

F.No. 49034/8/2022 -LAIR
Government of India
Ministry of Coal
New Delhi

Dated the 06th April, 2023.

To

The Secretary, Department of Justice, Ministry of Law and Justice,
The Chief Secretaries of all States and UTs (As per standard List)
The Registrar General, High Court of Bombay, Fort Mumbai – 32, Maharashtra
The Registrar General, High Court of Bombay, Nagpur Bench, Maharashtra

Subject: Appointment of Presiding Officer at Special Tribunal Nagpur – reg.

Madam/Sir

I have been directed to say that the Government of India, Ministry of Coal had constituted a one-man Special Tribunal with Headquarter at Nagpur, Maharashtra under Section 14(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, for the purpose of determining the amount of compensation in the cases of disputes arising in respect of acquisition of coal bearing areas by the Government of India in the State of Maharashtra. The term of the Special Tribunal is extendable from time to time keeping in view the total number of compensation cases.

2. According the provision of section 14(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government shall constitute a Tribunal consisting of a person, who is or has been or is qualified to be a judge of a High Court for the purpose of determining the amount of compensation. In term of Article 217(2) of the Constitution, a person who has held a judicial Office in the territory of India for at least ten years is qualified for appointment as a judge of a High Court. Therefore, Judicial Officers at the level of District and Additional Session Judges with adequate seniority could also be considered for appointment to the Special Tribunal at Nagpur.

3. You are requested to send a panel of suitable and willing persons to this Ministry for selection and appointment as the Presiding Officer, Special Tribunal at Nagpur. Details of terms and conditions for the said post are enclosed.

4. This may kindly be accorded priority and the names (along with bio-data) may be sent to this Ministry by 15th April 2023 at email dk.solanki@nic.in.

Yours faithfully,



(Darshan Kumar Solanki)

Terms and conditions for the post of Presiding Officer of Special Tribunal under the Coal Bearing Areas(A&D) Act, 1957

- (A) **Qualification :** As per sub-section (2) of Section 14 of the Coal Bearing Areas (Acquisition & Development) Act, 1957, where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a Judge of a High Court for the purpose of determination of amount.
- (B) **Terms and conditions for the post of Presiding Officer of Special Tribunal under the CBA(A&D) Act, 1957 for adjudicating the cases arising out of the inadequacy of payment of compensation to be made to the persons whose lands have been acquired under the said Act in the State of Maharashtra.**
- (i) **Duration:** The initial period of appointment will be for a period of two year from the date his/her takes over further extendable upto to 1 year or till the tenure of the tribunal or upto 65 years of age, whichever is earlier.
 - (ii) **Pay Scale:** Pay will be fixed at Rs 2,25,000/- per month as per the 7th Central Pay Commission Matrix Level 17 together with pension and pension equivalent of other forms of retirement benefits, are restricted to Rs.2,25,000/-per month.
 - (iii) **Allowances:** Dearness Allowances (DA) as payable to the officer of all India Services getting pay of equivalent scale and status as per Central Government orders revised from time to time.
 - (iv) **City Compensatory Allowances:** Not Admissible.
 - (v) **Transfer T.A:** As admissible to a Government servant of the highest grade.
 - (vi) **TA/DA:** Payable according to the entitlement on the rates as payable to the Secretary to the Government of India.
 - (vii) **H.R.A:** Rent free furnished accommodation or House Rent Allowances at the prevailing rate.
 - (viii) **Leave:** As admissible to other-re-employment pensioners under the CSS(Leave) Rules, 1972.
 - (ix) **LTC:** For self and family as admissible to re-employment pensioners and the entitlement will be that of the highest grade in Central Government.

- (x) **Conveyance:** Entitled to the facility of Staff Car for journeys in accordance with the Staff Car Rules of the Government of India, as applicable to the Secretary to the Government of India.
- (xi) **Medical:** Medical facilities of Central Government Health Scheme (CGHS), if available at the station of positing. Where CGHS facility is not available, he/she would be entitled to medical facilities as provided in the Central Services (Medical Attendance) Rules.
- (xii) **Drawing & Disbursing Officer (DDO):** He/She will also function as the Drawing and Disbursing Officer and also Head of Department for himself/herself and staff assisting the Special Tribunal, Nagpur.
- (xiii) **Pension and Provident Fund:** Not Admissible.
- (xiv) **Residuary Provision:** The conditions of service for which no express provision is available shall be determined by the rules and orders for the time being applicable to the Secretary to the Government of India.
- (xv) **Pay and allowances** will be paid by Western Coalfields Limited, Nagapur, Maharashtra.
- (xvi) **Power to Relax:** The Central Government shall have the powers to relax the terms and conditions in this regard.

Ministry of Finance
Department of Expenditure
(E.IV Branch)

Subject: Terms and Conditions of appointment of Presiding Officer, Special Tribunal, Nagpur as per 7th CPC.

Ref: M/o Coal's eFile No.43021/2/2011-LA&IR(PRIW-I).

M/o Coal (MoC) may refer to their proposal at pages 97-99/N seeking approval of this Department on the draft terms and conditions of appointment of Presiding Officer, Special Tribunal, Nagpur.

2. The proposal has been examined in this Department. M/o Coal may regulate the terms and conditions of the Presiding Officer of the Tribunal as mentioned below:-

- (i) If a **serving Judge of High Court** is appointed as Presiding Officer of the Tribunal, the Terms & Conditions of service, other allowances and benefits to the Presiding Officer will be as admissible to a **sitting Judge** of High Court as per High Court Judges (Salaries and Conditions of Service Act), 1954.
- (ii) However, if a **retired Judge of High Court** is appointed as Presiding Officer of the Tribunal, the allowances and benefits to the Presiding Officer will be regulated as per DoE's OM dated 08.10.1987 (regarding fixation of pay and other terms of retired Judges of the Supreme Court and High Courts on their appointment in Commissions/Committees of Enquiry) (copy enclosed).

3. This issues with the approval of Competent Authority.



(A. Bandyopadhyay)
Under Secretary

JS&FA, M/o Coal, Rajpath Area, Central Secretariat, New Delhi.
M/o Finance, D/o Expenditure ID No.19047/13/2020-E.IV dated ²³03.2023.

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No. 19048/7/80-E. IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 8th October, 1987

OFFICE MEMORANDUM

Subject:- Revision of Guidelines in regard to the fixation of pay and other terms of retired Judges of the Supreme Court and High Courts on their appointment on Commissions/Committees of Enquiry.

The undersigned is directed to say that the question of the revision of guidelines in regard to fixation of pay and other terms of retired Judges of Supreme Court and High Courts, on their appointment on Commission/Committee of Enquiry set up by the Government of India, has been under consideration of the Government for quite some time. It has since been decided that in supersession of the instructions contained in this Ministry's Office Memorandum No. 5(28)-E. III(B)/68 dated 12th August, 1970, as amended from time to time, the terms and conditions of re-employment of Supreme Court and High Court Judges may be regulated as follows:-

A. Retired Judges re-employed on whole-time basis

(i) Pay, which together with pension and pension equivalent of other forms of retirement benefits, may be restricted to Rs. 8,000/- per month in case of retired High Court Judges and Rs. 9,000/- per month in the case of retired Chief Justices of High Courts/Judges of Supreme Court w.e.f. 1.4.1986.

(ii) Dearness Allowance as payable to officers of All India Services getting pay of Rs. 6700/- p.m. and above either from the date from which it was admissible to sitting Judges or from the date on which they are appointed to Commissions/Committees of Enquiry, whichever is later.

(iii) Compensatory (City) Allowance as would be admissible to the serving Judges of Supreme Court and High Courts at the headquarters station of the Committee/Commission.

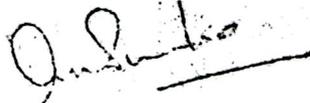
(iv) Travelling Allowance and Daily Allowance may be paid according to their entitlement on the rates at the time of their re-employment. They will also be entitled to facility of temporary Government accommodation in Guest Houses/Inspection Bungalows run by the Central Government, wherever available, on payment of normal rent at out-stations, of the class to which Government servants of the highest class are eligible.

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same as the headquarters of the Commission/Committee and no salary is given, a 'per diem' honorarium equal to the above rates, may be allowed.

Ministries may decide future and pending cases in light of these orders but cases already finalised will not be reopened.



(A.N. SINHA)
DIRECTOR (DG)
TELE: 3011619

To

All the Ministries/Departments of the Government of India
etc. etc.

J.K.