelling Allowances) Rules, 1959 or, as the case may be, the High Court Judges (Travelling Allowances) Rules, 1956 in respect of journeys performed by him in connection with the work of the Tribunal. (ii) If the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to draw travelling allowance or daily allowance according to his entitlement at the rates in force at the time of his re-employment in respect of journeys performed by him in connection with the work of the Tribunal: Provided that the retired Judge of the Supreme Court or of a High Court shall not be entitled to the benefit of higher daily allowance admissible to a serving Judge of the Supreme Court or of a High Court, as the case may be, for performing functions outside his normal duties in localities away from his headquarters: (2) The Chairman, not being a Judge or a retired Judge of the Supreme Court or of a High Court or any Member, shall be entitled to draw travelling allowance in respect of journey performed by him in connection with the work of the Tribunal at the same rates as are admissible to a Central Government officer of equivalent pay.

7. Leave

.- (1) Where the Chairman is a serving Judge of the Supreme Court or of a High Court, he shall be entitled to such leave as may be admissible to him under the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954. The serving Judge of the Supreme Court or of a High Court retiring during the tenure of appointment as Chairman, he would be governed by Central Civil Services (Leave) Rules, 1972, with effect from his date of retirement from service. (2) Where the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Services (Leave) Rules, 1972. (3) A person appointed as a Member shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Services (Leave) Rules, 1972: Provided that where a person to whom the Central Civil Services (Leave) Rules, 1972 are not applicable, is appointed as the Chairman or a Member, he shall be eligible for the grant of leave under the rules applicable to him before such appointment.

8. Vacation

.- (1) Where the Chairman is a serving Judge, he shall be entitled to vacation in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958 or as the case may be, the High Court Judges (Conditions of Service) Act, 1954. (2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a Member shall not be entitled to vacation.

9. Accommodation

.- (1) A serving Judge or a retired Judge of the Supreme Court or of a High Court, who is appointed

as Chairman, shall be entitled without payment of rent, to the use of an official residence in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954: Provided that where a retired Judge of the Supreme Court or of a High Court, is not provided residence in accordance with this sub-rule, house rent allowance at the rate of 12.5% of pay shall be payable to such retired Judge of the Supreme Court or of a High Court. (2) The Chairman, who is not a serving Judge or a retired Judge of the Supreme Court or of a High Court, and a Member shall be entitled to Government accommodation on payment of prescribed rent as admissible to a Central Government officer of equivalent pay.

10. Medical attendance

.- (1) (i) A serving Judge of the Supreme Court or of a High Court shall be entitled to medical attendance in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954. (ii) A retired Judge of the Supreme Court or of a High Court appointed as Chairman shall be entitled to medical facilities as available under the Central Government Health Scheme or where the Central Government Health Scheme is not available, he shall be entitled to medical facilities as available to Cabinet Ministers. (2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a Member of the Tribunal shall be entitled to medical facilities admissible to a Central Government officer of equivalent pay.

11. Tenure

.- (1) (a) Where a serving Judge of the Supreme Court or of a High Court is appointed as Chairman, he shall hold office as Chairman for a period of three years or till he attains the age of sixty-five years or sixty-two years, as the case may be, whichever happens earlier: Provided that where a retired Judge of the Supreme Court or of a High Court is appointed or re-appointed as Chairman, beyond the age of sixty-five or sixty-two years, as the case may be, he shall hold office as Chairman for such period not exceeding three years, as may be determined by the Central Government at the time of appointment or re-appointment. (b) Where a person not falling under clause (a) is appointed as Chairman, he shall hold office for a period of three years, or till he attains the age of sixty-five years, whichever happens earlier and shall not be eligible for re-appointment. (c) Notwithstanding anything contained in clause (b) where a person appointed as Chairman is due to retire on attaining the age of superannuation under the relevant rules applicable to him within a period of one year after completion of the period of three years referred to in that clause, such person shall continue to hold office as Chairman till the date of his superannuation under the said rules. (2) A person appointed as Member shall hold office till he attains the age of 60 years.

11.

-A. Contributions of General Provident Fund and Contributory Provident Fund.-(a) The Chairman and Members shall be entitled to make contributions towards General Provident Fund Account under the General Provident Fund (Central Services) Rules, 1960 in the same manner as any other Central Government servant. (b) Such of the Chairman and Members, as are re-employed after

retirement from Government service, shall be entitled to contribute towards the Contributory Provident Fund Account under the Contributory Provident Fund Rules (India), 1962 subject to such conditions as are applicable to re-employed Central Government servants.

12. Oath of office

.-Every person appointed as the Chairman or as a member, not already in Government service shall, before entering upon office, make and subscribe to an oath of office before an officer of the Central Government not below the rank of Additional Secretary in the form appended to these rules.

13. Terms and Conditions of Service of Chairman and Members who are Chairman and Member of the Appellate Tribunal for Forfeited Property Constituted under SAFEMFOPA

.-The Chairman or a Member of the Tribunal shall not be entitled for any salary, remuneration, allowance or any other benefits to which the Chairman or Member is entitled under these rules, if the Chairman or Member is a sitting Chairman or Member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (hereinafter referred to as "SAFEMFOPA") and the terms of office of such Chairman or Member shall be co-terminus with the terms of office of the Chairman or Member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under SAFEMFOPA.

14. Saving

.-In respect of any matter not covered by these rules, the Chairman and a Member shall be governed by such rules or orders, as may be applicable to a Central Government Officer of equivalent pay.

15. Interpretation

.-If any question arises relating to the interpretation of these Rules, the matter shall be referred to the Central Government, who shall decide the same. Form (See rule 12) Oath of Office I.....do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India, as by law established, that I will uphold the sovereignty and integrity of India and that I will carry out duties of my office loyally, honestly and with impartiality. So help me God. Signature : Chairman/Member Appellate Tribunal for Forfeited Property Officer before whom the oath was taken.