

F.No.A-12026/1/2016-Admn.III (LA)
Government of India
Ministry of Law and Justice
Department of Legal Affairs
Shastri Bhawan, Rajendra Prasad Marg,
New Delhi-110001


CIRCULAR

Subject:- **Application for appointment of one Member of the Appellate Tribunal for Foreign Exchange in the Pay Scale Rs. 67,000 – 79,000/- (pre-revised).**

In exercise of the powers conferred by Section 18 of the Foreign Exchange Management Act, 1999 (FEMA), the Central Government has established the Appellate Tribunal for Foreign Exchange (ATFE) to hear appeals against the orders of the Adjudicating Authorities and the Special Director (Appeals) under this Act. Section 20 of the FEMA provides that the ATFE shall consist of a Chairperson and such number of Members as the Central Government may deem fit. In terms of Rule 5 of the Appellate Tribunal for Foreign Exchange (Recruitment, Salary & Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000, the ATFE shall have one Chairperson and Members not exceeding four. In terms of Rule 2 of these Rules, a person who is or has been or is qualified to be a District Judge, is qualified for appointment as Member of ATFE.

2. The pay, allowances and other terms & conditions of appointment of Members shall be in accordance with the provisions of the Appellate Tribunal for Foreign Exchange (Recruitment, Salary & Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000. The Member shall hold office for a term of five years from the date on which he enters his office or until he attains the age of 62 years, whichever is earlier.

3. Eligible and interested persons may send their applications in the enclosed format **Annexure-I**, through proper channel (in the case of those persons who are in service), so as to reach the undersigned by **16th January, 2017**. Applications received after closing date shall not be entertained. The Appellate Tribunal for Foreign Exchange (Recruitment, Salary & Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000 is enclosed as **Annexure-II**.


(Suneel Sachdeva)
Under Secretary to the Govt. of India

Dated: 16th December, 2016.

FORMAT

Application form for the post of Member, Appellate Tribunal for Foreign Exchange

Paste recent
passport size
photograph

1. Name in full :
(in block letters)
2. Date of birth :
(attach proof)
3. Category :
(in case of SC/ST/OBC, attach proof)
4. Present address :
5. Permanent address :
6. Present occupation/post held & :
official address with tele.no.
7. Date of superannuation (if applicable) :
8. Present pay & scale of pay :
(if applicable)
9. Contact tele nos /fax/e-mail ID :
10. Educational qualifications :
(attach proof)
11. Professional qualifications :
(attach proof)
12. Details of experience :
(attach proof)
13. Date of enrolment as Advocate :
(attach proof)
14. Area of practice :
(if applicable)

Continued...2/-

15. Details of income earned during
The last three financial year (only
in the case of Members of Bar)
- (i) Financial Year-2015-16 :
(ii) Financial Year-2014-15 :
(iii) Financial Year-2013-14 :
16. Please elucidate as to how you fulfill
The eligibility criteria of the post :
17. Additional information, if any
(not exceeding one page) :

Declaration:

I do hereby declare that the particular furnished by me are correct to the best of my knowledge and belief.

Signature of Applicant

Date:

Place:

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

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

New Delhi, 28th 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]¹

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 Allowances²:

- (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.

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

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

