

# Telecom Disputes Settlement and Appellate Tribunal (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000.

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Part II – Section 3 – Sub-Section (i)

**GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY  
(DEPARTMENT OF TELECOMMUNICATIONS)**

**NOTIFICATION**

New Delhi, the 9<sup>th</sup> October, 2000

**G.S.R. 778 (E).** –In exercise of the powers conferred by section 14E read with clause (db) of sub-section (2) of Section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Central Government hereby makes the following rules, namely : -

**1. Short title and commencement** - (1) These rules may be called the Telecom Disputes Settlement and Appellate Tribunal (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000.

(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 Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) “Appellate Tribunal” means the Telecom Disputes Settlement and Appellate Tribunal established under section 14 of the Act;

(c) “Chairperson” means the Chairperson of the Appellate Tribunal appointed under section 14B(1) of the Act;

(d) “Member” means a Member of the Appellate Tribunal appointed under section 14 B(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. Salary, allowances, etc. of the Chairperson:** - (1)(a) When a serving or a retired Judge of the Supreme Court is appointed as Chairperson, he shall be entitled to a monthly salary, and to such allowances and other benefits, as are admissible to a serving Judge of the Supreme Court.

(b) When a serving or a retired Chief Justice of a High Court is appointed as Chairperson, he shall be entitled to a monthly salary and to such allowances and other benefits as are admissible to a serving Chief Justice of the High Court of the Headquarter station of the Appellate Tribunal.

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, employers 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 employers contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of gratuity), drawn or to be drawn by him.

**4. Leave – (1)** When a retired Supreme Court Judge or a Chief Justice of High Court is appointed as Chairperson, he shall be entitled to 30 days of Earned Leave for every year of service and the President of India shall be the authority competent to sanction leave to the Chairperson.

(2) The payment of leave salary during leave shall be governed by Rule 40 of the Central Civil Services (Leave) Rules, 1972.

(3) The Chairperson shall be entitled to encashment of fifty per cent of Earned Leave to his credit at any time.

**5. Contribution to Contributory Provident Fund –** When a retired Supreme Court Judge/ Chief Justice of High Court is appointed as Chairperson, he shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules (India), 1962.

**6. Other conditions of service:** The conditions of service of Chairperson for which no provision is made in these rules shall be governed by the Supreme Court Judges (Conditions of Service) Act, 1958, Supreme Court Judges (Travelling Allowance) Rules, 1959 and any other rules made under the Act, or the High Court Judges Act, 1954, High Court Judges (Travelling Allowance) Rules, 1956 and any other rule made under the Act, as the case may be:

Provided that in case Government accommodation is not available while on domestic official tour, the Chairperson shall be entitled to stay in India Tourism Development Corporation hotels on a reimbursement basis and wherever India Tourism Development Corporation hotels are not available, in other hotels on reimbursement basis, reimbursement in both cases being limited to lodging charges only, and on a single room occupancy basis.

**7. Applicability of rules -** When a serving Judge of the Supreme Court or the Chief Justice of a High Court is appointed as the Chairperson, his terms and conditions of service shall be the same as were applicable to him prior to his appointment as the Chairperson:

Provided that in case of superannuation of Chairperson as Judge before the expiry of his term as Chairperson, his terms and conditions of service shall be the same as are applicable to a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, as the case may be, under these Rules, for remainder period of his term.

**8. Terms and Conditions of Service of Members – (1)** The Members of the Appellate Tribunal shall be entitled to –

(i) receive a pay of Rs. 26,000/- per month (fixed) and dearness allowance at the rate admissible to a Group 'A' officer of the Central Government drawing an equivalent pay:

Provided that in case of appointment of a person as a Member who has retired from the 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, gratuity, employers 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 employers contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of gratuity), drawn or to be drawn by him:

Provided further that if a person who has retired from any service including service under Central Government or State Government, Public Sector Undertakings or Autonomous Bodies, is appointed as a Member, he shall receive dearness allowance at the same rate as is admissible to a Group 'A' officer of the Central Government drawing an equivalent pay, but he shall not be entitled to receive the Dearness Relief on pension during the period he holds office as such Member;

(ii) receive city compensatory allowance at the same rate as is admissible to a Group 'A' officer drawing an equivalent pay under the Central Government ;

(iii) (a) thirty days of earned leave for every year of service and the payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972 and the Chairperson shall be the authority competent to sanction leave to the Members.

(b) encashment of fifty per cent of earned leave to his credit at any time.

(iv) subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules (India), 1962;

(v) travelling allowance and daily allowance for transportation of personal effects 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), at the same rate as are admissible to Group 'A' officers of the Central Government drawing equivalent pay;

(vi) the facility of Government accommodation in guest houses or Inspection bungalows run by the Central Government, wherever available, on payment of normal rent at outstations, while on tour, as is admissible to Group "A" Officers of the Central Government drawing equivalent pay:

Provided that where Government accommodation is not available while on domestic official tour, the Member shall be entitled to stay in India Tourism Development Corporation hotels on a reimbursement basis and wherever India Tourism Development Corporation hotels are not available, in other hotels on reimbursement basis, reimbursement in both cases being limited to lodging charges only, and on a single room occupancy basis;

(vii) leave travel concession at the same rate as admissible to Group 'A' officers of the Central Government drawing an equivalent pay;

(viii) medical treatment and hospital facilities, as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the Member shall be entitled to facilities as provided in the Central Services (Medical Attendance) Rules, 1944;

(ix) undertake official visits abroad with the prior approval of the Minister of the Government of India in-charge of the Department of Telecommunications and after clearance from Ministry of External Affairs on the points relating to political affairs; the daily allowance and provision of hotel accommodation during the period of tour abroad shall be regulated in accordance with the Government instructions as applicable to officers of equal grade in the Government of India; Indian Missions abroad shall take care of arrangements and extend facilities as admissible to Group "A" officers of the Central Government drawing an equivalent pay;

(x) conveyance facilities as admissible to a Group 'A' officer of the Central Government drawing equivalent pay;

(xi) residential accommodation as admissible to a Group 'A' officer of the Central Government drawing equivalent pay, and on demitting office, the Member shall be entitled to retention of residential accommodation for one month, on the same terms and conditions.

(2) Retirement from Government Service – A person in the service of the Government, on his selection as a Member, shall have to retire from service before entering upon his office as a Member.

## **9. Oath of Office and Secrecy: -**

Every person appointed as the Chairperson or a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy, in Form I and Form II respectively annexed to these Rules.

**10. Declaration of financial or other interest** – Every person, on his appointment as the Chairperson or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

## **11. Residuary provision:-**

Matters relating to the terms and conditions of service of the Chairperson or Member with respect to which no express provision has been made in these rules, shall be referred by the Appellate Tribunal to the Central Government for its decision.

**12. Powers to relax:-** The Central Government shall have power to relax any provision of these rules with respect to any class or category of persons.

[F. No. 10-11/2000-TCO]  
Anil Kumar, Jt. Secy.

**FORM – I**  
**(See rule 9)**

Form of Oath of Office for the Chairperson/Members of the Telecom Disputes Settlement and Appellate Tribunal

I, \_\_\_\_\_, having been appointed as the Chairperson/Member (*cross out portion not applicable*) do solemnly affirm and do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (*cross out portion not applicable*), of the Telecom Disputes Settlement and Appellate Tribunal, to the best of my ability, knowledge and judgement, without fear of favour, affection or ill-will.

Dated: \_\_\_\_\_ (Name of the Chairperson/Member)  
TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

**FORM – II**  
**(See rule 9)**

Form of Oath of Secrecy for the Chairperson/Members of the Telecom Disputes Settlement and Appellate Tribunal

I, \_\_\_\_\_, having been appointed as the Chairperson/Member (*cross out portion not applicable*) do solemnly affirm and swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/ a Member (*cross out portion not applicable*), of the Telecom Disputes Settlement and Appellate Tribunal except as may be required for the due discharge of my duties as the Chairperson/ a Member (*cross out portion not applicable*).

Dated: \_\_\_\_\_ (Name of the Chairperson/Member)  
TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

**FORM – III**  
**(See rule 10)**

Declaration against acquisition of any adverse financial or other interest

I, \_\_\_\_\_, having been appointed as the Chairperson/Member (*cross out portion not applicable*) of Telecom Disputes Settlement and Appellate Tribunal, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson /Member (*cross out portion not applicable*), of the Telecom Disputes Settlement and Appellate Tribunal.

Dated:

(Name of the Chairperson/Member)

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL