

No.7/14/2015 -DRT
Government of India
Ministry of Finance
Department of Financial Services

Jeevan Deep Building,
Sansad Marg, New Delhi - 110001
1st October, 2015

To,
The Registrars General of
All High Courts in India

Subject: Filling up of anticipated vacancy of Chairperson, Debts Recovery Appellate Tribunal (DRAT), Delhi and preparation of a panel of candidates for filling up unforeseen vacancies that may arise upto 30.12.2016.

Sir/Madam,

I am directed to say that it is proposed to fill one anticipated vacancy of Chairperson, Debts Recovery Appellate Tribunal, Delhi, and also to prepare a panel of candidates for any unforeseen vacancy of Chairperson in any of the Debts Recovery Appellate Tribunals in the country which may arise upto 31.12.2016.

2. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 93), was enacted to provide for establishment of Tribunals for expeditious adjudication and recovery of debts due to banks and financial institutions. Under Section 8 of the Act, 5 Debts Recovery Appellate Tribunals (DRATs) have been established at Delhi, Mumbai, Kolkata, Chennai and Allahabad.

3. The qualifications prescribed for appointment to the post of Chairperson of DRAT are as under: -

- A person who is, or has been, or is qualified to be, a Judge of a High Court; or
- A person who has been a member of the Indian Legal Service and has held a post in Grade-I of that Service for at least three years; or
- A person who has held office as the Presiding Officer of a Debts Recovery Tribunal for at least three years.

4. The term of office of Chairperson of DRAT is five years or till he attains the age of 65 years, whichever is earlier.

5. The service conditions of the persons selected for the post of Chairperson are regulated in accordance with Debts Recovery Appellate Tribunal (Salaries, Allowances and other terms and conditions of service of Presiding Officer) Rules, 1993 (copy enclosed).

6. It is requested that the names of willing and eligible Judicial Officers and Advocates, who are eligible for appointment as High Court Judges, in the enclosed proforma, may be nominated/forwarded so as to reach this Department [(Under Secretary (DRT), Department of Financial Services, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110001] by **1st December, 2015**. The vigilance clearance, integrity certificate and attested photocopies of the Annual Confidential Reports for the last five years i.e. 2010-11 to 2014-15 in case of Judicial Officers may also be furnished.

7. The vacancy circular and application Proforma is also available on this Ministry's website-finmin.nic.in (URL: http://financialservices.gov.in/vacancycirculars_index.asp).

Yours faithfully,

(V.V.S. Kharayat)

Under Secretary (DRT)

Tel. No: 011-2374 8769

Encl: As above

AOS (APPE)

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नियम, 1960 के उपबंधों द्वारा भी शासित होगा। अन्य सभी मामलों में वह अभिदायी भविष्य निधि (भारत) नियम, 1962 का हकदार होगा।

8. यात्रा भत्ते :—किसी अपील अधिकरण का पीठासीन अधिकारी दौरे या स्थानान्तरण के दौरान (जिसके अंतर्गत अपील अधिकरण में कार्यभार ग्रहण करने के लिए या अधिकरण से उसकी पदावधि की समाप्ति पर स्वतः जाने के लिए की गई यात्रा भी है) यात्रा भत्ते, दैनिक भत्ते, वैयक्तिक चीजबस्त के परिवहन और ऐसी ही अन्य बातों के संबंध में उन्हीं मापमान और उन्हीं दरों से हकदार होगा जो उच्च न्यायालय न्यायाधीश (यात्रा भत्ते) नियम, 1956 में विहित हैं।

9. छुट्टी यात्रा रियायत :—किसी अपील अधिकरण का पीठासीन अधिकारी उन्हीं दरों से और उसी मापमान पर, जो उस राज्य में जिसमें अपील अधिकरण अवस्थित है, उच्च न्यायालय के न्यायाधीश को लागू है, छुट्टी यात्रा रियायत का हकदार होगा।

10. सड़ारी की सुविधा :—किसी अपील अधिकरण का पीठासीन अधिकारी स्टाफ कार और प्रत्येक मास एक से अधिक लीटर पेट्रोल या प्रत्येक मास वास्तव में उपभोग किए गए पेट्रोल का इनमें से जो भी कम हो हकदार होगा।

11. वास सुविधा :—(1) किसी अपील अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त प्रत्येक व्यक्ति, साधारण पूल वास सुविधा से, उपलब्धता के अधीन रहते हुए, केन्द्रीय सरकार के ऐसे समूह "क" अधिकारी को अनुज्ञेय टाईप के सरकारी निवास का जो उस स्थान पर कार्य कर रहा है जहां ऐसा अपील अधिकरण अवस्थित है, और समतुल्य वेतन ले रहा है, केन्द्रीय सरकार द्वारा समय-समय पर विनिर्दिष्ट दरों से अनुज्ञेय फीस का संवाय करते पर, उपयोग करने का पत्र होगा।

(2) जहां किसी अपील अधिकरण का पीठासीन अधिकारी अनुज्ञेय अवधि से परे सरकारी निवास का उपभोग करता है वहां वह यथास्थिति अतिरिक्त अनुज्ञेय फीस शास्त्रिक किराया संदत्त करने का दायी होगा और वह केन्द्रीय सरकार के सेवकों को लागू नियमों के अनुसार बेदखल किए जाने का दायी होगा।

(3) जहां किसी अपील अधिकरण का पीठासीन अधिकारी, उपनियम (1) के अधीन सरकारी निवास की सुविधा का उपभोग नहीं करता है वहां वह उतने मकान किराया भत्ते का हकदार होगा जो समतुल्य वेतन ले रहे केन्द्रीय सरकार के समूह "क" अधिकारियों को अनुज्ञेय है।

12. चिकित्सीय उपचार की सुविधाएं :—किसी अपील अधिकरण का पीठासीन अधिकारी अभिदायी स्वास्थ्य सेवा स्कीम नियम, 1954 में यथा उपबंधित चिकित्सीय उपचार अस्पताल सुविधाओं का हकदार होगा और ऐसे स्थानों में जहां केन्द्रीय स्वास्थ्य सेवा स्कीम प्रवर्तन में नहीं है,

वहां उक्त पीठासीन अधिकारी केन्द्रीय सेवा चिकित्सीय परिचर्या नियम, 1944 में यथा उपबंधित सुविधाओं का हकदार होगा।

13. अवशिष्टीय उपबंध :—किसी अपील अधिकरण के पीठासीन अधिकारी की सेवा शर्तों में संबंधित वे मामले, जिनकी बावत इन नियमों में कोई अभिव्यक्ति उपबंध नहीं किया गया है, प्रत्येक मामले में केन्द्रीय सरकार को उसके विनिश्चय के लिए निर्दिष्ट किए जाएंगे और केन्द्रीय सरकार का उन पर विनिश्चय उक्त पीठासीन अधिकारी पर आवृद्धक होगा।

14. शिथिल करने की शक्ति :—केन्द्रीय सरकार को, इन नियमों के किन्हीं उपबंधों को किसी वर्ग या प्रवर्ग के व्यक्तियों की बावत शिथिल करने की शक्ति होगी।

[फा. सं. 18/3/93 समन्वय]

ए. के. जैन, संयुक्त सचिव

NOTIFICATION

New Delhi, the 4th February, 1994

G.S.R. 63(E).—In exercise of the powers conferred by Section 13, read with clause (a) of sub-section (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Debts Recovery Appellate Tribunal (Salaries, Allowances and other terms and conditions of service of Presiding Officer) Rules, 1993.

(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 Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993);

(b) 'Presiding Officer' means a person appointed as Presiding Officer or an Appellate Tribunal under section 9 of the Act;

(c) 'rules' means Debts Recovery Tribunal (Salaries, allowances and other terms and conditions of service of Presiding Officer) Rules, 1993;

(d) 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 such salary as admissible to serving Judge of a High Court:

Provided that in the case of an appointment of a person as a Presiding Officer 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 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. 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 a Judge of a High Court.

5. Leave.—A person, on appointment as a Presiding Officer in an Appellate Tribunal shall be entitled to leave as follows:

- (i) Earned leave at the rate of thirty days for every completed calendar year of service or a part thereof:

Provided that the leave account shall be credited with earned leave in advance, in two instalments of fifteen days each on the first day of January and July of every calendar year:

Provided that the leave account shall be credited with the close of previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus credit for the half year do not exceed the maximum limit of one hundred and eighty days;

- (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 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 may be commuted to full pay leave at the discretion of the President of India, provided it is taken on medical grounds and is supported by a medical certificate by a competent medical authority;

- (iv) Extraordinary leave without pay and allowances up to a maximum period of one hundred and eighty days in one term of office.

6. Leave Sanctioning Authority.—The President of India shall be the authority competent to sanction leave to the Presiding Officer of the Appellate Tribunal.

7. Pension/Provident Fund.—In case a serving Judge or an Officer of the Central Government or State Government is holding the post of Presiding Officer, the Service rendered in 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.

8. Travelling Allowances.—The Presiding Officer of an Appellate Tribunal while on tour or on 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 other similar matters at the same scales and at the same rates as are prescribed in the High Court Judge (Travelling Allowances) Rules, 1956.

9. 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 a Judge of a High Court in the State in which the Appellate Tribunal is located.

10. 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.

11. Accommodation.—(1) Every person appointed as a Presiding Officer of an Appellate Tribunal shall be eligible, subject to availability, to the use of official residences 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.

12. 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 Scheme 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, 1944.

13. 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.

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

[No. F. 18(3)/93-Coord.]

A. K. JAIN, Jt. Secy.

अधिसूचना

नई, दिल्ली, 4 फरवरी, 1994

सा. का. नि. 64(अ) — केन्द्रीय सरकार बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) की धारा 36 के खण्ड (2) के उपखण्ड (क) के साथ पठित धारा 7 की उपधारा (3) द्वारा प्रदत्त शक्तियों या प्रयोग करते हुए, निम्न-लिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ :—(i) इन नियमों का नाम ऋण वसूली अधिकरण (वसूली अधिकारी और अन्य अधिकारियों तथा कर्मचारियों के वेतन और शर्तें तथा अन्य सेवा शर्तें) नियम, 1993 है।

(ii) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो —

(क) "अधिनियम" से बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) अभिप्रेत है;

(ख) "नियम" से ऋण वसूली अधिकरण (वसूली अधिकारी और अन्य अधिकारियों तथा कर्मचारियों के वेतन शर्तें तथा अन्य सेवा शर्तें) नियम, 1993 अभिप्रेत है;