

Orissa Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986

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India

Orissa Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986

Rule

ORISSA-ADMINISTRATIVE-TRIBUNAL-SALARIES-AND-ALLOWANCES of 1986

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Orissa Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986Published vide Notification Gazette of India Extraordinary Part 1 Section 3, Sub-section (1), dated 4.7.1986In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 35 of the Administrative Tribunals Act, 1985 (13 of 1985) the Central Government hereby makes the following rules namely :

1. Short title and commencement.

(1)These rules may be called the Orissa Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Act" means the Administrative Tribunals Act, 1985 (13 of 1985);(b)"Government" means the Government of Orissa;(c)"Tribunal" means the Orissa Administrative Tribunal;(d)the words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. [Pay. [Substituted vide G.S R.564(E), I.G.E.No. 352, dated 8.9.1998.]

- The Chairman shall entitled to a pay of rupees Twenty-six thousand plus a special allowance of rupees One thousand per mensem. Vice-Chairman shall receive a pay of Rs. 26,000/- per mensem. Member shall receive a pay in the scale of Rs. 22,400-600-26,000 per mensem : Provided that in the case of an appointment as a Chairman, Vice-Chairman or a Member, a person who has retired as a Judge of a High Court or who has retired from service under the Central Government or State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension and or gratuity of employers contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay shall be reduced by the gross amount of pension or pension equivalent to gratuity or employers contribution to Contributory Provident Fund or any other form of retirement benefits if any, but excluding pension equivalent to retirement gratuity, drawn of to be drawn by him.]

4. [Dearness Allowance. [Substituted vide G.S R.564(E), I.G.E.No. 352, dated 8.9.1998.]

- The Chairman, Vice-Chairman and a Member shall be entitled to Dearness Allowance appropriate to their pay at the rates admissible to Group 'A' officers of the Central Government drawing a pay in the scale of Rs. 22,400-600-26,000 or above.]

4A. [City Compensatory Allowance. [Substituted vide G.S.R. 564(E), I.G.E.No. 352, dated 8.9.1998.]

- The Chairman, a Vice-Chairman and a Member shall be entitled to City Compensatory Allowance appropriate to their pay at the rates admissible to group 'A' Officers of the Central Government drawing a pay in the scale of Rs. 22,400-600-26,000 or above.]

5. Retirement from parent service an appointment as Member.

(1) The Chairman, a Vice-Chairman or a Member who, on the date of his appointment to the Tribunal, was in service under the Central Government or a State Government, shall seek retirement from such service before his appointment to the Tribunal. In the case of sitting Judge of a High Court who is appointed as Chairman or a Vice-Chairman his service in the Tribunal shall be treated as actual service within the meaning of para 11(b), (i) of Part 'D' of the Second Schedule to the Constitution. (2) On such a retirement as is provided for in Sub-rule (1), the Chairman, a Vice-Chairman or a Member; (i) shall be entitled to receive pension and gratuity in accordance with the rules relating to the retirement benefits applicable to him. (ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent to leave salary, if any, in accordance with the rules applicable to him prior to his retirement.

6. Leave.

(1) A person, on appointment to the Tribunal as Chairman, Vice-Chairman or a Member shall be entitled to leave as follows : (i) earned leave at the rate of fifteen days for every completed year of service. (ii) half pay leave on medical certificate, or on private affairs at the rate of twenty days in respect of each completed year of service. The leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave; (iii) leave on half pay can be commuted to full pay leave at the discretion of the individual provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority; (iv) extraordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office. (2) If the Chairman, a Vice-Chairman or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal he shall be entitled to add the unenjoyed period of vacation to the leave account. Explanation. - For the purpose of this Sub-rule "vacation" means vacation of thirty days in each calendar year observed by the Tribunal. (3) On the expiry of his term of office in the Tribunal, the Chairman, a Vice-Chairman or a Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit; provided that the quantum of leave encashed under this Sub-rule and Sub-rule (2)(ii) of Rule 5 shall not exceed [300] [Substituted vide G.S.R. 564(E), I.G.E.No. 352, dated 8.9.1998.] days. (4) The Chairman, a Vice-Chairman and Members shall be entitled to receive the dearness allowance on the leave salary under Sub-rule (3) as admissible at the rate in force on the date of the relinquishment of the office in the Tribunal : Provided that he shall not be entitled for the city compensatory allowance or any other allowance on such leave salary.

7. Leave sanctioning authority.

- The Chairman shall be the authority competent to sanction leave to the Member and the Vice-Chairman. The Governor shall be the authority competent to sanction leave to the Chairman.

8. Pension.

(1) Every person appointed to the Tribunal as the Chairman a Vice-Chairman or a Member shall be entitled to pension provided that no such pension shall be payable : (i) if he has put in less than two years of service with the Tribunal, or (ii) if he has been removed from an office with the Tribunal under Sub-section (2) of Section 9 of the Act. (2) Pension under Sub-rule (1) shall be calculated at the rate of rupees seven hundred per annum for each completed year of service and irrespective of the number of years of service in the Tribunal, the maximum amount of pension shall not exceed rupees three thousand five hundred per annum: Provided that the aggregate amount of pension payable this rule together with the amount of any pension including commuted portion of pension (if any) drawn or entitled to be drawn while holding office in the Tribunal shall not exceed the maximum amount of pension prescribed for a judge of the High Court.

9. Provident Fund.

- The Chairman, a Vice-Chairman or a Member shall be entitled to subscribe to the Provident Fund at his option and in case of his so opting shall be governed by the provisions of the All India Services (Provident Fund) Rules :Provided that if the Chairman, a Vice-Chairman or a Member was a judge of a High Court or was a Member or an All India Service or was holding a post under the Central or a State Government immediately before his joining the Tribunal, he shall be governed by the rules which were applicable to him immediately before joining the Tribunal.

10. Travelling Allowances.

- The Chairman or other Member 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 allowance, daily allowance, transportation or personal effects and other similar matters at the same scales and the same rates as are prescribed in the High Court Judges (Travelling Allowances) Rules, 1956.

11. [Leave Travel Concession. [Substituted vide G.S.R.564(E), I.G.E.No. 352, dated 8.9.1998.]

- The Chairman, the Vice-Chairman or a Member shall be entitled to the leave travel concession at the same rates and at the same scales and on the same conditions as are admissible to a Group 'A' officer of the Central Government drawing a pay in the scale of Rs. 22,400-600-26,400/- or above.]

12. Accommodation.

(1)Every person appointed to the Tribunal as Chairman, Vice-Chairman or a Member shall be entitled to the use of official residence from the appropriate type, subject to availability, on the payment of licence fee at the rates prescribed by Government from time to time.(2)When the Chairman, Vice-Chairman or a Member is not provided with or does not avail himself of the Official residence referred to in Sub-rule (1), he may be paid every month an allowance of an amount equal to fifteen per cent of his pay.(3)Where the Chairman, Vice-Chairman or a Member occupies an official residence beyond the permissible period, he shall be liable to pay additional licence fee or penal rent, as the case may be and liable to eviction in accordance with the rules of the Government.

13. Facility of conveyance.

- The Chairman, a Vice-Chairman or a Member shall be liable to the facility of staff car in accordance with the staff car rules of the Government.

14. Facilities for Medical treatments.

- The Chairman, a Vice-chairman, or a Member shall be entitled to medical treatment and hospital facilities as are admissible to an officer of the corresponding status in salary in the Government.

15. Conditions of serving of sitting judges of the High Court appointed as Chairman or Vice-Chairman.

- Notwithstanding anything contained in these rules, where a sitting Judge of a High Court is appointed as the Chairman or Vice-Chairman of the Tribunal, the service conditions as contained in the High Court judges (Conditions of Service) Act, 1954 and the rules made thereunder shall apply to him, up to the date of his superannuation as a sitting judge of the High Court. Thereafter, he shall be governed by these rules for the remaining period of his tenure as Chairman or Vice-Chairman as the case may be.

15A.

Notwithstanding anything contained in Rules 4 to 15 of the conditions of service and other perquisites available to the Chairman and Vice-Chairman of the Orissa Administrative Tribunal shall be the same as admissible to a serving judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 and High Court Judges (Travelling Allowances) Rules, 1956.

16. Residuary provision.

- The conditions of service of the Chairman, a Vice-Chairman or a Member for which no express provision is available in these rules shall be determined by the rules and orders for the time being applicable to officers of corresponding pay levels belonging to the Indian Administrative Service.

17. Powers to relax rules.

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