

APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (CONDITIONS OF SERVICE OF CHAIRMAN AND MEMBERS) RULES, 1978

229] ND. 2291 -y-q:l Che Gazette of *dig EXTRAORDINARY 11 3 PART 11—Section 3 -Subsection (i) PUBLISHED BY AUTHORITY 13, 1900 NEW DELHI. FRIDAY, AUGUST 4, 1918/SRAVANA 13, 1900 paging Is given to tlkk Part in order thRt it may be filed ag R separate compilntion (fqqm) *FTT t, 395 26 (2) (G) "qfLrf,T4R" füDfr 74-q-q-g•-or) 1976 ('3) (O "qE7TH! Æ(FTpfrm 690 THE GAZETTE OF INDIA EXTRAORDINARY (PARI IL—SEC. 30)] 3,000 fapi fM7i-t l) qfü 1959 J 956 (2) trr 1 958 (1958 41) "A-OT OTT (ffiq-q, 1 9 7 2 mfm t f-tT) 1 9 5 S (] 9 58 I t) 54 (I 2 R) I 1 (41) 1 954 (1 9 fqfÉT f-#NTTT. 1954 (1 934 2k') Ttq-r N-fh-HT a-"-q-q Qqafvqfrl, q-rrr, itt I p•trpx Frg q-r,TH I MINISTRY OF FINANCE (Departnment of Revenue) NOTIFICATION New Delhi. the 4th August, G.S.R. exercise of the powers confel'l-ed by sub- yection (2) of section 26 of the Smugglers and Foreign Ex- change Manipulator•: (Forefciture of Property) Act, 1976 (13 the Central Governrncnt hereby makes the follow- of 1976), ing rules, namely L) These tulcs Illny be I. Short tille and commencement. called the Appellate Tribunal for Forfeited Propcrty (C.ondi- tions of Service of Chairman and Members) Rules, (2). They shall come into forcce from the date of their publication in the official Gnzette, 2. Definitions.—In these l'illes unless the context otherwise '\act" means the Smugglers and Foreign Exchange (a) Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976); (b) "(.hairman" means lhc C.hairrntuh of the Tribunal; (c) "Tribunal" means lhc Appellate Tribunal constituted uoder sub-section (1) of section •12 of the Act; ' Judge" includes thc C.hief Justice, an acting Chief (d) Justice, nn Additional Judge- an Acting .rndgc: (e) ' member' • means a member of the Tribunal. 3, Remuneration? alloxvances etc. of (hc Chairnvan. A judge of the Supreme Court 01- of High COLII-I appointed (..'.halrrnan shall be entitled to a rnonthly salary at the same rate a.s 19 odmissible to him as a judge of the Supreme Court as the case may be. He shall bc entitled or of a High Court, to such allowances and other benefits as arc admissible to a Judge of the Supreme Court or of a High Court, as the case nmay be. (2) Where thc Cha Irrnan retires from service as Judge of the Sunveme ('ourt 01' of a High C ourt during the term of office of s•nch (-.hniif'lnan ot' a rtired Judge of the Supreme C. 'ourl or of a High ("..ourt is appointed as such, nard for the period he serves as Chairrnun. suc.h salary which. together v. ith his pension and nenqon equivalent of any other [orin of—rctircmcnt benefits shall not exceed 691 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 of a High Court, as the case may bc. retired (3) A person not being a serving Judge, or a Judge of the Supreme Court or of High Court appolnted us Chairman shall be paid a salary ot Rs. 3,500 per mensem and shall be entitled to draw such allowances as are admissible to Governlnent oflicer of equivalent pay Provided that if such a at the time of his appointment as Chairman in receipt of a pension In rej- pect of his previous service under the Government or any local or authority owned or controlled by the Govern- ment, such salary shall be reduced by ffe amount of pension and pension equivalent of any other form of retirement benefits

4. Remuneratfon, allowances etc.of membus.—A person appointed as member shall be paid a salary of Rs. 3,000 per nwnsem ancl shall be entitled Io draw such allowances as the ndmissible to a Governrment omcer of equivalent. pay Provided that if such a person at the time of appoint- ment as member is in receipt of a penaion in respect or any prevrous servrce under the Government or any local body or aut.hodty owned or controlled by Government, such salary shall be reduced by thc amount of pension and pension aivalent of any other form of retirement benefits

3. Retirement dUriog the term of member.—Where a. mem- ber retires from service under the Government or nny local body or authority ourned or controlled by the Govenmel.\t during the term of office as such member, his salary for the period he serves as member nfter such retirement shall bc reduced by the amount of pension and pension equivalent or any other form of retire.ment benefits. (1) If the Chairman 6. Tra.velling Allowances. is serving judge or a retired Judge of thc Supreme Court or ot a High Court, he shall bc entitled to draw travelling allowancc under the Supreme Court Judges (Travelling Allowance) Rules, 195.9, or ag the case may be, the High Court Judges (Travelling Allowance) Rules, 1956, in res- pect of journeys performed by him in connection with the work of the Tribunal at the rates as are admisslble to R Judge of the Supreme Court or of a High Court, as the c.ase may be. However, a

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 their normal duties localities away from their headquarters. (2) The Chairman, not being a Judge or a retired Judge of the Supreme Court or of High Court any member shall be entitled to draw travelling allowance in respect of journeys performed by him in connection with the work of the Tribunal at the same rates are admissible to a Central Government officer of equivalent pay. 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 (28 of 1954). The Chairman, when retiring during the tenure of appointment as Chairman, he would be by Central Civil Services governed (Leave) Rules, 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 Central Civil Services (Leave) Rules, (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. Provided that where a person to whom the Central Civil Services Rules are not applicable, is appointed as the Chairman or member, he shall be eligible for the grant of leave under the rules applicable to him before such appointment. 692 THE GAZETTE OF INDIA EXTRAORDINARY (PART 3(i)) 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 of 1958, as case may be the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954). (2) 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. 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 (41 of 1958), or as the case may be, the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954). (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) A serving Judge or retired 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, the case may be, the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954). (2) The Chairman, who is not a serving Judge or a retired Judge of the Supreme Court or of a High Court, 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-two years, 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 years or sixty-two years, 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. (2) A person appointed as member shall hold office till he attains the age of sixty years. 12. Oath of Office.—Every person appointed as the Chairman or as 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. 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

14. 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. APPENDIX Form (See rule 12) do swear, 'solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office loyally, honestly and with impartiality. So help me God. Officer Signature Chairman member

Appellate Tribunal for Forfeited Property before whom the oath was taken. [P. No. 22/1/78-Ad A, N. SAREEN, Under secy. PRINTED BY THE MANAGER, Gov•r. OF INDIA PRESS, RING ROAD, New DELHI-1 10064 AND PUBLISR.βD BY TME CONTR01.i OF PUBLICATIONS, DEI-HI-1 10054, 1

