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**HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL  
(SALARIES AND ALLOWANCES AND CONDITIONS OF  
SERVICE OF CHAIRMAN AND MEMBERS RULES, 1986**

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<sup>1</sup>1. Published in the Gazette of India, Extraordinary, Pt. II. Sec. 3(i), dated 22nd August, 1986. G.S.R. 1015 (E).- In exercise of the powers conferred by Cl. (c) of sub-section. (2) of Sec. 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 Himachal Pradesh Administrative Tribunal (Salaries and Allowances and Conditions of Service of 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 Himachal Pradesh.

(c) 'Tribunal' means the Himachal Pradesh 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 :-**

". .- The Chairman shall receive a pay of rupees eight thousand plus a special pay of rupees five hundred per mensem A Member shall receive pay in the scale of<sup>1</sup> ["Rs. 7300-200-7500-250-8000"]per mensem: Provided that in the case of an appointment as Chairman or a Member of a person who has retired as a Judge of a High Court 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 benefits by way of pension or gratuity or both or employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the aforementioned pay shall be reduced by the gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him"].

1. Substituted for " Rs. 7300-100-7600 ", vide " HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN AND MEMBERS RULES, 1986" Dt.31st January, 1994 Published in G.S.R. 45 (E), dated 31st January, 1994. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i). No. 40, dated 31st January, 1994.

## **4. Dearness Allowance :-**

The Chairman and a Member shall receive 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. 7300-100-7600 or above".]

## **4A. City Compensatory Allowance :-**

". .- The Chairman and a Member shall receive City Compensatory Allowance appropriate to their pay at the rates admissible to Group 'A' officers of the Central Government drawing a pay of in the scale of Rs. 7300-100-7600 or above".]

**5. Dearness allowance and city compensatory allowance :-**

The Chairman and a member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to the Officers of the Central Government drawing a pay of rupees three thousand or above.

**6. Retirement from parent service on appointment as Member :-**

(1) The 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 a sitting Judge of a High Court who is appointed as 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 retirement as is provided for in sub-rule (1), the 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.

**7. Leave :-**

(1) A person; on appointment to the Tribunal as 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 or a part thereof:

(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 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 or a Member shall be entitled to receive cash equivalent of leave salary in respect of the rule 5 shall not exceed 180 days.

(4) The Chairman and Members shall be entitled to receive the dearness allowance on the leave salary under sub-rule (3) as admissible at the rates 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.

### **8. Leave Sanctioning Authority :-**

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

### **9. Pension :-**

(1) Every person appointed to the Tribunal as the 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 in 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 or a part thereof 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 under 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.

**10. Provident Fund :-**

The 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 provision of the All India Services (Provident Fund) Rules: Provided that if the Chairman or a Member was a Judge of a High Court or was a Member of 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.

**11. Travelling Allowances :-**

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

**12. Leave Travel Concession :-**

". .- The Chairman or a Member shall be entitled to the leave travel concession at the same rates and at the same time and on the same conditions as are applicable to a Group 'A' officer of the Central Government drawing a pay in the scale of Rs. 7300-100-7600 or above".] to implement the decisions taken on the recommendations of the Fourth Central Pay Commission relating to revision of Pay and Dearness Allowance with effect from 1st January, 1986; City Compensatory Allowance with effect from 1st October, 1986 and Leave Travel Concession with effect from 1st November, 1986 in respect of the Central Civil Services Group 'A'. The relevant provisions in the Himachal Pradesh Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1986 pertaining to pay and Dearness Allowance, City Compensatory Allowance and Leave Travel Concession are being amended accordingly with effect from

1st January, 1986, 1st October, 1986 and 1st November 1986, respectively. It is certified that no Chairman and Member of the Himachal Pradesh Administrative Tribunal is likely to be affected adversely by this notification being given retrospective effect.

**13. Accommodation :-**

(1) Every person appointed to the Tribunal as Chairman or a member shall be entitled to the use of official residence 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 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 percent of his pay.

(3) Where the 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.

**14. Facility of conveyance :-**

The Chairman and a Member shall be entitled to the facility of staff car in accordance with the Staff Car Rules of the Government.

**15. Facilities for Medical Treatment :-**

The 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.

**16. Conditions of service of sitting judges of the High Court appointed as Chairman :-**

Notwithstanding anything contained in these rules, where a sitting judge of a High Court is appointed as the 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 upto 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.

**17. Residuary provision :-**

The conditions of service of the 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.

**18. 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.