

F. No. J-1/7/2021-CPU
Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

Krishi Bhavan, New Delhi
Dated the 28th October, 2021

Vacancy Circular

Subject: Selection for the posts of Member in the National Consumer Disputes Redressal Commission, New Delhi.

1. The National Consumer Disputes Redressal Commission is an Appellate Authority established under the Consumer Protection Act, 2019 to hear various appeals under the Consumer Protection Act. It's headquarter is situated at New Delhi.
2. Applications are being invited for the following existing 3 vacancies:

Post	Date of Vacancy
Member	17.06.2018
Member	27.11.2020
Member	10.05.2021

3. The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunal Reforms Act and the Tribunal (Conditions of Service) Rules, 2021.
4. The Search-Cum-Selection Committee constituted under the Tribunal Reforms Act 2021 for recommending names for appointment to the said post shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.
5. Prescribed application form, the Tribunals Reforms Act, 2021 and the Tribunals (Conditions of Service) Rules, 2021 are also placed in the Department's website "www.consumeraffairs.nic.in" for easy reference.
6. Applications of eligible and willing individuals are requested through **online mode only** on URL: **jagograhakjago.gov.in/nedrc** by **30th November 2021**.

(a) **In case of serving Government officers and persons working in Central/State government undertakings/ Autonomous bodies, following documents may also be attached**

- (i) Copy of the online application form duly signed.
- (ii) Certificate to be furnished by the employer/ head of office/ forwarding authority as in Annexure-II.
- (iii) Clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer.
- (iv) Cadre clearance.

CAO
y
01/11/21


Sd/mt
2
01/11/21

- (v) Integrity certificate/clearance from vigilance and disciplinary angle as in Annexure-III.
- (vi) Statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years.

(b) In case of retired officers, 'No Inquiry Certificate' from the last employer.

A copy of the application submitted online, may be submitted through proper channel (wherever applicable) along with the documents indicated below at 6(a) and (b) to Shri Sita Ram Meena, Director (CPU), Department of Consumer Affairs, Room No. 456-A, Krishi Bhavan, New Delhi.

- 7. No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make own arrangements.
- 8. Any application received after due date without necessary Annexure as mentioned above will not be entertained. Applications which are incomplete or lacking in any details/documents as asked for and those received after the due date will be rejected summarily.
- 9. The Department of Consumer Affairs reserves the right to cancel the advertisement at any time without assigning any reasons.
- 10. In the event of selection of serving officials, they would have to resign/take voluntary retirement from the post being held at that time, before taking up an appointment as Member, NCDRC.


(Sita Ram Meena)

Director

Telefax: 011-23387737

Email: sitaram.meena@gov.in

To

- 1. The Registrar General, Supreme Court of India with a request to kindly upload it on its website and give it wide publicity
- 2. The Registrar General of the High Courts with a request to kindly upload it on their websites and give it wide publicity
- 3. The Registrar, National Consumer Disputes Redressal Commission, New Delhi with a request to kindly upload it on its website and give it wide publicity
- 4. The Registrars, State Consumer Dispute Redressal Commissions of all the States/ UTs with a request to kindly upload it on their websites and give it wide publicity
- 5. The Secretaries in the Central Ministries/ Departments with a request to kindly upload it on their websites and give it wide publicity
- 6. The Chief Secretaries in all the States/ UTs with a request to kindly upload it on their websites and give it wide publicity
- 7. The Principal Secretaries dealing with Department of Consumer Affairs in all the States/ UTs with a request to kindly upload it on their websites and give it wide publicity

**CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF
OFFICE/FORWARDEING AUTHOTITY**

1. Certified that the particular furnished by Shri/Smt/Kum ----- are correct and he/she possesses educational qualifications and experience mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being contemplated against him/her and vigilance clearance issued by CVO in the enclosed Annexure (III).
3. His/her integrity is certified.
4. No major or minor penalty was imposed on Shri/Smt/Kum ----- during the last 10 years period.
5. The up-to-date attested Photostat copies of ACR/APAR of last years (each Photostat copy of ACR/APAR should be attested) in respect of Shri/Smt/Kum ----- in enclosed herewith.

Seal & Signature of the cadre controlling Authority

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Fathers name :
3. Date of Birth :
4. Date of Retirement :
5. Date of entry into service :
6. Service to which the officer belongs including batch /year/ cadre etc., wherever applicable :

7. Positions held (During ten preceding years):

S. No	Organisation (name in full)	Designation & Place of Posting	Administrative/ Nodal Ministry/ Department concerned (in case of officers of PSUs etc.)	From	To

8. Whether the officer has been placed on the agreed list or list of Officer of Doubtful Integrity (if yes, details to be given) :
9. Whether any allegation of misconduct involving vigilance angle was examined against the officer during the last 10 Years and if so with what result (*) :
10. Whether any punishment was awarded to the officer during the last 10 years and if so, the date of imposition and details of penalty (*) :
11. Is any disciplinary/ criminal proceedings or charge sheet pending against the officer as on date (if so, details to be furnished. including reference number, if any of the Commission) :
12. Is any action contemplated against the Officer as on date (if so, details to be furnished (*) :

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter.

Date:

(NAME AND SIGNATURE)


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-16092021-229684
CG-DL-E-16092021-229684

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 521]
No. 521]

नई दिल्ली, बृहस्पतिवार, सितम्बर 16, 2021/भाद्र 25, 1943
NEW DELHI, THURSDAY, SEPTEMBER 16, 2021/BHADRA 25, 1943

वित्त मंत्रालय
(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 15 सितम्बर, 2021

सा.का.नि. 635(अ).—केंद्रीय सरकार, अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अधिकरण, अपील अधिकरण और प्राधिकरण (सदस्यों की अर्हताएं, अनुभव और सेवा की अन्य शर्तें) नियम, को उन बात के सिवाय अधिकृत करते हुए, जिन्हें ऐसे अधिकरण से पहले किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात् :-

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम, प्रारंभ और लागू होना—

- (1) इन नियमों का संक्षिप्त नाम अधिकरण (सेवा की शर्तें) नियम, 2021 है।
- (2) इन नियमों में यथा उपर्युक्त के सिवाय, ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- (3) ये नियम, अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की पहली अनुसूची के खंड (2) में यथाविनिर्दिष्ट अधिकरण के अध्यक्ष और सदस्य को लागू होंगे।

(ii) वह भारतीय राजस्व सेवा (आय-कर सेवा समूह 'क') का सदस्य न रह चुका हो ; और आय-कर प्रधान आयुक्त या इसके समतुल्य या उच्चतर पद को धारित न कर चुका हो तथा तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या निर्णायक कृत्यों को न कर चुका हो ।

(3) सीमा-शुल्क अधिनियम, 1962 (1962 का 52) के अधीन सीमा-शुल्क, उत्पाद-शुल्क और सेवा-कर अपील अधिकरण की दशा में, कोई व्यक्ति,—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि —

(i) वह किसी उच्च न्यायालय का न्यायाधीश न हो और जो किसी उच्च न्यायालय में न्यायाधीश के रूप में कम से कम सात वर्ष तक की सेवा न कर चुका हो या न रह चुका हो ; या

(ii) वह अपील अधिकरण का सदस्य न रह चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—

(i) वह दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ; या

(ii) वह मुकदमें में दस वर्ष के अनुभव के साथ भारतीय विधिक सेवा का सदस्य न रह चुका हो या दो वर्ष की अवधि के लिए अपर सचिव या कोई समतुल्य या उच्चतर पद धारित न किया हो ; या

(iii) सीमा-शुल्क, उत्पाद-शुल्क और सेवा-कर अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में अप्रत्यक्ष-कर विधियों के अधीन मुकदमें में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ग) तकनीकी सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह भारतीय राजस्व सेवा (सीमा-शुल्क और केंद्रीय उत्पाद-शुल्क सेवा समूह 'क') का सदस्य न रह चुका हो ; और सीमा-शुल्क प्रधान आयुक्त या केंद्रीय उत्पाद-शुल्क या इसके समतुल्य या उच्चतर पद धारित न कर चुका हो या तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या न्याय निर्णायक को न कर चुका हो ।

(4) तस्कर और विदेशी मुद्रा छलसाधक (संपत्ति समपहरण) अधिनियम, 1976 (1976 का 13) के अधीन अपील अधिकरण की दशा में, कोई व्यक्ति—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह उच्चतम न्यायालय का कोई न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रह चुका हो ;

(ख) सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि भारत सरकार में अपर सचिव या उसके समतुल्य या उच्चतर पद धारित न कर चुका हो और तीन वर्ष के लिए न्यायिक, न्यायिक कल्प या न्याय निर्णायक कृत्यों को न कर चुका हो ।

(5) प्रशासनिक अधिकरण अधिनियम, 1985 (1985 का 13) के अधीन अधिकरणों की दशा में, कोई व्यक्ति—

(क) अध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) केंद्रीय प्रशासनिक अधिकरण में प्रशासनिक सदस्य या न्यायिक सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पद धारित न कर चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(क) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ख) भारत सरकार में अपर सचिव या सदस्य-सचिव, भारत का विधि आयोग सहित विधि कार्य मामले विभाग या विधायी विभाग में इसके समतुल्य या उच्चतर पद धारित न कर चुका हो ;

(7) भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1992 (1992 का 15) के अधीन प्रतिभूति अपील अधिकरण की दशा में, कोई व्यक्ति—

(क) पीठासीन अधिकारी के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह उच्चतम न्यायालय का कोर्ट न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रह चुका हो ;

(ख) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह—

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रह चुका हो ; या

(ii) भारतीय प्रतिभूति विनियम बोर्ड, प्रतिभूति अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष वितीय क्षेत्र से संबंधित मामलों में मुकदमेबाजी में पर्याप्त अनुभव सहित दस वर्ष तक अधिवक्ता न रहा हो ।

(ग) तकनीकी सदस्य, जब तक कि—

(i) केन्द्रीय सरकार के मंत्रालय या विभाग में अपर सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार में कोई समतुल्य या उच्चतर पद धारण न किया हो; या

(ii) प्रमाणित योग्यता, सत्यनिष्ठा वाला ऐसा व्यक्ति जिसके पास वितीय क्षेत्रों में जिसके अंतर्गत प्रतिभूतियाँ चिन्हांकन या पेंशन निधि या वाणिज्य उत्पाद या बीमा भी है कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न हो :-

परन्तु बोर्ड या वीमा विनियामक और विकास प्राधिकरण का कोई सदस्य या अंशकालिक सदस्य या पेंशन निधि विनियामक और विकास प्राधिकरण, या बोर्ड में या ऐसे प्राधिकरणों में कार्यकारी निदेशक के समतुल्य ज्येष्ठ प्रबंधन स्तर पर कोई व्यक्ति, उसकी सेवा या कार्यकाल के दौरान यथास्थिति, बोर्ड के पीठासीन अधिकारी या प्रतिभूति अपील अधिकरण के सदस्य के रूप में नियुक्त नहीं किया जाएगा या ऐसे अधिकारियों के साथ उस तारीख से दो वर्ष के भीतर जिस पर वह बोर्ड या ऐसे अधिकरणों में पद धारण करने से प्रविरत न हो जाता ।

परन्तु यह और कि पीठासीन अधिकारी या सदस्य ऐसा व्यक्ति होगा जिसका कोई वितीय या अन्य हित नहीं है जैसा कि ऐसा पीठासीन अधिकारी या सदस्य के रूप में उनके कार्यों पर प्रतिकूल रूप से प्रभावित करने के लिए संभाव्य है ।

(8) बैंकों और वितीय संस्थाओं को शोधन ऋण वसूली अधिकरण अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण की दशा में, कोई भी व्यक्ति तब तक वह ऋण वसूली अधिकरण में पीठासीन अधिकारी के रूप में नियुक्त के लिए अर्हित नहीं होगा जब तक वह जिला न्यायाधीश न हो या न रहा हो ।

(9) बैंकों और वितीय संस्थाओं को शोधन ऋण वसूली अधिकरण अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण की दशा में, कोई भी व्यक्ति तब तक अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक कि वह—

(क) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ख) भारतीय विधिक सेवा का सदस्य न रहा हो जिसके पास मुकदमेबाजी का दस वर्ष का अनुभव न हो और अपर सचिव या कोई समतुल्य या किसी उच्चतम पद पर पदधारण न किया हो ; या

(ग) किसी ऋण वसूली अधिकरण में पीठासीन अधिकारी के रूप में तीन वर्ष तक पदधारण न किया हो ।

(10) भारतीय दूर-संचार विनियामक प्राधिकरण अधिनियम 1997 (1997 का 24) के अधीन दूर-संचार विवाद समाधान और अपील अधिकरण की बाबत कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए अर्हित नहीं होगा—

(क) अध्यक्ष, जब तक कि वह—

(i) उच्चतम न्यायालय का न्यायाधीश न हो या न रहा हो ; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति न हो या न रहा हो ।

(ख) सदस्य, जब तक कि वह योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन, दूर संचार या ऐसे अन्य मामले जो दूर-संचार विवाद समाधान और अपील अधिकरण पर उपयोगी हो में कम से कम पच्चीस वर्ष विशेष अनुभव और वृत्तिक अनुभव न हो ।

(11) कंपनी अधिनियम, 2013 (2013 का 18) के अधीन राष्ट्रीय कंपनी विधि अपील अधिकरण की दशा में, कोई भी व्यक्ति निम्नलिखित पद पर नियुक्ति के लिए तब तक अर्हित नहीं होगा

(ii) किसी उच्च न्यायालय का मुख्य न्यायाधिवक्ता न हो या न रहा हो।

(ख) न्यायिक सदस्य, जब तक कि वह-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो; या

(ii) ऐसा अधिवक्ता जिसके पास केन्द्रीय प्रशासनिक अधिकरण, सशस्त्र बल अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में सेवा संबंधी मामलों का मुकदमेबाजी का दस वर्ष का पर्याप्त अनुभव न हो।

(ग) प्रशासनिक सदस्य, जब तक कि

(i) जिसने सेना में मेजर जनरल या उससे ऊपर की पंक्ति का पद अथवा नौसेना या वायुसेना में समतुल्य पंक्ति का पद तीन वर्ष की कूल अवधि के लिए धारण किया हो या कर रहा हो; या

(ii) जिसने सेना या नौसेना अथवा वायु सेना में जज एडवोकेट जनरल के रूप में एक वर्ष से अधिक सेवा न की हो और क्रमशः उसकी पंक्ति मेजर जनरल, कोमोडोर और एयर कोमोडोर में अनूयुन न हो; या

(iii) कोई व्यक्ति जिसमें योग्यता, मत्पनिष्ठा तथा प्रतिष्ठा हो और जो अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंध, उद्योग, लोक-कार्य, प्रशासन या कोई अन्य मामला जो सशस्त्र बल अधिकरण के लिए उपयोगी हो में तीस वर्ष से अधिक का विशेष ज्ञान और वृत्तिक अनुभव न रखता हो।

(15) राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) के अधीन राष्ट्रीय हरित अधिकरण की दशा में कोई व्यक्ति निम्नलिखित के रूप में नियुक्ति के लिए अर्हित नहीं होगा

(क) अध्यक्ष के रूप में, जब तक कि वह,-

(i) किसी उच्च न्यायालय का न्यायाधीश न हो या न रहा हो; या

(ii) किसी उच्च न्यायालय का मुख्य न्यायाधिवक्ता न हो या न रहा हो।

(ख) न्यायिक सदस्य, जब तक कि -

(i) किसी उच्च न्यायाधीश न हो या न रहा हो; या

(ii) दस वर्ष की सम्मिलित अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश न रहा हो; या

(iii) राष्ट्रीय हरित अधिकरण, किसी उच्च या उच्चतम न्यायालय में पर्यावरण और वन से संबंधित मामलों में मुकदमेबाजी के सारवान् अनुभव के साथ दस वर्ष के लिए अधिवक्ता न रहा हो।

(ग) विशेषज्ञ सदस्य, जब तक कि वह-

(i) विज्ञान में डिग्री या स्नातकोत्तर डिग्री या डाक्टरेट डिग्री और प्रख्यात राष्ट्रीय स्तरीय संस्था में वन तथा पर्यावरण (जिसके अंतर्गत प्रदूषण नियंत्रण परिमंकेटमय पदार्थ प्रबंध, पर्यावरण समाधान निर्धारण, जलवायु परिवर्तन प्रबंध, जैव-विज्ञान विविधता प्रबंध और पर्यावरण संरक्षण भी है) के क्षेत्र में पांच वर्ष के व्यावहारिक अनुभव सहित नुसंगत क्षेत्र में पच्चीस वर्ष का अनुभव न रखता हो।

(ii) केन्द्रीय सरकार या राज्य सरकार या राष्ट्रीय या राज्य स्तरीय प्रख्यात संस्था में पर्यावरणीय मामलों के साथ ब्यौहार करने के पांच वर्ष के अनुभव सहित पच्चीस वर्ष का प्रशासनिक अनुभव न रखता हो।

4. सदस्यों और अध्यक्षों के पदों के लिए चयन,-

(1) समिति भरे जाने वाले सदस्यों के प्रस्तावित पदों का ब्यौरा देने हुए सदस्य सचिव के माध्यम से रिक्ति परिपत्र ऐसे उपांतरण जो उचित समझा जाए करने के पश्चात् प्ररूप 1 में जारी करा सकेगी, जिसमें निम्नलिखित सम्मिलित है -

(क) विद्यमान और भावी रिक्तियों की संख्या,

(ख) अर्हताएँ

(ग) वेतन और भत्ते

(घ) आवेदन के लिए रूप विधान, और

(ङ) आवेदन भरने के लिए अंतिम तारीख।

- (4) जांच ऐसे समय के भीतर या ऐसे अतिरिक्त समय के भीतर पूरी की जाएगी, जो केन्द्रीय सरकार द्वारा अधिमानतः छह माह के भीतर विनिर्दिष्ट किया जाए।
- (5) समिति, जांच के निष्कर्ष के पश्चात् केन्द्रीय सरकार को संपूर्ण मामले पर ऐसी टीका-टिप्पणियों के साथ जो वह उचित समझे पृथक् रूप से प्रत्येक आरोप पर उसके निष्कर्ष और उस पर के कारणों का उसमें कथन करते हुए अपनी रिपोर्ट केन्द्रीय सरकार को प्रस्तुत करेगी।
- (6) समिति विविध प्रक्रिया संहिता, 1908 (1908 का 5) द्वारा अधिकथित प्रक्रियाओं से बाध्य नहीं होगी लेकिन प्राकृतिक न्याय के सिद्धांतों द्वारा मार्गदर्शित होगी और उसे अपनी प्रक्रिया जिसके अंतर्गत उसकी जांच की तारीख, स्थान और समय नियत करना भी है, विनियमित करने की शक्ति होगी।

अध्याय 4

वेतन और भत्ते

- 10. वेतन.**—(1) अध्यक्ष को ऋण वसूली अधिकरण के पीठासीन अधिकारी और औद्योगिक अधिकरण के पीठासीन अधिकारी को छोड़कर, 2,50,000 रुपये (नियत) वेतन प्रतिमाह संदलत किया जाएगा।
- (2) सदस्य को 2,25,000 रुपये वेतन प्रतिमाह संदलत किया जाएगा।
- (3) केन्द्रीय सरकार द्वारा गठित ऋण वसूली अधिकरण के पीठासीन अधिकारी या औद्योगिक अधिकरण के पीठासीन अधिकारी को 1,44,200-2,18,200 रुपये वेतन संदलत किया जाएगा।
- (4) किसी व्यक्ति के अध्यक्ष या सदस्य के रूप में नियुक्त किए जाने की दशा में यदि उसे पेंशन प्राप्त होती है तो ऐसे व्यक्ति के वेतन में से उसके द्वारा आहरित पेंशन की सकल रकम को घटा दिया जाएगा।
- 11. भत्ते.**—(1) अध्यक्ष और सदस्य ऐसे भत्ते और फायदों को प्राप्त करने के हकदार होंगे जो भारत सरकार के समान वेतन वाले समूह 'क' पद धारण करने वाले अधिकारियों को अनुज्ञेय है।
- (2) उप नियम (1) में अंतर्विष्ट किसी बात के होते हुए भी 1 जनवरी, 2021 से अध्यक्ष या सदस्य के पाम तत्काल प्रवृत्त नियमों के अनुसार केन्द्रीय सरकार द्वारा उपलब्ध कराई जा रही आवास सुविधा का लाभ उठाने का विकल्प होगा अथवा वे निम्नलिखित सीमा के अध्यक्षीन रहते हुए मकान किराए की प्रतिपूर्ति के लिए पात्र होंगे—
- (क) ऋण वसूली अधिकरण के पीठासीन अधिकारी और औद्योगिक अधिकरण के पीठासीन अधिकारी के सिवाय अध्यक्ष की दशा में एक लाख पचास हजार रुपये प्रतिमाह; और
- (ख) अधिकरण के सदस्य और ऋण वसूली अधिकरण तथा औद्योगिक अधिकरण के पीठासीन अधिकारियों की दशा में एक लाख पच्चीस हजार रुपये प्रतिमाह।
- 12. परिवहन भत्ता.**—अध्यक्ष या सदस्य स्टाफ कार नियमों के उपबंधों के अनुसार भारत सरकार में समूह 'क' पद धारण करने वाले समान वेतन वाले अधिकारियों को अनुज्ञेय सुविधाओं के अनुसार शासकीय और निजी प्रयोजनों के लिए यात्रा हेतु स्टाफ कार की सुविधा के लिए हकदार होंगे।

अध्याय 5

पेंशन, भविष्य निधि, उपदान और छुट्टी

- 13. पेंशन, भविष्य निधि और उपदान.**—(1) उच्चतम न्यायालय या उच्च न्यायालय के सेवारत न्यायाधीश या किसी संगठित सेवा के सदस्य को अध्यक्ष या सदस्य के रूप में नियुक्त किए जाने की दशा में, अधिकरण की सेवा, उस सेवा जिसमें वह संबंधित है के नियमों के अनुसार पेंशन आहरित किए जाने के लिए गणना में ली जाएगी और यथास्थिति साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 या अंशदायी पेंशन प्रणाली तथा उसे लागू पेंशन के लिए नियमों के उपबंधों द्वारा शासित होगी।
- (2) अन्य सभी मामलों में, सदस्य यथास्थिति अंशदायी भविष्य निधि (भारत) नियम, 1962 या अंशदायी पेंशन प्रणाली के उपबंधों द्वारा शासित होगी।
- (3) अधिकरण में दी गई सेवाओं के लिए अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होगी।

प्ररूप ।

(नियम 4 देखें)

[आवेदन के प्ररूप सहित रिक्ति परिपत्र का प्ररूप]

फा. सं.

भारत सरकार

_____मंत्रालय

_____विभाग

कमरा नं. _____

नई दिल्ली-110001

दिनांक: _____

रिक्ति परिपत्र

विषय:- _____ अधिकरण में अध्यक्ष/सदस्य के पदों के लिए चयन-संबंधी।

1. अधिकरण:- (अधिकरण का नाम) _____ अधिकरण, _____ अधिनियम के अंतर्गत स्थापित एक अपीलीय अधिकरण है जो अधिनियम _____ के तहत विभिन्न अपीलों की सुनवाई करता है। _____ का मुख्यालय _____ में स्थित है तथा इसके क्षेत्रीय न्यायपीठ में स्थित हैं। सदस्य, को चयन के पश्चात इनमें से किसी भी स्थान पर तैनात किया जा सकता है।

2. रिक्ति:- निम्नलिखित विद्यमान और _____ प्रत्याशित रिक्तियों के लिए आवेदन आमंत्रित किए जा रहे हैं।

पद	स्थान	रिक्ति की शारीख

3. योग्यता:- अभ्यर्थी की नियुक्ति के लिए योग्यताएं, पात्रता, वेतन और अन्य निबंधन व शर्तें, अधिकरण (संचा की शर्तें) नियम, 2021 के प्रावधानों के अधीन होंगी

4. चयन की प्रक्रिया:- उक्त पद पर नियुक्ति के लिए नामों की सिफारिश करने के लिए अधिकरण मुखार अधिनियम, 2021 के तहत गठित खोज मह- चयन समिति, अभ्यर्थियों की योग्यता और अनुभव को समुचित महत्व देने हुए पदों के लिए आवेदन की उपयुक्तता के संबंध में आवेदनों की छानबीन करेगी और वैयक्तिक परस्पर विचार-विमर्श करने के लिए अभ्यर्थियों को चुनेगी। योग्यता, अनुभव और वैयक्तिक विचार-विमर्श के आधार पर समिति द्वारा व्यापक मूल्यांकन के आधार पर अंतिम चयन किया जाएगा।

5. आवेदन की प्रक्रिया:- योग्य और इच्छुक अधिकारियों के आवेदन उचित माध्यम (जहां कहीं लागू हो) द्वारा आमंत्रित किए जाते हैं और जिसके साथ (i) अनुबंध- I पर दिए प्रपत्र में जीवन वृत्त (ii) अनुबंध - II में दिए गए नियोक्ता/कार्यालयध्यक्ष/अपेपण प्राधिकारी द्वारा दिए जाने वाला प्रमाणपत्र (iii) अधिकारी के अद्यतन सीआर/एपीएआर की स्पष्ट प्रतिलिपियां जिनमें किसी समूह 'क' अधिकारी द्वारा विधिवत प्रमाणित पिछले पांच वर्षों की सीआर/एपीएआर

	आवासीय		अधिकारिक
	वर्तमान	स्थायी	
पता			
मोबाईल/फोन नं.			
ईमेल:			

6. संवर्ग/सेवा (जहाँ कहीं लागू हो)

7. शैक्षिक योग्यता (उत्क्रम कालानुक्रम में)

क्रम.संख्या	विश्व विद्यालय /समवक्ष संस्थान का नाम	डिग्री	उत्तीर्ण करने का वर्ष	प्राप्त अंकों का प्रतिशत (%)	शैक्षणिक योग्यता	विषय/विशेषज्ञता

8. कार्य का अनुभव:

8क) वर्तमान रोजगार में शुरू करते हुए कालानुक्रम में कर्मचारी के रूप में अनुभव का रिकॉर्ड, उत्क्रम में बताएं:

क्रम. संख्या	नियोजक का नाम एवं पता (सरकार/पीएसयू/मंत्रालय/विभाग/कोई अन्य)	पदनाम/वेतन या वेतनमान (वेतन मैट्रिकम में वेतन)*	सेवा की अवधि		कार्य की प्रकृति/अनुभव
			दिनांक से	तक	

*साथ ही ऊपर क्रम सं. दर्शाएं जो अपर सचिव/जिला न्यायाधीश/अपर जिला न्यायाधीश/मेजर जनरल (अर्हता के तहत जैसा भी लागू हो) अथवा उससे ऊपर के समवक्ष हो।

8ख) वर्तमान वचनबद्धता में शुरू करते हुए कालानुक्रम में पेशेवर अनुभव का रिकॉर्ड, उत्क्रम में बताएं

क्रम. संख्या	व्यवसाय का विवरण	सेवा की अवधि		किए गए कार्य की प्रकृति*
		से	तक	

*जैसे प्रशासन /सेवा मामले /न्यायिक अथवा अर्ध-न्यायिक /दांडिक /मिथिल /कर-निर्धारण /कंपनी मामले /पर्यावरण संबंधी मामले /वित्त /लेखा /अर्थशास्त्र /व्यवसाय /वाणिज्य /प्रबंधन /सार्वजनिक मामले अथवा कोई अन्य, जैसा भी लागू हो/ सरकार के साथ नियोजन, यदि कोई हो, को दर्शाया जाए।

अनुलग्नक-II

नियोक्ता/कार्यालय प्रमुख/अप्रेषण प्राधिकारी द्वारा दिया जाने वाला प्रमाणपत्र

1. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी _____ द्वारा दिया गया विवरण सही है तथा उनके पाम अनुबंध- I में उल्लिखित शैक्षणिक योग्यताएं और अनुभव हैं।
2. यह भी प्रमाणित किया जाता है कि उनके विरुद्ध कोई सतर्कता/अनुशासनात्मक मामला लंबित या विचाराधीन नहीं है और सीपीओ द्वारा संलग्न अनुलग्नक (III) में सतर्कता मंजूरी जारी की गई है।
3. उनका/उनकी सत्यनिष्ठा प्रमाणित की गई है।
4. पिछले 10 वर्षों की अवधि के दौरान श्री/श्रीमती/कुमारी _____ पर कोई संकीर्ण या मामूली जुर्माना नहीं लगाया गया।
5. पिछले वर्षों के एसीआर/एपीएआर के नवीनतम माध्यांकित फोटोस्टेट प्रतियां (एसीआर/एपीएआर की प्रत्येक फोटोस्टेट प्रति माध्यांकित होनी चाहिए) श्री/श्रीमती/कुमारी के संबंध _____ के संबंध में इसके साथ संलग्न है।

संवर्ग नियंत्रण प्राधिकारी की मुहर एवं हस्ताक्षर

अनुलग्नक-III

उस अधिकारी का विवरण जिसके लिए सतर्कता निकासी मांगी जा रही है।
(मुख्य सतर्कता अधिकारी अथवा विभाग के प्रमुख द्वारा हस्ताक्षर सहित दिया जाता)

1. अधिकारी का नाम (पूरा नाम) :
2. पिता का नाम :
3. जन्म तिथि :
4. सेवा निवृत्ति की तारीख :
5. सेवा में प्रवेश की तारीख :
6. अधिकारी किस सेवा से संबंधित है, (जिसमें, वेच/वर्ष/संवर्ग आदि जहाँ कहीं लागू हो, बताया जाए) :
7. श्रारित पद (पूर्ववर्ती दस वर्षों के दौरान) :

क्र.सं.	संगठन (पूरा नाम)	पदनाम तथा तैनाती का स्थान	संबंधित प्रशासनिक/नोडल मंत्रालय/विभाग का नाम (पीएमयू आदि के अधिकारियों के मामले में)	से	तक

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 15th September, 2021

G.S.R. 635 (E).—In exercise of the powers conferred by section 3 of the Tribunal Reforms Act, 2021 (33 of 2021) and in supersession of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

CHAPTER I
PRELIMINARY**1. Short title, commencement and application.—**

- (1) These rules may be called the Tribunal (Conditions of Service) Rules, 2021.
- (2) Save as provided in these rules, they shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall apply to the Chairperson and Member of the Tribunal as specified in column (2) of the First Schedule of the Tribunal Reforms Act, 2021 (33 of 2021).

2. Definitions.— In these rules, unless the context otherwise requires, - (a) "Act" means an Act specified in column (3) of the First Schedule to the Tribunal Reforms Act, 2021 (33 of 2021);

- (b) "Chairperson" shall have the same meaning as assigned to it in clause (a) of the section 2 of the Act;
- (c) "Committee" means the Search-cum-Selection Committee referred to in sub-section (3) of section 3 of the Act;
- (d) "Member" shall have the same meaning as assigned to it in clause (b) of the section 2 of the Act;
- (e) "Tribunal" shall have the same meaning as assigned to it in clause (c) of section 2 of the Act;
- (f) words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the respective Acts.

CHAPTER II
APPOINTMENT OF CHAIRPERSON AND MEMBER

3. Qualifications.— (1) In case of Industrial Tribunal under the Industrial Disputes Act, 1947 (14 of 1947), a person shall not be qualified for appointment as *Presiding Officer*, unless he,-

- (a) is, or has been, a Judge of a High Court; or
- (b) has, for a combined period of ten years, been a District Judge and Additional District Judge.

(2) In case of Income-tax Appellate Tribunal under the Income-tax Act, 1961 (43 of 1961), a person shall not be qualified for appointment as :-

- (a) *President* unless he is a sitting or retired Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court or a Vice-President of the Income-tax Appellate Tribunal;
- (b) *Vice-President*, unless he has been a Member; and
- (c) *Judicial Member*, unless,—
 - (i) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (ii) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or
 - (iii) he has been an advocate for ten years with substantial experience in litigation under Income-tax laws in Income-tax Appellate Tribunal, High Court or Supreme Court;
- (d) *Accountant Member*, unless,—
 - (i) he has for twenty-five years been in the practice of accountancy,—
 - (A) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or
 - (B) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or

(6) In case of Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987), a person shall not be qualified for appointment as,-

- (a) *Chairman*, unless he, -
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a period of not less than three years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be.
- (b) *Vice-Chairman (Judicial)*, unless he, -
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
 - (iii) has, for two years, held a civil judicial post carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India; or
 - (iv) has, for a period of not less than three years, held office as a Judicial Member.
- (c) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, -
 - (i) has, for a period of not less than three years, held office as a Technical Member; or
 - (ii) has, for two years, held a post under a railway administration carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways.
- (d) A person shall not be qualified for appointment as a Judicial Member, unless he, -
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in claim settlements pertaining to damage to life and property in Railway Claims Tribunal, High Court or Supreme Court.
- (e) A person shall not be qualified for appointment as a Technical Member unless he is a person of ability, integrity and standing having special knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways of not less than twenty-five years.

(7) In case of Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992), a person shall not be qualified for appointment as,-

- (a) *Presiding Officer* unless he is, or has been, a Judge of the Supreme Court or a Chief Justice of a High Court;
- (b) *Judicial Member* unless, -
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been an advocate for ten years with substantial experience in litigation in matters relating to financial sector before Securities Exchange Board of India, Securities Appellate Tribunal, High Court or Supreme Court.
- (c) *Technical Member* unless, -
 - (i) has held the post of Additional Secretary in the Ministry or Department of the Central Government or any equivalent or higher post in the Central Government or a State Government; or
 - (ii) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in financial sectors including securities market or pension funds or commodity derivatives or insurance;

Provided that a Member or Part time Member of the Board or the Insurance Regulatory and Development Authority or the Pension Fund Regulatory and Development Authority, or any person at senior management level equivalent to Executive Director in the Board or in such Authorities, shall not be appointed as Presiding Officer or Member of the Securities Appellate Tribunal, during his service or tenure

finance, accountancy, management, industry, public affairs, administration or any other matter which is useful to the National Consumer Disputes Redressal Commission.

(13) In case of Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he,—
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to power sector before Central Electricity Regulatory Commission, State Electricity Regulatory Commission, Appellate Tribunal for Electricity, High Court or Supreme Court.
- (c) *Technical Member* unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in matters dealing with electricity generation, transmission, distribution, regulation, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which is useful to the Appellate Tribunal.

(14) In case of Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, -
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, a Chief Justice of a High Court.
- (b) *Judicial Member* unless he is-
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.
- (c) *Administrative Member*, unless he, -
 - (i) has held or has been holding the rank of Major General or above for a total period of three years in the Army or equivalent rank in the Navy or the Air Force; or
 - (ii) has served for not less than one year as Judge Advocate General in the Army or the Navy or the Air Force, and is not below the rank of Major General, Commodore and Air Commodore respectively; or
 - (iii) is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than thirty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter useful to the Armed Forces Tribunal.

(15) In case of National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010), a person shall not be qualified for appointment as,-

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Judicial Member*, unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or

CHAPTER III
RESIGNATION OR REMOVAL OF CHAIRPERSON OR MEMBER

8. Resignation.— Chairperson or Member may, by writing under his hand addressed to the Central Government, resign his office at any time:

Provided that the Chairperson or Member shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is earlier.

9. Procedure for inquiry into complaints.— (1) Where a written complaint alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairperson or Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) Where, on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Chairperson or Member, it shall make a reference to the Committee.

(3) The Committee shall conduct an inquiry or cause an inquiry to be conducted by a person who is, or has been, a -

(a) Judge of Supreme Court or Chief Justice of a High Court, where the inquiry is against a Chairperson; or

(b) Judge of a High Court, where the inquiry is against a Member.

(4) The inquiry shall be completed within such time or such further time as may be specified by the Central Government preferable within six months.

(5) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(6) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

CHAPTER IV
SALARY AND ALLOWANCES

10. Salary.— (1) The Chairperson, except for the Presiding Officer of Debts Recovery Tribunal and Presiding Officer of the Industrial Tribunal shall, be paid a salary of Rs. two lakh fifty thousand (fixed) per month.

(2) The Member shall be paid a salary of Rs. two lakh twenty- five thousand per month.

(3) A Presiding Officer of the Debts Recovery Tribunal or a Presiding Officer of the Industrial Tribunal constituted by the Central Government shall be paid a salary in the pay level of Rs. 1,44,200 – 2,18,200.

(4) In case of a person appointed as the Chairperson, or Member, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

11. Allowances.— (1) The Chairpersons and Members shall be entitled to draw allowances and benefits as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(2) Notwithstanding anything contained in sub-rule (1), with effect from the 1st January, 2021, the Chairperson or Members shall have option to avail of accommodation to be provided by the Central Government as per the rules for the time being in force or shall be eligible for reimbursement of house rent subject to a limit of -

(a) one lakh fifty thousand rupees per month in case of Chairperson, except for the Presiding Officer of Debts Recovery Tribunal and Presiding Officer of the Industrial Tribunal; and

(b) one lakh twenty-five thousand rupees per month in case of Members of Tribunals and Presiding Officers of Debts Recovery Tribunal and the Industrial Tribunal.

FORM I

(See rule 4)

[Format for vacancy circular including the format for application]

F. No. _____

Government of India

Ministry of _____

Department of _____

Room No. _____

New Delhi-110001

Dated, the _____

Vacancy Circular**Subject: - Selection for the posts of Chairperson/Member in _____ Tribunal-reg.**

1. **Tribunal:** - The _____ (Name of the Tribunal) Tribunal is an Appellate authority established under _____ Act, _____ to hear various appeals under the _____ Act, _____. headquarter is situated at _____ and its regional Benches are situated at _____. A Member, upon selection, may be posted at any of these places.

2. **Vacancy:** - Applications are being invited for the following existing and ____ anticipated vacancies:

Post	Place	Date of Vacancy

3. **Qualification:** - The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunal (Conditions of Service) Rules, 2021.

4. **Procedure for selection:** - The Search-Cum-Selection Committee constituted under the Tribunal Reforms Act 2021 for recommending names for appointment to the said post shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.

5. **Application Procedure:** - Applications of eligible and willing officers are requested through proper channel (wherever applicable) and are accompanied with (i) bio-data in the proforma at Annexure-I (ii) Certificate to be furnished by the employer/ head of office/ forwarding authority as in Annexure-II (iii) clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer (iv) cadre clearance (v) integrity certificate/clearance from vigilance and disciplinary angle as in Annexure-III (vi) statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years, to the following address, so as to reach this office latest by _____ :-

[Name and Address]

	Residential		Official
	Present	Permanent	
Address:			
Mobile/Phone No.			
Email:			

6. Cadre/Service [Wherever applicable] :

7. Educational qualification (in reverse chronological order):

Sl. No.	Name of University/ Equivalent Institution	Degree	Year of passing	Division/ % of marks obtained	Academic Distinction	Subject/ Specialization

8. Work Experience:

8A. For the experience as employee, Employment record in chronological order starting with present Employment, list in reverse:

Sl. No.	Name & address of employer (Govt./PSU/Ministry/ Department/any other	Designation, Pay or Scale of pay (Pay in Pay Matrix)*	Period of Service		Nature of work/ experience
			From	To	

*Also indicate Sl. No. in above, which is equivalent to Additional Secretary/District Judge/Additional District Judge/Major General (as applicable under the qualification) or above

8B. For the experience as Professional record in chronological order starting with present Engagement, list in reverse:

Sl. No.	Details of Profession	Period of Service		Nature of work done*
		From	To	

*Such as Administration /Service matters /Judicial or Quasi-Judicial /Criminal /Civil /Taxation /Company Affairs /Environmental matters /Finance /Accountancy /Economics /Business /Commerce /Management /Public Affairs or any other as may be applicable. Engagement with Government, if any, may be indicated.

3. I shall not decline the appointment, if selected for appointment by the ACC.
4. I shall join within 30 days from the date of issue of order of appointment.
5. I am aware that in case I violate any of the conditions mentioned at Sl.No.2 to 4, the Government of India is likely to debar me for a period of three years for consideration for appointment outside the cadre and in any Autonomous Body/Statutory Body/Regulatory Body.

Place :

Date:

Signature of the candidate

Annexure-II

**CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF
OFFICE/FORWARDING AUTHORITY**

1. Certified that the particulars furnished by Shri/Smt/Kum-----are correct and he/she possesses educational qualifications and experience mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being contemplated against him/her and vigilance clearance issued by CVO in the enclosed Annexure (III).
3. His/her integrity is certified.
4. No major or minor penalty was imposed on Shri/Smt/Kum-----during the last 10 years period.
5. The up-to-date attested Photostat copies of ACR/APAR of last years (each Photostat copy of ACR/APAR should be attested) in respect of Shri/Smt/Kum-----in enclosed herewith.

Seal & Signature of the cadre controlling Authority

Annexure-III**PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT**

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Fathers name :
3. Date of Birth :
4. Date of Retirement :
5. Date of entry into service :

FORM II*(See rule 17)***Form of Oath of Office for Chairperson/ Member of the (Name of the Tribunal)**

I, A. B., having been appointed as Chairperson/ Member of the (Name of the Tribunal) do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/ Member (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of

FORM III*(See rule 17)***Form of Oath of Secrecy for Chairperson/ Member of the (Name of Tribunal)**

I, A. B., having been appointed as the Chairperson /Member of the (Name of Tribunal), do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Chairperson/ Member/ of the said (Name of Tribunal) except as may be required for the due discharge of my duties as the Chairperson/Member.

[F. No. A.50050/9/2016-Ad.1C (CESTAT) (Pt-1)]

RITVIK PANDEY, Jt. Secy.

Explanatory Memorandum

Rule 11 gives retrospective operation from the 1st January, 2021, in order to give effect to the judgment of the Hon'ble Supreme Court of India in W.P(C) No. 804 of 2020. It is certified that no person is adversely affected by giving such retrospective operation.


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228989
CG-DL-E-13082021-228989

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/श्रावण 22, 1943 (शक)
No. 45] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021 / Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

An Act further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Tribunals Reforms Act, 2021.

(2) It shall be deemed to have come into force on the 4th April, 2021.

Short title and
commencement.

(iv) such other Tribunals as may be notified by the Central Government, in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary:

Provided that the Search-cum-Selection Committee for a State Administrative Tribunal shall consist of—

(a) the Chief Justice of the High Court of the concerned State—Chairman;

(b) the Chief Secretary of the concerned State Government—Member;

(c) the Chairman of the Public Service Commission of the concerned State—Member;

(d) one Member, who—

(i) in case of appointment of a Chairman of the Tribunal, shall be the outgoing Chairman of the Tribunal; or

(ii) in case of appointment of a Member of the Tribunal, shall be the sitting Chairman of the Tribunal; or

(iii) in case of the Chairman of the Tribunal seeking re-appointment, shall be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State:

Provided that such Member shall always be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State, if the Chairperson or the outgoing Chairperson of the State Administrative Tribunal, as the case may be, is not a retired Chief Justice or Judge of a High Court:

(e) the Secretary or the Principal Secretary of the General Administrative Department of the concerned State—Member-Secretary.

(4) The Chairperson of the Search-cum-Selection Committee shall have the casting vote.

(5) The Member-Secretary of the Search-cum-Selection Committee shall not have any vote.

(6) The Search-cum-Selection Committee shall determine the procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Search-cum-Selection Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations made by that Committee, preferably within three months from the date of such recommendation.

(8) No appointment shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

4. The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Chairperson or a Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such Chairperson or Member; or

Removal of
Chairperson or
Member of
Tribunal

CHAPTER IV

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

9. In the Cinematograph Act, 1952,—

Amendment
of Act 37 of
1952

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word "Tribunal", at both the places where it occurs, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words and brackets "or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)" shall be omitted;

(e) in sections 7A and 7C, for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(f) in sections 7D, 7E and 7F, the words "the Tribunal," wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j) and (k) shall be omitted.

CHAPTER V

AMENDMENTS TO THE COPYRIGHT ACT, 1957

10. In the Copyright Act, 1957,—

Amendment
of Act 14 of
1957

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

'(fa) "Commercial Court", for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015';

(iii) for clause (u), the following clause shall be substituted, namely:—

'(u) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act';

(b) in section 6,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) the words and figures "constituted under section 11 whose decision thereon shall be final" shall be omitted;

(c) in Chapter II, in the Chapter heading, the words "AND APPELLATE BOARD" shall be omitted;

(d) sections 11 and 12 shall be omitted;

(b) in section 28E.A, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28K.A,—

(i) in sub-section (1), for the words "Appellate Authority", at both the places where they occur, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words "or Appellate Authority", wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words "and Appellate Authority" shall be omitted;

(ii) sub-section (2) shall be omitted;

(g) in section 129, in sub-section (7), for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017

CHAPTER VIII

AMENDMENTS TO THE PATENTS ACT, 1970

13. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1)—

(i) clause (a) shall be omitted;

(ii) in clause (a), sub-clause (B) shall be omitted;

(b) in section 52, the words "Appellate Board or", wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words "the Appellate Board or", wherever they occur, shall be omitted;

(ii) the words "as the case may be" shall be omitted;

(d) in section 59, the words "the Appellate Board or" shall be omitted;

(e) in section 64, in sub-section (1), the words "by the Appellate Board" shall be omitted;

(f) in section 71, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 76, the words "or Appellate Board" shall be omitted;

(h) in section 113,—

(i) in sub-section (1)—

(A) the words "the Appellate Board or", wherever they occur, shall be omitted;

(B) the words "as the case may be" shall be omitted;

(ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;

Amendment
of Act 39 of
1970.

CHAPTER XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

18. In the Recovery of Debts and Bankruptcy Act, 1993,—

Amendment
of Act 51 of
1993.

7 of 2017 (a) in section 6A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted;

7 of 2017 (b) in section 15A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XIV

AMENDMENTS TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

19. In the Airports Authority of India Act, 1994,—

Amendment
of Act 55 of
1994.

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word "Tribunal", at both the places where it occurs, the words "Central Government" shall be substituted;

(c) sections 28-I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words "Tribunal in such form as may be prescribed", the words "High Court" shall be substituted;

(B) in the proviso, for the word "Tribunal", the words "High Court" shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words "or the Tribunal" shall be omitted;

(g) in section 28N, in sub-section (2), for the word "Tribunal", the words "High Court" shall be substituted;

(h) in section 33, the words "or the Chairperson of the Tribunal" shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER XV

AMENDMENT TO THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

7 of 2017 20. In section 14GA of the Telecom Regulatory Authority of India Act, 1997, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 24 of
1997.

(p) in section 98, for the words "Appellate Board" or "Board", wherever they occur, the words "High Court" shall be substituted;

(q) sections 99 and 100 shall be omitted;

(r) in section 113,—

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(s) in section 123, the words "and every Member of the Appellate Board" shall be omitted;

(t) in sections 124 and 125, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(u) in section 130, the words "the Appellate Board or" shall be omitted;

(v) in section 141, for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(w) in section 144, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(x) in section 157, in sub-section (2),—

(i) clauses (xxvi) and (xxvii) shall be omitted;

(ii) in clause (xxviii), for the words "Appellate Board", the words "High Court" shall be substituted.

CHAPTER XVII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

22. In the Geographical Indications of Goods (Registration and Protection) Act, 1999,—

Amendment
of Act 48 of
1999.

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 23, for the words "and before the Appellate Board before which", the words "before whom" shall be substituted;

(d) in section 27,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(f) in section 31,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(b) in section 89, the words "or the Tribunal" shall be omitted.

CHAPTER XIX

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

24. In the Control of National Highways (Land and Traffic) Act, 2002,—

Amendment
of Act 15 of
2003.

(a) in section 2,—

(i) clause (c) shall be omitted;

(ii) after clause (d), the following clause shall be inserted, namely:—

'(da) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;'

(iii) clause (f) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words "AND TRIBUNALS, ETC." shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

"14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court."

Appeal

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words "or every order passed or decision made on appeal under this Act by the Tribunal" shall be omitted;

(ii) the words "or Tribunal" shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XX

AMENDMENT TO THE ELECTRICITY ACT, 2003

25. In section 117A of the Electricity Act, 2003, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 36 of
2003

7 of 2017

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

26. In section 9A of the Armed Force Tribunal Act, 2007, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the

Amendment
of Act 55 of
2007.

7 of 2017

33. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Second Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional provisions

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Second Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

43 of 1961.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the court before which it would have been filed had this Act been in force on the date of filing of such appeal or application or initiation of the proceeding, and the court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or *de novo*, as the court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties

Provided that no such order shall be made after the expiry of a period of three years from the notified date.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Ord. 2 of 2021.

35. (1) The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby repealed.

Repeal and saving

37 of 1952.
14 of 1957.
52 of 1962.
39 of 1970.
55 of 1994.
47 of 1999.
48 of 1999.
53 of 2001.
13 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Cinematograph Act, 1952, the Copyright Act, 1957, the Customs Act, 1962, the Patents Act, 1970, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999, the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Protection of Plant Varieties and Farmers' Rights Act, 2001 and the Control of National Highways (Land and Traffic) Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

THE SECOND SCHEDULE

(See section 33)

1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (55 of 1994).
4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.