

KARNATAKA ADMINISTRATIVE TRIBUNAL (Services, Allowances and Conditions of Services of Chairman, Vice Chairman and Members) Rules, 1986.

NO.A-11019/22/86/85-AT  
GOVERNMENT OF INDIA

Ministry of Personnel and Training)

New Delhi.

NOTIFICATION

G.S.R.No.A-11019/22/86/85-AT. In exercise of the powers conferred by clause (C) of sub-section (2) of Section 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 Karnataka Administrative Tribunal (Services and Allowances and Conditions of Service of Chairman, Vice- 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 Karnataka;
- (c) "Tribunal" means the Karnataka 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 Vice-Chairman shall receive a pay in the scale of Rs.7,300-100-7600 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 gratuity, employer's

contribution to the Contributory Provident Fund or other terms of retirement benefits, the pay shall be reduced by the gross amount of pension of service gratuity or employer's contribution to the Contributory Provident Fund or other terms of retirement benefits, the pay shall be reduced by the or employer's contribution to Contributory Provident Fund or any other form of retirement benefits, if any, but excluding a pension equivalent of retirement, gratuity, drawn or to be drawn by him.

.4. Dearness Allowance ;

. The Chairman, 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.7300-100-7600 or above.

.4A. 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.7300-100-7600 or above.

.5. Retirement from parent service on appointment as Member :-

- (1) The Chairman, Vice-Chairman and 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 or a High Court, who is appointment as Chairman, Vice-Chairman, his service in the Tribunal shall be treated as actual service within the meaning of para 11(b)(i) of Part 'D' of Second Schedule to the Constitution.
- (2) On such retirement as is provided for in sub-rule(1), the Chairman, a Vice-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 earned leave but shall be entitled to receive cash equivalent of leave salary, if any, in accordance with the rules applicable to him prior to his retirement.

.6. Leave :

- (1) A person, on appointment to the Tribunal as Chairman, a Vice-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
  - (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
  - (iii) the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave
  - (iv) leave on half pay can be commuted to full 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.
  - (v) Extra-ordinary 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.

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, Vice-Chairman and 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 clause (ii) of sub-rule (2) of rule 5 shall not exceed 240 days.
- (4) The Chairman, a Vice Chairman and Member 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.

.7. Leave Sanctioning authority :-

The Chairman shall be the authority competent to sanction leave to the member and the Vice-Chairman. The Governor of Karnataka shall be the authority competent to sanction leave to the Chairman.

.8. Pension :-

- (1) Every person appointed to the Tribunal as the Chairman, 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 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 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 specified for a judge of the High Court.

.9. Provident Fund :-

The Chairman, Vice-Chairman and 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 provisions of the All India Services (Provident Fund) Rules, 1955:

Provided that if the Chairman, a Vice-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 .

.10. Travelling Allowances :-

The Chairman, Vice-Chairman and a Member while on tour or on transfer (including the journey undertaken to join the Tribunal or to his home town on the expiry of his term with the Tribunal) shall be entitled to the traveling allowance, daily allowance, transportation of personal effect and other similar matters at the same scales and at the same rates as are specified in the High Court Judges (Travelling Allowances) Rules, 1956.

.11. Leave Travel Concession :-

The Chairman, Vice-Chairman and a Member shall be entitled to the leave travel concession at the same rates and at the same scale 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.

.12. Accommodation :-

- (1) Every person appointed to the Tribunal as Chairman, Vice-Chairman and a Member shall be entitled to the use of official residence of 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, Vice-Chairman and 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 equal to fifteen percent 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 of the Government.

.13. Facility of Conveyance :-

The Chairman, a Vice-Chairman or a Member shall be entitled to the facility of staff care in accordance with the Staff Car Rules of the Government.

.14. Facilities for Medical Treatment :-

The Chairman, Vice-Chairman and a Member shall be entitled to medical treatment and hospital facilities as are admissible to an officer of the corresponding levels in the Government.

.15. Conditions of service of sitting Judges of the High Court appointment 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, 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 or Vice-Chairman as the case may be.

.15A. 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 Karnataka Administrative Tribunal shall be same as admissible to a serving Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) and High Court Judges (Travelling Allowances) Rules, 1956.

.16. Residuary Provision :-

. The conditions of service of the Chairman, a Vice-Chairman of 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.

.17. Powers to relax rules :-

. The Central Government may, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons.