

Housing Finance Institution Debt Recovery Appellate Tribunal (Salaries, Allowances and other Terms and Conditions of Service of the Presiding Officer) Rules, 2002.

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Housing Finance Institution Debt Recovery Appellate Tribunal (Salaries, Allowances and other Terms and Conditions of Service of the Presiding Officer) Rules, 2002.

No. G.S.R. 339(E), dated 7th May, 2002. - In exercise of the powers conferred by section 54A of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :-

(1) These Rules may be called the Housing Finance Institution Debt Recovery Appellate Tribunal (Salaries, Allowances and other Terms and Conditions of Service of the Presiding Officer) Rules, 2002.

(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 National Housing Bank Act, 1987 (53 of 1987);

(b) "Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under Section 36J of the Act;

(c) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Salary :-

The Presiding Officer of an Appellate Tribunal shall be paid a salary in the scale of pay of Rs. 18,400- 22,400: Provided that in the case of an appointment of a person as a Presiding Officer, who has retired as a District Judge, or who has retired from service, under the Central Government or a State Government and who is in respect of or has received or has become entitled to receive any retirement benefit by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

4. Deputation duty allowance :-

If a person holding the post on a regular basis in the scale of pay of Rs. 18,400-22,400 is appointed as Presiding Officer of an Appellate Tribunal on tenure basis and holds lien in his parent cadre, he shall be paid a salary in the scale of pay specified in rule 3 plus a deputation duty allowance at a rate as are applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

5. Dearness allowance and city compensatory allowance :-

The Presiding Officer of an Appellate Tribunal shall be entitled to draw dearness allowance and city compensatory allowance at the rate admissible to Group 'A' officers of the Central Government drawing an equivalent pay.

6. Leave :-

The Presiding Officer of an Appellate Tribunal shall be governed in matters relating to his rights in respect of leave by the Central Civil Services (Leave) Rules, 1972.

7. Leave sanctioning authority :-

The President of India shall be the authority competent to sanction leave to the Presiding Officer of the Appellate Tribunal.

8. Pension/Provident Fund :-

In case a service Judge or an Officer of the Central Government or State Government is holding the post of Presiding Officer, the service rendered in the Appellate Tribunal will count for pension to be drawn in accordance with the rules of the service to which he belongs. He shall also be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960. In all other cases, a person shall be entitled to Contributory Provident Fund (India) Rules, 1962.

9. Travelling allowances :-

The Presiding Officer of an Appellate Tribunal while on tour or on a transfer (including the journey undertaken to join the Appellate Tribunal or on the expiry of his term with the Appellate Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and to other similar matters at the same scales and at the same rate as are applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

10. Leave travel concession :-

The Presiding Officer of an Appellate Tribunal shall be entitled to leave travel concession at the same rates and at the same scale as are applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

11. Facility of conveyance :-

The Presiding Officer of an Appellate Tribunal shall be entitled to a staff car and one hundred and fifty litres of petrol every month or actual consumption of petrol per month, whichever is less.

12. Accommodation :-

(1) Every person appointed as a Presiding Officer of an Appellate Tribunal shall be eligible, subject to availability, to the use of official residence from the general pool accommodation of the type admissible to a Group 'A' officer of the Central Government, who is working at the place where such Appellate Tribunal is located and drawing an equivalent pay on payment of the licence fee at the rates specified by the Central Government from time to time.

(2) Where the Presiding Officer of an Appellate Tribunal occupies an official residence beyond permissible period, he shall be liable to pay additional licence fee or penal rent, as the case may be, and he shall be liable to eviction in accordance with the rules applicable to Central Government servants.

(3) Where the Presiding Officer of an Appellate Tribunal does not avail of facility of official residence under sub-rule (1), he shall be entitled to House Rent Allowance as admissible to Group 'A' officers of the Central Government drawing equivalent pay.

13. Facilities for medical treatment :-

The Presiding Officer of an Appellate Tribunal shall be entitled to medical treatment and hospital facilities as provided in the Contributory Health Services Schemes Rules, 1954 and in places where the Central Health Services Scheme is not in operation, the said Presiding Officer shall be entitled to the facilities as provided in the Central Services Medical Attendance Rules, 1994.

14. Residuary provision :-

Matters relating to the conditions of services of the Presiding Officer of an Appellate Tribunal with respect to which no express provision has been made in these rules shall be referred in each case to the Central Government for its decision and the decision of the Central Government thereon shall be binding on the said Presiding Officer.

15. Power to relax :-

Subject to the provisions of section 36N, the Central Government shall have power to relax the provisions of any of these rules in respect of any class or categories of persons.