

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

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**APPELLATE TRIBUNAL FOR FORFEITED PROPERTY
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In exercise of the powers conferred by sub-section (2) of S.26 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, the Central Government hereby makes the following rules, namely:

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, 1978.

(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 Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976;

(b) "Chairman" means the Chairman of the Tribunal;

(c) "Tribunal" means the Appellate Tribunal constituted under sub-section (1) of Section 12 of the Act;

(d) "Judge" includes the Chief Justice, an acting Chief Justice, an acting Judge;

(e) "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 service 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 of a High Court, as the case may be.

(3) A person not being a serving Judge, or a retired Judge of the Supreme Court

4. Remuneration, allowances, etc. of members :-

A person appointed as member shall be paid a salary of Rs.3,000 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 member is in receipt of a pension in respect of any previous service under the Government or any local body or authority owned or controlled by Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form or retirement benefits.

5. Retirement during the term of member :-

Where a member retires from service under the Government or any local body or authority owned or controlled by the Government during the term of office as such member, his salary for the period he serves as member 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) If the Chairman is a serving Judge or a retired Judge of the Supreme Court or of a High Court, he shall be entitled to draw travelling allowances under the Supreme Court Judges (Travelling Allowances) Rules, 1959, or as the case may be, the High Court Judges (Travelling Allowance) Rules, 1956, in respect of journeys performed by him in connection with the work of the Tribunal at the rates as are admissible. 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 in localities away from their 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 journeys 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 (41 of 1958), or as the case may be, the High Court Judges, (Conditions of Service) Act, 1954 (28 of 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 Service (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 Civil Court 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(41 of 1958), or as case may be the High Court Judges (Conditions of Service) Act, 1954(28 of 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 Supreme Court Judges (Conditions of Services) 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, 1958 (41 of 1958), or as the case may be 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 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:

(b) Where a person not falling under Cl.(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.

¹ [(c) Notwithstanding anything contained in Cl. (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 sixty years.

1. Ins. by G.S.R. 953 (E), dated 31st December, 1985, published in the Gazette of India, Extraordinary, Pt.II, Sec. 3 (i), dated the 31st December, 1985.

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. 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 rule, the matter shall be referred to the Central Government who shall decide the same.

