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**CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985**

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**CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985**

<sup>1</sup>1. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 23, dated 16th August, 1985. G.S.R. 644 (E), dated .....-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 Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1985.
- (2) They shall come into force on the date of their publication in

the official Gazette.

## **2. Definitions :-**

In these rule unless the context otherwise requires:

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "Tribunal" means the Central Administrative Tribunal.

## **3. Pay :-**

**1** -- The Chairman shall be entitled to a pay of rupees thirty thousand per mensem, a Vice-Chairman shall be entitled to a pay of rupees twenty six thousand per mensem and a Member shall be entitled to a pay in the scale of Rs. 22,400-600-26000 per mensem : Provided that in the case of appointment as a Chairman, a Vice-Chairman or a Member a person who has retired as a judge of 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 employer's 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 of employer's contribution to the Contributory Fund or any other form of retirement benefits, if any, but excluding pension equivalent to retirement gratuity, drawn or to be drawn by him." ]

1. Substituted for " 2 [ 3 Pay .-The Chairman shall receive a pay of rupees nine thousand per mensem; a Vice-Chairman shall receive a pay of rupees eight thousand net per mensem and a Member shall receive pay in the scale of Rs. 7300-100-7600 per mensem: Provided that in the case of an appointment as a Chairman, Vice-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 and/or gratuity, employer's contribution to the contributory provident fund or other forms of retirement benefits the afore-mentioned 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.) ", vide " THE CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985" Dt.29th January, 1998 Published in Published in the Gazette of India. Extraordinary

Part II, Sec. 3 (i). dated 29th January, 1998 (w.e.f. 29th January, 1998).

#### **4. Dearness Allowances :-**

**1** .- The Chairman, a 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

1. Substituted for " 2 [ 4 Dearness allowance .-The Chairman, a Vice-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. 7,300-100-7,600 or above. ", vide " THE CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985" Dt.29th January, 1998 Published in the Gazette of India. Extraordinary Part II, Sec. 3 (i). dated 29th January, 1998 (w.e.f. 29th January, 1998).

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

**1** .-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,

1. Substituted for " 3 [ 4-A City Compensatory Allowance .-The Chairman, Vice-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 in the scale of Rs. 7,300-100-7,600 or above.] the recommendations of the Fourth Central Pay Commission relating to revision of City Compensatory allowance in respect of the Central Civil Services Group "A" with effect from 1st October, 1986. The Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1985 are being amended accordingly with effect from 1st October, 1986. It is certified that no Chairman, Vice-Chairman and Member of the Central Administrative Tribunal is likely to be affected adversely by the notification being given retrospective effect. ", vide " THE CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985" Dt.29th January, 1998 Published in the Gazette of India. Extraordinary Part II, Sec. 3 (i). dated 29th January, 1998 (w.e.f. 29th January, 1998).

#### **5. Retirement from parent service on appointment as Members :-**

(1) The Chairman, 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 and in the case of a sitting Judge of a High Court who is appointed as Chairman, a Vice-Chairman, his service in the Tribunal shall be treated as actual service within the meaning of para. 11 (b) (1) of Part "D" of the Second Schedule to the Constitution,

(2) On such retirement as is provided for in sub-rule (1), the Chairman, Vice-Chairman and Member:

(i) shall be entitled to receive pension and gratuity in accordance with the retirement rules 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 in the Tribunal as a 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 calendar year of service <sup>1</sup>[\* \* \* \*]

(ii) half pay leave on medical certificate or on private affairs at the rate of twenty day in respect of each completed year of service and 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 Member, 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.

(3) On the expiry of his term of office in the Tribunal, the Chairman, the 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) of rule 5 shall not exceed <sup>23</sup> ["300"]days.

(4) The Chairman, the Vice-Chairman or other Members shall be entitled to receive the dearness allowances as admissible on the leave salary under sub-rule (2) at the rates in force on the date of the relinquishment of the office in the

1. The words "or a part there of" omitted by G.S.R. 417 (E), dated 31st March, 1989 (w.e.f. 31st March, 1989).

2. Subs. by Ibid. for the figures "180".

3. Substituted for "[240] ", vide " THE CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985" Dt.29th January, 1998 Published in the Gazette of India. Extraordinary Part II, Sec. 3 (i). dated 29th January, 1998 (w.e.f. 29th January, 1998).

#### **7. Leave sanctioning authority :-**

The Chairman shall be the authority competent to sanction leave to the Vice-Chairman and a Member and the President 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 : or

(ii) if he has been removed from an office In the Tribunal under sub- section (2) of Section 9 of the Act.

<sup>1</sup> [(2) Pension under sub-rule (1) shall be calculated at the rate of rupees one thousand four hundred and fifty per annum for each completed year of service: 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.]

1. Subs. by G.S.R. 39 (E), dated 20th January, 1995 (w.e.f. 31st March, 1989).

### **9. Provident Fund :-**

The Chairman, a Vice-Chairman or Member shall be entitled to subscribe to the General Provident Fund at his option and In case of his so opting shall be governed by the provisions of the Central Provident Fund (Central Services) Rules : Provided that if the Chairman, a Vice-Chairman or a Member was Judge of a High Court or was a member of an All-India Service 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, a Vice-Chairman, or other Member while on tour as 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 allowances, 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.

### **11. Leave Level Concession :-**

**1** .- The Chairman, a Vice-Chairman and a Member shall be entitled to 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. 22,400-600-26,000 or above."

Explanatory note.- With a view to implement the recommendations of the Fifth Pay Commission regarding Central Government employees scale of pay, leave, leave travelling concession and other allowances admissible to them, the Central Government took decisions for different retrospective effective dates. In respect of pay and other allowances etc. admissible to the Chairman, Vice-Chairman and Members of the Central Administrative Tribunal, Central Government decided to allow the revision of pay and allowances at the same rates, at the same scales and on the same conditions as are admissible to the Central Government employees. Therefore, the amendments in the rules are to be given a retrospective effect. By giving this retrospective effect to the provisions of the rules, no Chairman, Vice-Chairman or a Member is likely to be affected adversely.]

1. Substituted for " 2 [ 11 Leave travel concession .-The Chairman, Vice-Chairman or a Mem- ber shall be entitled to the leave travel concession at the same rates and at the same scales 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. 7,300-100-7,600 or above. ", vide " THE CENTRAL ADMINISTRATIVE TRIBUNAL (SALARIES AND ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 1985" Dt.29th January, 1998 Published in Published in the Gazette of India. Extraordinary Part II, Sec. 3 (i). dated 29th January, 1998 (w.e.f. 29th January, 1998).

## **12. Accommodation :-**

(1) Every person appointed to the Tribunal as a Chairman, a Vice-Chairman or a Member shall be entitled to the use of an official residence from the general pool accommodation of the type admissible to an officer of the rank of a Secretary to the Government of India stationed at Delhi on the payment of the licence fee at the rates prescribed by the Central Government from time to time.

(2) When a Chairman, a Vice-Chairman or a Member Is not provided with or does not avail himself of the general pool accommodation 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, a 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 applicable to Secretary to the Government of India belonging to the Indian Administrative Service.

## **13. Facilities of conveyance :-**

The Chairman, Vice-Chairman and a Member shall be entitled to facility of staff car for Journeys for official and private purposes in accordance with the Staff Car Rules of the Government of India.

## **14. Facilities for medical treatment :-**

The Chairman, Vice-Chairman or other Member shall be entitled to medical treatment and hospital facilities as provided in the Contributory Health Service Scheme Rules, 1954, and in places where the Central Health Services Scheme is not in operation, the Chairman, Vice-Chairman and Members shall be entitled to the facilities as provided in the Central Services Medical Attendance Rules.

**15. Conditions of service 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 a 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.

**15A. 15-A :-**

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

**16. Residuary provision :-**

The conditions of service of the Chairman, Vice-Chairman or other Members for which no express provision is available in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India belonging to the Indian Administrative Service.

**17. Powers to relax rules :-**

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