

HARYANA GOVERNMENT
TOWN AND COUNTRY PLANNING DEPARTMENT

Notification

The 26th August, 2002

No. D.T.C.P.-S.T.P. (E)-TR/3005.—In exercise of the powers conferred by Sub-section (1) read with Sub-section (2) of Section 25 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and all other powers enabling him in this behalf and with reference to Haryana Government, Town and Country Planning Department, Notification No. D.T.C.P.-S.T.P. (E)-TR/2953, dated the 22nd August, 2002, the Governor of Haryana hereby makes the following rules further to amend the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965, in their application to the State of Haryana, namely :—

Rules

These rules may be called the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Haryana Amendment) Rules, 2002.

In the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965, after Rule-129, the following rules shall be added at the end, namely:—

“**130.** Salary and other allowances and terms and conditions of Chairman, Member and staff of the Tribunal Sections-12C and 25.—**(1)** Chairman of the Tribunal shall receive the salary and other allowances of the Judge of the High Court and the Member shall receive the salary from his own department to which he belongs.

(2) The Chairman and Member of the Tribunal shall be eligible for such travelling allowances and daily allowance on official tours as are admissible to them while working as Judge of the High Court and the Chief Engineer.

(3) The salary and other allowances to the Chairman and other staff of the Tribunal shall be defrayed out of Major Head—“2217- Urban Development”.

(4) Chairman of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for another term and the Member shall hold office for a period of three years or upto the age of superannuation, whichever is earlier :

Provided that the Chairman and the member may —

- (a) by writing under his hand and addressed to the government resign his office at any time; and
- (b) be removed from his office in accordance with the provisions of sub-rule (5).

(5) The Government may remove from the office, Chairman or a Member of the Tribunal who—

- (a) has been judged as an insolvent; or
- (b) has been convicted of an offence which in the opinion of the Government, involves moral turpitude; or
- (c) has become physically and mentally incapable of acting as such; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such; or
- (e) has so abuse his position as to render his continuance in office prejudicial to the public interest :

Provided that the Chairman or Member shall not be removed from his office on the ground specified in clause (d) and (e) of sub-rule (5) except on enquiry held by the Government with such procedure as it may specify in this behalf and finds the Chairman/Member to be guilty on such ground.

(6) Before appointment, the Chairman or Member of the Tribunal shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such.

(7) The terms and conditions of service of Chairman, Member of the Tribunal or staff shall not be varied to their disadvantage during their tenure of office.

(8) Every vacancy caused by resignation and removal of the Chairman or Member of the Tribunal under sub-rule (4) or otherwise shall be filled in by fresh appointment.

(9) The Chairman or Member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organization which have been the subject of any proceedings under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

(10) The staff for the Tribunal shall be provided by the Town and Country Ruining Department, Haryana and shall draw the salary and allowances from the department and their services shall be governed by the departmental service rules and will be on cadre of the department.

(11) The casual and other leaves of the Chairman of the Tribunal shall be sanctioned by the Governor of Haryana.

(12) All kind of leave shall be admissible to the Chairman of the Tribunal which is admissible to a sitting Judge of the High Court. The Governor of Haryana shall have full powers to sanction the leaves of the Chairman.

131. Procedure for hearing appeal by Tribunal Section 12-C and 25(2)(h).—

(1) Memorandum of appeal shall be presented by the appellant or his authorised agent to the Tribunal in person or by registered post addressed to the Tribunal.

(2) Every memorandum filed under sub-rule (1) shall be in legible hand writing preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively and shall be accompanied by a copy of order appealed against, a sketch/plan of the building/site in question and other documents as may be required to support the grounds of appeal.

(3) The memorandum of appeal shall be accompanied by a fee of Rs. 100 in the form of revenue stamp or treasury challan deposited in the Haryana Government Treasury under Head “2217—Urban Development (i), 60, other Urban Development Schemes, 800—Other Receipts”.

(4) When the appeal is presented after the expiry of period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant wants to satisfy the Tribunal that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit minimum four copies of memorandum of appeal to the Tribunal for official purposes.

(6) The Tribunal shall call for the records and the comments of the District Town Planner/Executive Engineer, Public Works Department (Building and Roads) concerned whose orders are appealed against and shall consider their comments before final disposal of the appeal.

(7) On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their authorised agents to appear before the Tribunal. If appellant or his authorised agent fails to appear on such date, the Tribunal may, in its discretion, either dismiss the appeal in default or decide it on merits of the case. If respondent or his authorized agent fails to appear on such date the Tribunal may proceed ex-parte and may decide the appeal ex-parte on the merits of the case.

(8) The appellant shall not except by leave of the Tribunal urge or be heard in support of any ground of objection set forth in the memorandum of appeal but the Tribunal, in deciding the appeal, shall not continue to the grounds of objections set forth in the memorandum of appeal or taken by leave of the Tribunal under this sub-rule :

Provided that the Tribunal shall not rest its decision on any other grounds unless the party who may be affected thereby, has been given, at least one opportunity of being heard by the Tribunal.

(9) Tribunal may, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal shall be decided preferably within ninety days from the first date of hearing.

(10) Order of the Tribunal on appeal shall be signed and dated by the Chairman and Member constituting the Tribunal and shall be communicated to the parties free of cost.

(11) That in case the Member of Tribunal is not present on any day and appeal for arguments are fixed then only Chairman shall hear the appeal and decide them and his decision shall be final.

(12) That if Chairman is on leave or on vacations then the urgent matters shall be heard by the Member of the Tribunal.

(13) For the purpose of this rule, the Tribunal shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 (Act 5 of 1908)

(14) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 the Indian Penal Code, 1860 (Act 45 of 1860), and shall also be deemed to be a proceeding of Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Act 2 of 1974)”.

BHASKAR CHATTERJEE,
Financial Commissioner and Principal Secretary to
Government Haryana,
Town and Country Planning Department.