

## MINISTRY OF FINANCE

(Department of Revenue)

### NOTIFICATION

New Delhi, the 27th March, 2015

**G.S.R. 235(E).**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Settlement Commission (Income-tax/Wealth-tax) (Recruitment and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 2000, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the recruitment and conditions of service of persons appointed as Chairman, Vice-Chairmen and Members of the Settlement Commission (Income-tax/Wealth-tax), namely :—

**1. Short title and Commencement.**—(1) These rules may be called the Settlement Commission (Income-tax and Wealth-tax) (Recruitment and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 2015.

(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) "Chairman" means the Chairman of the Commission;

(b) "Vice-Chairman" means a Vice-Chairman of the Commission;

(c) "Member" means a Member of the Commission; and

(d) "Commission" means the Settlement Commission (Income-tax and Wealth-tax) constituted under section 245B of the Income Tax Act, 1961 (43 of 1961) and Section 22B of the Wealth Tax Act, 1957 (27 of 1957).

**3. Qualifications for recruitment and method of recruitment.**—(1) The appointment to the posts of Chairman, Vice-Chairmen and Members specified in column (2) of the Table below shall be made from amongst the officers specified in the corresponding entry in column (3) of the said Table.

**TABLE**

S. No.	NAME OF THE POST	FIELD OF SELECTION
(1)	(2)	(3)
1.	Chairman	From amongst the serving Members of the Commission, having minimum remaining service of six months on the date of occurrence of the vacancy for the post of the Chairman.
2.	Vice-Chairman	Senior most Member of every Bench, other than the Principal Bench, shall be deemed to be the Vice-Chairman of the respective Bench.
3.	Member	Serving Chief Commissioners or Principal Chief Commissioners or Principal Commissioner of Income-tax or of equivalent rank. Note : The officer should be in service on the date of occurrence of the vacancy.

(2) Appointment of the Chairman, Vice-Chairmen and Members shall be made by the Central Government on the recommendation of a Selection Committee comprising of the Cabinet Secretary, Secretary in charge of the Department of Revenue and Secretary Department of Personnel and Training.

**4. Retirement from parent service on appointment as Chairman or Vice-Chairman or Member.**—

(1) Where, a Member, on the date of his appointment to the Commission, was in service under the Central Government, he shall seek retirement from such service before joining the Commission, and shall be deemed to have so retired on the date of his joining the Commission.

(2) On retirement as specified under sub-rule (1), the Member —

(i) shall be entitled to receive pension, gratuity and commutation of pension in accordance with the retirement rules applicable to him;

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

(iii) shall, on the expiry of the term of his office in the Commission, whether as Member or in continuation as Vice-Chairman or Chairman, as the case may be, be entitled to receive cash equivalent to leave salary in respect of the earned leave standing to his credit subject to the condition that the maximum of leave encashed under this sub-rule and at the time of retirement from previous service, taking together, shall not in any case exceed three hundred days.

**5. Remuneration, allowances etc. of the Chairman, Vice-Chairmen and Members of the Commission.**—(1) The pay scales of the Chairman, Vice-Chairman and Member shall be as specified below, namely :—

Chairman	-	Rs. 80,000/- (fixed) per mensem
Vice-Chairman	-	Rs. 67,000-79,000/- (annual increment @ 3%) per mensem
Member	-	Rs. 67,000-79,000/- (annual increment @ 3%) per mensem

(2) In addition to the salary as specified under sub-rule (1), the Chairman, a Vice-Chairman or a Member shall be entitled to draw such allowances as are admissible to a Group 'A' Central Government Officer of equivalent grade.

Provided that if the Chairman, a Vice-Chairman or a Member is in receipt of pension in respect of any previous service under the Government, such salary shall be reduced by the amount of pension and pension equivalent of gratuity or any other form of retirement benefits.

**6. Contribution of General Provident Fund .—** The Chairman, Vice-Chairmen and Members shall be entitled to make contributions towards General Provident Fund Account under the General Provident Fund (Central Services) Rules, 1960 in the same manner as any other Central Government Servants.

**7. Tenure.**—A person appointed as the Chairman or a Vice-Chairman or a Member shall hold office for a period of five years or till he attains the age of sixty-two years, whichever is earlier, and shall not be entitled for reappointment.

Provided that a serving Vice-Chairman or a Member shall be eligible for appointment as Chairman or Vice-Chairman in the Commission, subject to the condition that his total service in the Commission shall not exceed five years or his age shall not exceed sixty-two years, whichever is earlier :

Provided further that the Chairman, Vice-Chairman or Members of the Commission shall serve the Commission at least for two years before they are appointed to any new assignment, if any.

**Note :** The Chairman, Vice-Chairmen or Members of the Commission may apply for any other post but they cannot accept any new assignment before the completion of two years of service in the Commission.

**8. Other conditions of service.**—The conditions of service of the Chairman, Vice-Chairman and Members in respect of leave, travelling allowances, leave travel concession, accommodation, conveyance, medical facilities and matters for which no provision is made in these rules, shall be the same as may be applicable to other Group 'A' officers of the Government of India of equivalent grade.

**9. Interpretation.**—If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

**10. Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

[F. No. Q. 22013/1/2014-Ad.IC (AAR)]

UDAI SINGH KUMAWAT, Jt. Secy.