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(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 19 फरवरी, 2007

सा.का.नि. 92(अ).—केन्द्र सरकार, प्रशासनिक अधिकरण (संशोधन) अधिनियम, 2006 (2007 का 1) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 19-2-2007 को अधिनियम के प्रावधानों को लागू करने की तिथि के रूप में नियत करती है ।

[फा. सं. पी.-13021/1/2007-ए.टी.]

आर. रामानुजम, संयुक्त सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 19th February, 2007

G.S.R. 92(E).—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Administrative Tribunals (Amendment) Act, 2006 (No. 1 of 2007), the Central Government hereby appoints the 19th day of February, 2007, as the date on which the provisions of the Act shall come into force.

[F. No. P-13021/1/2007-AT]

R. RAMANUJAM, Jt. Secy.

550 GI/2007

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

India Code

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/*Pausa* 12, 1928 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:—

THE ADMINISTRATIVE TRIBUNALS (AMENDMENT) ACT, 2006

No. 1 OF 2007

[29*th December,* 2006]

An Act further to amend the Administrative Tribunals Act, 1985.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Administrative Tribunals (Amendment) Act, 2006.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of section 3.

13 of 1985.

2. In section 3 of the Administrative Tribunals Act, 1985 (hereinafter referred to as the principal Act),—

(*I*) in clause (*i*), for the words "the Chairman or a Vice-Chairman", the words "the Chairman" shall be substituted.

(*II*) in clause (*ia*), the words "and a Vice-Chairman" shall be omitted.

(*III*) for clause (*u*), the following clause shall be substituted, namely:—

'(*u*) "Vice-Chairman" means a Member who has been authorised by the appropriate Government to perform administrative functions at each of the places where Benches of the Tribunal have been set up.'.

Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (*4*), for the words "Chairman, Vice-Chairman and other Members", the words "Chairman and other Members" shall be substituted.

Amendment of section 5.

4. In section 5 of the principal Act,—

(*a*) in sub-section (*1*), for the words "a Chairman and such number of Vice-Chairman and Judicial and Administrative Members", the words "a Chairman and such number of Judicial and Administrative Members" shall be substituted;

(*b*) in sub-section (*4*),—

(i) in clause *(b)*, for the words "the Vice-Chairman or other Members", the words "a Member" shall be substituted;

(ii) in clause *(c)*,—

(I) For the words "the Vice-Chairman or the Judicial Member", the words "the Judicial Member" shall be substituted;

(II) for the words "the Vice-Chairman or, as the case may be, the Judicial Member or the Administrative Member", the words "the Judicial Member or the Administrative Member, as the case may be" shall be substituted.

Substitution of new section for section 6.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

Qualifications for appointment as Chairman, Vice-Chairman and other members.

"6. (*1*) A person shall not be qualified for appointment as the Chairman unless he is, or has been, a Judge of a High Court:

Provided that a person appointed as Vice-Chairman before the commencement of this Act shall be qualified for appointment as Chairman if such person has held the office of the Vice-Chairman at least for a period of two years.

(*2*) A person shall not be qualified for appointment,—

(*a*) as an Administrative Member, unless he has held for at least two years the post of Secretary to the Government of India or any other post under the Central or State Government and carrying the scale of pay which is not less than that of a Secretary to the Government of India for at least two years or held a post of Additional Secretary to the Government of India for at least five years or any other post under the Central or State Government carrying the scale of pay which is not less than that of Additional Secretary to the Government of India at least for a period of five years:

Provided that the officers belonging to All-India services who were or are on Central deputation to a lower post shall be deemed to have held the post of Secretary or Additional Secretary, as the case may be, from the date such officers were granted proforma promotion or actual promotion whichever is earlier to the level of Secretary or Additional Secretary, as the case may be, and the period spent on Central deputation after such date shall count for qualifying service for the purposes of this clause;

(*b*) as a Judicial Member, unless he is or qualified to be a Judge of a High Court or he has for at least two years held the post of a Secretary to the Government of India in the Department of Legal Affairs or the Legislative

Department including Member-Secretary, Law Commission of India or held a post of Additional Secretary to the Government of India in the Department of Legal Affairs and Legislative Department at least for a period of five years.

(*3*) The Chairman and every other Member of the Central Administrative Tribunal shall be appointed after consultation with the Chief Justice of India by the President.

(*4*) Subject to the provision of sub-section (*3*), the Chairman and every other Member of an Administrative Tribunal for a State shall be appointed by the President after consultation with the Governor of the concerned State.

(*5*) The Chairman and every other Member of a Joint Administrative Tribunal shall, subject to the provisions of sub-section (*3*) and subject to the terms of the agreement between the participating State Governments published under sub-section (*3*) of section 4 of the principal Act, be appointed by the President after consultation with the Governors of the concerned States.

Explanation.— In computing for the purpose of this section, the period during which a person has held any post under the Central or State Government, there shall be included the period during which he has held any other post under the Central or State Government (including an office under this Act) carrying the same scale of pay as that of first mentioned post on a higher scale of pay.".

Amendment of section 7.

6. In section 7 of the principal Act, for the words "Vice-Chairman or, as the case may be, such one of the Vice-Chairman", the words "such one of the Members" shall be substituted.

Substitution of new section for section 8.

7. For section 8 of the principal Act, the following section shall be substituted, namely:—

Term of office.

"8. (*1*) The Chairman shall hold office as such for a term of five years from the date on which he enters upon his office:

Provided that no Chairman shall hold office as such after he has attained the age of sixty-eight years.

(*2*) A Member shall hold office as such for a term of five years from the date on which he enters upon his office extendable by one more term of five years:

Provided that no Member shall hold office as such after he has attained the age of sixty-five years.

(*3*) The conditions of service of Chairman and Members shall be the same as applicable to Judges of the High Court.".

Amendment of section 9.

8. In section 9 of the principal Act, the word "Vice-Chairman" wherever it occurs shall be omitted.

Amendment of section 10.

9. In section 10 of the principal Act,—

(*i*) the word "Vice-Chairman" wherever it occurs shall be omitted;

(*ii*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where a serving Government officer is appointed as a Member, he shall be deemed to have retired from the service to which he belonged on the date on which he assumed the charge of the Member but his subsequent service as Member shall, at his option, be reckoned as a post-retirement re-employment counting for pension and other retirement benefits in the service to which he belonged.".

Insertion of new section 10A.

10. After section 10 of the principal Act, the following section shall be inserted, namely:—

Saving terms and conditions of service of Vice-Chairman.

"10A. The Chairman, Vice-Chairman and Member of a Tribunal appointed before the commencement of the Administrative Tribunals (Amendment) Act, 2006 shall continue to be governed by the provisions of the Act, and the rules made

thereunder as if the Administrative Tribunals (Amendment) Act, 2006 had not come into force:

Provided that, however, such Chairman and the Members appointed before the coming into force of Administrative Tribunals (Amendment) Act, 2006, may on completion of their term or attainment of the age of sixty-five or sixty-two years, as the case may be, whichever is earlier may, if eligible in terms of section 8 as amended by the Administrative Tribunals (Amendment) Act, 2006 be considered for a fresh appointment in accordance with the selection procedure laid down for such appointments subject to the condition that the total term in office of the Chairman shall not exceed five years and that of the Members, ten years.".

Amendment of section 11.

11. In section 11 of the principal Act,—

(*I*) in clause (*b*), the words "Vice-Chairman or" shall be omitted;

(*II*) clause (*c*) and clause (*d*) shall be omitted; and

(*III*) in clause (*e*), the words "or Vice-Chairman" at both the places where they occur shall be omitted:

(*IV*) in clause (*f*), the word "Vice-Chairman" at both the places where they occur shall be omitted.

Substitution of new section for section 12.

12. For section 12 of the principal Act, the following section shall be substituted, namely:—

Financial and administrative powers of the Chairman.

"12. (*1*) The Chairman shall exercise such financial and administrative powers over the Benches as may be vested in him under the rules made by the appropriate Government.

(*2*) The appropriate Government may designate one or more Members to be the Vice-Chairman or, as the case may be, Vice-Chairmen thereof and the Members so designated shall exercise such of the powers and perform such of the functions of the Chairman as may be delegated to him by the Chairman by a general or special order in writing.".

Amendment of section 31.

13. In section 31 of the principal Act, for the words "Chairman, Vice-Chairman and other Members", the words "Chairman and other Members" shall be substituted.

Amendment of section 32.

14. In section 32 of the principal Act, the word "Vice-Chairman" wherever it occurs shall be omitted.

Amendment of section 35.

15. In section 35 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*b*), for the words "Chairman, Vice-Chairman or other Member", the words "Chairman or other Member"shall be substituted;

(*ii*) in clause (*c*), for the words "Chairman, Vice-Chairman and other Members", the words "Chairman and other Members" shall be substituted.

K. N. CHATURVEDI,
Secy. to the Govt. of India.

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