

THE ARMED FORCES TRIBUNAL (SALARIES, ALLOWANCES AND CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS) RULES, 2009¹

In exercise of the powers conferred by section 10 read with clause (c) of sub-section (2) of section 41 of the Armed Forces Tribunal Act, 2007 (55 of 2007), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Armed Forces Tribunal (Salaries, Allowances and Conditions of Service of Chairperson and Members) Rules, 2009.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) “Act” means the Armed Forces Tribunal Act, 2007 (55 of 2007);
- (b) “Tribunal” means the Armed Forces Tribunal established under section 4 of the Act;
- (c) “Chairperson” means the Chairperson of the Tribunal appointed under section 7(1) of the Act;
- (d) “Member” means a member (whether Judicial or Administrative) of the Tribunal appointed under section 7(1) of the Act;
- (e) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Pay and Allowances, Leave, Pension, Provident Fund, Travelling Allowance, Leave Travel Concession, Accommodation, etc., to the Chairperson and Members of the Armed Forces Tribunal.—1 (a) When a Retired Judge of the Supreme Court is appointed as Chairperson of the Tribunal, he shall be entitled to salary, allowances and other perquisites as are available to the sitting Judge of the Supreme Court, and as provided in the Supreme Court Judges (Salaries and Conditions of Services) Act, 1958 (51 of 1958), and these shall apply *mutatis mutandis* alongwith rules made thereunder as amended from time to time. The Chairperson shall be entitled to take his spouse with him while travelling within the country while on official visit to Benches.

(b) When a Retired Chief Justice of a High Court is appointed as Chairperson of the Tribunal, he shall be entitled to salary, allowances and other perquisites as are available to the sitting Chief Justice of a High Court and as provided in the High Court Judges (Salaries and Conditions of Services), Act 1954 (28 of 1954), and these shall apply *mutatis mutandis* alongwith rules made thereunder as amended from time to time:

1. *Vide* S.R.O. 07(E), dated 18th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 18th May, 2009.

2. Came into force on 18-5-2009.

Provided that in case the Retired Judge of the Supreme Court or the Retired Chief Justice of a High Court, is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Chairperson shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of retirement gratuity), drawn or to be drawn by him.

(c) When a serving or retired Judge of a High Court is appointed as Judicial Member of the Tribunal or when any person from the three services is appointed as Administrative Member of the Tribunal, he shall be entitled to salary, allowances and other perquisites as are available to the sitting Judge of a High Court and as provided in the High Court Judges (Salaries and Conditions of Services) Act, 1954 (28 of 1954) and these shall apply *mutatis mutandis* alongwith rules made thereunder as amended from time to time:

Provided that in case the retired Judge of a High Court, or a person from the three services, is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Member shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of retirement gratuity), drawn or to be drawn by him.

4. Residuary Provision.—Matters relating to the terms and conditions of service of the Chairperson or Members of the Tribunal with respect to which no express provision has been made in these rules, shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India.

5. Powers to relax rules.—The Central Government shall have power to relax any provision of these rules in respect of any class or category of persons.

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