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PART I --- Order and Notifications by the Governor of West Bengal, the High Court, Government, Treasury, etc.

GOVERNMENT OF WEST BENGAL
Land & Land Reform Department
Land Reforms Branch
NOTIFICATION

No. 3185 – Ref/1 A – 05/2002

Dated, Kolkata, the 24th October, 2002.

In exercise of the power conferred by Sub section (1) read with Clause (b), of Section 20 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Ben. Act XXV of 1997), and in suppression of Notification No 718-L.Ref. the 5th February, 1998 Published in the Calcutta Gazette, Extraordinary Part I, dated the 11th February, 1998, Governor is pleased hereby to make the following rules:-

1. **Short title and commencement.**- (1) These rules may be called the West Bengal Land Reforms and Tenancy Tribunal (Salaries, Allowances and other Condition of service of the Chairman and other Members) Rules, 2002.

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

2 **Definitions.** -(1) In these rules, unless the context otherwise requires,-

(a) “the Act” means the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Ben. Act XXV of 1997);

(b) “Government ” means the Government of West Bengal;

(c) “Tribunal” means the West Bengal Land Reforms and Tenancy tribunal;

(d)“Chairman” means the chairman of the Tribunal;

(e)(Other members) means the judicial Member and the Administrative member of the tribunal.

(2) The word and expression used and not in these rules but defined in the Act shall have the same meanings respectively assigned to them in the act.

3. Pay – The Chairman shall receive a pay of rupees twenty six thousand plus a special pay of rupees thousand per mensem and other Members shall receive pay in the scale of Rs. 22,400-600-26,000 per mensem.

Provided that in the case of appointment of any person as the Chairman or as a Member, if such person has retired as a Judge of the High Court or from the service under the Central

Government or a State Government, as the case may be, and is in receipt of, or has received, or has become entitled to receive, any retirement benefits by way of pension or gratuity or both, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the monthly pay stated above shall be reduced by the gross amount of pension or pension equivalent of gratuity of employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or may be drawn by him, but excluding pension equivalent of retirement gratuity, drawn or to be drawn by him.

4. Dearness Allowance – The Chairman and other Members shall receive dearness allowance appropriate to their pay at the rates admissible to Group A officers of the Central Government drawing pay in the scale of Rs. 22,400-600-26,000 and above.

5. City Compensatory Allowance – The Chairman and other Members shall receive City Compensatory Allowance appropriate to their pay at the rates admissible to Group A officers of the Central Government drawing pay i.e. the scale of Rs., 22,400-600-26,000 and above.

6. Retirement from parent service on appointment as Member – (1) The Chairman or any other Member who, on the date of his appointment to the Tribunal, was in service under the Central Government or the State Government shall seek retirement from such service before his appointment to the Tribunal and, in the case of a sitting Judge of the High Court, who is appointed as Chairman, his service in the Tribunal shall be treated as actual service within the meaning of sub-clause(i) of clause(b) of paragraph 11 of Part D of the Second Schedule to the Constitution.

(2) On such retirement as is provided for in sub-rule (1), the Chairman or other Members –

(a) Shall be entitled to receive pension and gratuity in accordance with the retirement rules applicable to him.

(b) Shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent to leave salary, if any, in accordance with the rules applicable to him prior to his

retirement.

7. Leave – (1) A person, on appointment in the Tribunal as the Chairman or as a Member, shall be entitled to

- (a) Earned Leave at the rate of 15 days for every completed calendar year of service;
- (b) Half-pay leave on medical certificate or on private affairs, at the rate of 20 days in respect of each complete 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 ;
- (c) Commuted Leave not exceeding half the amount of half-pay leave due on medical ground;
- (d) Extraordinary leave without pay and allowances up to a maximum period of 180 days in one term of office.

Explanation – For the removal of any doubt, it is hereby declared that in case of leave under clause (c) is granted twice the amount of such leave shall be debited against the half pay leave due under clause (b).

(2) If the Chairman or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal, shall be entitled to add the unemployed period of vacation to the leave account.

Explanation – For the purpose of this sub-rule ‘vacation’ means the vacation of 30 days in each calendar year observed by the Tribunal.

(3) The Chairman or a Member shall, on the expiry of his term of office in the Tribunal, be entitled to receive equivalent of leave salary in respect of the earned leave in his credit

Provided that the quantum of leave encashed under this sub-rule and sub-rule (2) and rule 6 shall not in anyway exceed 300 days.

(4) The Chairman and other Members shall be entitled to receive the dearness allowance as admissible on the leave salary under sub-rule (3) at the rate in force on the date of the relinquishment of the office in the Tribunal :

Provided that he shall not be entitled for the city compensatory allowance or any other

allowance on such leave salary.

8. Leave sanctioning authority – The Chairman shall be the authority competent to sanction leave to office Members and the Governor shall be the authority competent to sanction leave to the Chairman.

9. Pension – (1) Every person appointed to the Tribunal as the Chairman or a Member shall be entitled to pension.

Provided that no such pension shall be payable if such Chairman or Members has put in less than two years of service with the Tribunal, or has been removed from the office of the Tribunal under sub section (8) of section 4 of the Act.

(2) The amount of pension under sub rule (1) shall be calculated at the rate of Rs. 1450/- per annum for each completed year of service.

Provided that the aggregate amount of pension payable under this rule together with amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office in the Tribunal shall not exceed the maximum amount of pension prescribed for a Judge of the High Court.

10. Provident Fund – The Chairman or other Members shall be entitled to subscribe to the General Provident Fund and shall be governed by the General Provident Fund (West Bengal Services) Rules :

Provided that the other Members shall continue to subscribe to the Provident Fund to which he was subscribing and shall be governed by the rules applicable to him in this behalf before his appointment in the Tribunal,

11. Travelling allowance – While on tour on official duty, the Chairman or other Members shall be entitled to traveling allowance at the same rate and on the same terms and conditions as are provided for in the High Court Judge Travelling Allowance Rules, 1956, as applicable to a Judge of the High Court.

12. Leave Travel Concession – The Chairman or other Members shall be entitled to the leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to Group A officers of the Central Government drawing pay in the scale of Rs., 22,400-600-26,000/- and above.

13. Accommodation (1) Every person appointed to the Tribunal as Chairman or a Member shall be entitled to the use of an official residence of appropriate type, subject to availability on payment of licence fee at the rates prescribed by Government from time to time.

(2) When the Chairman or a Member is not provided with or does not avail himself of the official residence referred to in sub rule (1), he may be paid every month an allowance of an amount equal to thirty per cent of his pay as is applicable to a Group A officers of the Central Government posted in A I city.

(3) Where the Chairman or a Member occupies an official residence beyond the permissible period, he shall be liable to pay additional licence fee or penal rent, as the case may be, and liable to eviction in accordance with the rules of the Government.

Facilities for conveyance – The Chairman or other Members shall be provided with a car with a driver, subject to the condition that consumption of petrol shall not exceed one hundred and fifty litres per month or, in the case of hired vehicles, the distance traversed shall not exceed twelve hundred kilometers per month.

14. Facilities for medical treatment – The Chairman or other Members shall be entitled to medical treatment and hospital facilities in accordance with the provisions of the All India Service (Medical Attendance) Rules, 1954.

15. Conditions of service of sitting Judges of High Court appointed as Chairman – Notwithstanding anything contained in these rules, where a sitting Judge of the High Court is appointed as the Chairman of the Tribunal, the service conditions as contained in the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) and the rules made thereunder shall apply to him up to the date of his superannuation as a sitting Judge of the High Court. Thereafter, he shall be governed by these rules for the remaining period of his tenure as the Chairman.

16. Notwithstanding anything contained in rules 4 to 16 these rules, the conditions of service and other prerequisites available to the Chairman shall be the same as admissible to a serving Judge of the High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) and High Court Judges (Travelling Allowance) Rules, 1956.
17. Residuary Provision – The conditions of service of the Chairman or other Member for which no express provision has been made in these rules, shall be determined by the rules and orders for the time being applicable to officers of corresponding pay levels belonging to the Indian Administrative Service.
18. Power to relax rule – The governor may relax the provisions of any of these rules to such extent and subject to such conditions as he may consider necessary for dealing with a case in a just and equitable manner.
19. Saving _ Nothing contained in these rules shall be applicable to the existing Members and they shall continue to be governed by the West Bengal Land Reforms and Tenancy Tribunal (Salaries, Allowances and other conditions of service of the Chairman and the Judicial Members and the Administrative Members) Rules, 1997.

By order of the governor,

PRASADRANJAN RAY

Secretary to the Govt. of West Bengal

**Government of West Bengal
Land and Land Reforms Department,
Establishment Branch,
Writers' Buildings, Kolkata-700001.**

No. 972-Estt./7L-13/08

Date : 10.02.09
11.02.09

The undersigned is directed to say that pending revision of pay and allowances of the Chairman and other Members of the West Bengal Land Reforms and Tenancy Tribunal by making amendment in the West Bengal Land Reforms and Tenancy Tribunal(Salaries Allowances and other Conditions of Service of the Chairman and other Members) Rules, 2002, as an interim measure, keeping in view of the provisions of rules, 3,4 & 5 of the West Bengal Land Reforms and Tenancy Tribunal(Salaries Allowances and other Conditions of Service of the Chairman and other Members) Rules, 2002 and the provisions of the IAS(Pay) 2nd Amendment Rules, 2008, the Governor has been pleased to accord sanction to the interim fixation of pay of the Chairman at Rs. 80,000/- (fixed) per mensem and that of the other Members of the Tribunal in the revised pay scale of Rs. 75,000-80,000/- corresponding to the pre-revised scale of Rs. 22,400-600-26,000/- plus admissible allowances with effect from 01.01.06 as provided in the Office Memorandum of Government of India, Ministry of Finance, Department of Expenditure, vide their Nos. 1(3)/2008-EII(B) dated 29.09.2008 and 2(13)/2008-E-II(B) dated 29.08.2008.

Guidelines of Government of India, Ministry of Personnel, Pension and Public Grievances, Department of Personnel and Training, vide their No. F No. 14021/5/2008-AIS-II dated 19.09.2008 should be followed for fixation of pay.

This order is issued with the concurrence of Finance Department of this Government vide their U.O. No. 3121 Group-P (Service) dated 31.01.09.

Sd/- D.Bandyopadhyay