

## **APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE**

In exercise of the powers conferred by section 18 of the Foreign Exchange Management Act (FEMA), 1999, the Central Government has constituted Appellate Tribunal for Foreign Exchange (ATFE) to hear appeals against the orders passed by the Adjudicating Authorities and the Special Director (Appeals) under this Act. The office of the ATFE is located at 15<sup>th</sup> Floor, the Hindustan Times House, K.G. Marg, New Delhi.

Section 20 of the FEMA, Act, 1999, states that the ATFE shall consist of a Chairperson and such number of Members as the Central Government may deem fit. At present, there is one Chairperson and two full time Members in the Tribunal. The service conditions of the Chairperson and Members of the ATFE are administered by the **"Appellate Tribunal for Foreign Exchange (Recruitment, Salary and Allowances and Other Conditions of Service of Chairperson and Members) Rules, 2000"**. The details of the Chairperson and Members of the ATFE are given below:-

S. No.	Name	Designation	Date of joining in ATFE	Date of completion of tenure	Telephone No. (Office)
1.	Mr. Justice Vinay Kumar Mathur, (Retired Judge, Allahabad High Court)	Chairperson	01.04.2014	13.09.2016	23316359
2.	Dr. H. K. Mudgil (Advocate)	Member	09.07.2013	08.07.2018	23738154
3.	Smt Sharda Jain (Retired Joint Secretary & Legislative Counsel, Ministry of Law & Justice, Legislative Department)	Member	20.02.2015	01.03.2017	23711710

PUBLISHED IN THE GAZETTE OF INDIA, PART II SECTION 3 SUB-SECTION (i)  
DATED 28<sup>TH</sup> AUGUST, 2000 AND AMENDMENT THEREOF

Government of India  
Ministry of Law & Justice  
Department of Legal Affairs

New Delhi, 28<sup>th</sup> August, 2000

**NOTIFICATION**

G.S.R. 677(E).-In exercise of the powers conferred by section 46 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Central Government hereby makes the following rules regulating the recruitment, salary and allowances and other conditions of service of the person appointed as Chairperson or Members of the Appellate Tribunal for Foreign Exchange, namely:-

**1. Short title and commencement:**

- (1) These rules may be called the Appellate Tribunal for Foreign Exchange (Recruitment, Salary and 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. Qualification for recruitment:**

- (1) A person shall not be qualified for appointment as Chairperson or a Member unless he:
  - a) in the case of a Chairperson, is or has been or is qualified to be a Judge of a High Court; and
  - b) in the case of a Member, is or has been or is qualified to be a District Judge.
- (2) No person-
  - (a) who has entered into or contracted a marriage with a person having a spouse living; or
  - (b) who having a spouse living has entered into or contracted a marriage with any person shall be eligible for appointment as the Chairperson or a Member.

Provided that the Central Government, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

**3. Method of Recruitment:**

- (1) The Chairperson and the Members of the Appellate Tribunal for Foreign Exchange shall be appointed by the Central Government on the recommendation of the Selection Board consisting of-
  - a) a Judge of the Supreme Court nominated by the Minister of Law, Justice & Co. Affairs in consultation with the Chief Justice of India - Chairperson
  - b) Secretary-in-charge of the Ministry of the Central Government dealing with the Department of Legal Affairs - Member



c) Secretary-in-charge of the Ministry of the  
Central Government dealing with the  
Department of Personnel and Training

- Member

(2) The Selection Board shall recommend persons for appointment as Chairperson or Member of the Appellate Tribunal from amongst persons from the list of candidates prepared by the Ministry of Law, Justice & Company Affairs, Department of Legal Affairs after inviting applications, therefor by advertisement or on the recommendations of the appropriate authorities.

#### 4. Medical Fitness:

No person shall be appointed as Chairperson or a Member unless he is declared medically fit by a Medical Board to be constituted by the Central Government for the purpose, unless he has already been declared fit by an equivalent authority.

#### 5. Composition:

The Appellate Tribunal shall have one Chairperson and Members not exceeding four.

[Provisos have been deleted]<sup>1</sup>

#### 6. Classification:

The Chairperson or a Member of the Appellate Tribunal for Foreign Exchange shall be a Member of the General Central Services, Group 'A' Gazetted, unless he is member of any other Central Civil Service or Judicial Service.

#### 7. Pay and Allowances<sup>2</sup>:

- (1) The Chairperson shall be in the Apex Scale of Rs. 80,000/- per month (fixed) and the Members shall be in the Higher Administrative Grade of Rs. 67,000/- to 79,000/-:

Provided that where a sitting Judge of a High Court is appointed as the Chairperson, he shall be entitled to a monthly salary at the same rate as is admissible to a judge of High Court:

Provided further that where a retired person is appointed as the Chairperson or a Member, his monthly salary shall be reduced by the gross amount of pension or employer's contribution to the Contributory Provident Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

- (2) In addition to the pay specified in sub-rule (1),-

- (a) the Chairperson shall be entitled to such other allowances and benefits as are admissible to a Secretary to the Government of India;
- (b) the Members shall be entitled to such allowances and other benefits as are admissible to an Additional Secretary to the Government of India,

in accordance with the rules and orders issued by the Central Government governing the grant of such allowances and benefits, from time to time:

Provided that a sitting or retired Judge of a High Court appointed as the Chairperson shall be entitled to such other allowances and benefits as are admissible to a sitting Judge of the High Court of Delhi.

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<sup>1</sup> Deleted vide G.S.R. No 920(E) dated 29<sup>th</sup> December, 2014

<sup>2</sup> Substituted vide G.S.R. No 920(E) dated 29<sup>th</sup> December, 2014

#### **8. Terms of office of Chairperson or a Member:**

The Chairperson or Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty five years in the case of Chairperson or the age of sixty-two years in the case of a Member, whichever is earlier.

#### **9. Date of Retirement:**

The date of retirement of the Chairperson or Member shall be the date on which he attains the age of sixty-five years in the case of Chairperson or the age of sixty-two years in the case of a Member and not the last date of month as in the case of other Government servants.

#### **10. CPF, Pension and Gratuity:**

The Chairperson and Members shall be governed by the Contributory Provident Fund Rules (India) 1962 and no option to subscribe under General Provident Fund Rules shall be permissible. Additional pension and Gratuity shall not be admissible for service rendered in the Tribunal.

#### **11. \*\*\* [Omitted]<sup>3</sup>**

#### **12. Re-employment:**

The Chairperson or a Member of the Appellate Tribunal for Foreign Exchange will not be eligible for re-appointment as Chairperson or Member, as the case may be. However, a Member of the Appellate Tribunal for Foreign Exchange would be eligible for appointment as Chairperson of the Appellate Tribunal for Foreign Exchange. No Chairperson or Member of the Appellate Tribunal would be eligible for re-employment under the Central Government or anybody/authority substantially financed by the Central Government unless he has cooled off for a period of two years. Similarly, for two years no Chairperson or Member would be eligible to take up private employment after demitting office, without the permission of the Government in the organisations that fell within the operational jurisdiction of the Appellate Tribunal for Foreign Exchange.

12-A<sup>4</sup>. On ceasing to hold office, the Chairperson or other Member shall not be entitled to appear, act or plead before the Appellate Tribunal.

#### **13. Other Conditions of Service:**

The conditions of service of the Chairperson or Members in respect of matters for which no provision is made in these rules shall be the same as may for the time being be applicable to other such persons of a corresponding status.

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<sup>3</sup> Omitted vide G.S.R. No 920(E) dated 29<sup>th</sup> December, 2014

<sup>4</sup> Inserted vide G.S.R. No 920(E) dated 29<sup>th</sup> December, 2014

**14. Interpretation:**

If any question arises relating to the interpretation of these rules, the decision of the Central Government shall be final.

Sd/-  
(A.Sinha)  
Joint Secretary & Legal Adviser  
[F.No.A-11011/1/2000-Admn.IV(LA)]

To  
The Manager,  
Government of India Press,  
New Delhi.

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Note: - The Principal rules were notified vide G.S.R. No. 677(E) dated 28 August, 2000 and subsequently amended vide:-

1. G.S.R. No. No 920(E) dated 29<sup>th</sup> December, 2014.
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