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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: jaggrahakjago.gov.in/ncdrc 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.

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- (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

Annexure-II

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)



भारत का राजपत्र The Gazette of India

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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) 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.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(b) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member of a Tribunal;

(c) "notified date" means the 4th April, 2021;

(d) "Schedule" means the Schedule appended to this Act;

(e) "Tribunal" means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the First Schedule.

CHAPTER II

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNAL

Qualifications,
appointment,
etc., of
Chairperson
and Members
of Tribunal.

3. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Central Government may, by notification in the Official Gazette, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and other conditions of service of the Chairperson and Member of a Tribunal after taking into consideration the experience, specialisation in the relevant field and the provisions of this Act:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member.

(2) The Chairperson and the Member of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee, except for the State Administrative Tribunal, shall consist of—

(a) a Chairperson, who shall be the Chief Justice of India or a Judge of Supreme Court nominated by him;

(b) two Members, who are Secretaries to the Government of India to be nominated by that Government;

(c) one Member, who—

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

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

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India:

Provided that in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947;

14 of 1947.

(ii) Debt Recovery Tribunal and Debt Recovery Appellate Tribunal established under the Recovery of Debts and Bankruptcy Act, 1993;

51 of 1993.

(iii) where the Chairperson or the outgoing Chairperson, as the case may be, of a Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(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.

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Term of office of Chairperson and Member of Tribunal.

5. Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date, and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment, subject to a maximum term of office of five years.

Eligibility for re-appointment.

6. (1) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this Act:

Provided that, in making such re-appointment, preference shall be given to the service rendered by such person.

(2) All re-appointments shall be made in the same manner as provided in sub-section (2) of section 3.

Salary and allowances.

7. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for the salary of the Chairperson and Member of a Tribunal and they shall be paid allowances and benefits to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided that, if the Chairperson or Member takes a house on rent, he may be reimbursed a house rent higher than the house rent allowance as are admissible to a Central Government officer holding the post carrying the same pay, subject to such limitations and conditions as may be provided by rules.

(2) Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or Member of the Tribunal may be varied to his disadvantage after his appointment.

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

8. In section 7D of the Industrial Disputes Act, 1947, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

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;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(f) in section 50, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 53A,—

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

(ii) in sub-section (2), the words "and the decision of the Appellate Board in this behalf shall be final" shall be omitted;

(h) in section 54, for the words "Appellate Board", the words "Commercial Court" shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

"72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded."

(j) in sections 74 and 75, the words "and the Appellate Board", wherever they occur, shall be omitted;

(k) in section 77, the words "and every member of the Appellate Board" shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (c4) and (ccB) shall be omitted;

(ii) in clause (f), the words "and the Appellate Board" shall be omitted.

CHAPTER VI

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment
of Act 43 of
1961.

11. In section 252A of the Income-tax Act, 1961, 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 VII

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment
of Act 52 of
1962.

12. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

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

(d) in section 28KA,—

(i) in sub-section (J), 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 (J),—

(i) clause (a) shall be omitted;

(ii) in clause (u), 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 (J), 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 (J),—

(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.

(i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(i) in sub-section (1), the words "or the Appellate Board", at both the places where they occur, shall be omitted;

(ii) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER IX

AMENDMENT TO THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

Amendment
of Act 13 of
1976.

14. In section 12A of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, 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 X

AMENDMENT TO THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Amendment
of Act 13 of
1985.

15. In section 10B of the Administrative Tribunals Act, 1985, 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 XI

AMENDMENT TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment
of Act 54 of
1987.

16. In section 9A of the Railway Claims Tribunal Act, 1987, 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 XII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Amendment
of Act 15 of
1992.

17. In section 15QA of the Securities and Exchange Board of India Act, 1992, 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 XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

18. In the Recovery of Debts and Bankruptcy Act, 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;

Amendment
of Act 51 of
1993.

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,—

(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 (I),—

(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.

Amendment
of Act 55 of
1994.

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.

CHAPTER XVI

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment
of Act 47 of
1999.

21. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1),—

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

'(s) "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 10, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 26, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(d) in section 46, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in section 47, —

(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", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(f) in section 55, in sub-section (1), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(g) in section 57, —

(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;

(h) in section 71, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(i) in Chapter XI, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

"94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members shall not appear before the Registrar.;"

(n) sections 95 and 96 shall be omitted;

(o) in section 97, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

Bar to
appear before
Registrar.

(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 (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), 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;

(h) in sections 34 and 35, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(i) section 36 shall be omitted;

(j) in section 48,—

(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;

(k) in sections 57 and 58, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) in section 63, the words "the Appellate Board or" shall be omitted;

(m) in section 72, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) in section 75, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(o) in section 87, in sub-section (2), clause (n) shall be omitted.

CHAPTER XVIII

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Amendment
of Act 53 of
2001.

23. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(a) in section 2,—

(i) clauses (d), (n) and (o) shall be omitted;

(ii) for clause (g), the following clause shall be substituted, namely:—

'(g) "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;'

(iii) clauses (y) and (z) shall be omitted;

(b) in section 44, the words "or the Tribunal" shall be omitted;

(c) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(d) sections 54 and 55 shall be omitted;

(e) in section 56,—

(i) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

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

(f) in section 57,—

(i) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(ii) sub-section (5) shall be omitted;

(g) sections 58 and 59 shall be omitted;

(h) 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 13 of
2003.

(a) in section 2,—

(i) clause (a) shall be omitted;

(ii) after clause (a), 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 (l) 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

7 of 2017. 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.

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

7 of 2017. 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.

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 XXII

AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

27. In section 10A of the National Green Tribunal Act, 2010, 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 XXIII

AMENDMENT TO THE COMPANIES ACT, 2013

Amendment
of Act 18 of
2013.

28. In section 417A of the Companies Act, 2013, 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 XXIV

AMENDMENT TO THE FINANCE ACT, 2017

Amendment
of Act 7 of
2017.

29. In the Finance Act, 2017, sections 183 and 184 and the Eighth Schedule shall be omitted.

CHAPTER XXV

AMENDMENT TO THE CONSUMER PROTECTION ACT, 2019

Amendment
of Act 35 of
2019.

30. In section 55 of the Consumer Protection Act, 2019, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the National Commission appointed after the commencement of the Tribunal Reforms Act, 2021, shall be governed by the provisions of the said Act."

CHAPTER XXVI

MISCELLANEOUS

Power to
amend the
Schedule.

31. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification published in the Official Gazette, amend the Schedule and thereupon, the said Schedule shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is issued.

Rules to be
laid before
Parliament.

32. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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 FIRST SCHEDULE

[See section 2(e)]

Sl. No.	Tribunal/Appellate Tribunal/Board/ Authority	Acts
(1)	(2)	(3)
1.	Industrial Tribunal constituted by the Central Government	The Industrial Disputes Act, 1947 (14 of 1947)
2.	Income-tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
3.	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
4.	Appellate Tribunal	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)
5.	Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
6.	State Administrative Tribunals	The Administrative Tribunals Act, 1985 (13 of 1985)
7.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
8.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
9.	Debts Recovery Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
10.	Debts Recovery Appellate Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
11.	Telecom Disputes Settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
12.	National Company Law Appellate Tribunal	The Companies Act, 2013 (18 of 2013)
13.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)
14.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
15.	Armed Forces Tribunal	The Armed Forces Act, 2007 (55 of 2007)
16.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010).

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.


सत्यमेव जयते

भारत का राजपत्र

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(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 उपबंधित 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 स्तंभ (2) में यथाविनिर्दिष्ट अधिकरण के अध्यक्ष और सदस्य को लागू होंगे।

2. परिभाषाएं—

इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से अधिकरण सुधार अधिनियम, 2021 (2021 का 33) की पहली अनुसूची के स्तंभ (3) में में विनिर्दिष्ट कोई अधिनियम अभिप्रेत है;
- (ख) "अध्यक्ष" का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (क) में है;
- (ग) "समिति" से अधिनियम की धारा 3 की उपधारा (3) में निर्दिष्ट खोज-सह-चयन समिति अभिप्रेत है ;
- (घ) "सदस्य" का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (ख) में है;
- (ङ) "अधिकरण" का वही अर्थ है, जो अधिनियम की धारा 2 की उपधारा (ड.) में है;
- (च) उन शब्दों और पदों के, जो उसमें प्रयुक्त हैं और परिभाषित नहीं हैं, किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे, जो उस अधिनियम में हैं ।

अध्याय 2**अध्यक्ष और सदस्य की नियुक्ति**

3. अर्हताएं—(1) औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के अधीन औद्योगिक अधिकरण की दशा में, कोई व्यक्ति पीठासीन अधिकारी 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) दस वर्ष की सम्पत्तित अवधि के लिए जिला न्यायाधीश या अपर जिला न्यायाधीश न रह चुका हो ।
- (2) आय-कर अधिनियम, 1961 (1961 का 43) के अधीन आय-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 वह किसी उच्च न्यायालय का वर्तमान या सेवानिवृत्त न्यायाधीश न हो और जो किसी उच्च न्यायालय में एक न्यायाधीश के रूप में कम से कम सात वर्ष की सेवा न की हो या आय-कर अपील अधिकरण का उपाध्यक्ष न रह चुका हो;
- (ख) उपाध्यक्ष के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह सदस्य न रह चुका हो ; और
- (ग) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—
- (i) वह दस वर्ष की सम्पत्तित 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 रहा हो या दो वर्ष की अवधि के लिए अपर सचिव या कोई समतुल्य या उच्चतर पद धारित न किया हो ; या
- (iii) आय-कर अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में आय-कर विधियों के अधीन मुकदमें में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;
- (घ) लेखा सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि,—
- (i) वह लेखा-कर्म में पच्चीस वर्ष का अनुभव न रखता हो,—
- (अ) चार्टर्ड अकाउन्टेन्ट अधिनियम, 1949 (1949 का 38) के अधीन चार्टर्ड अकाउन्टेन्ट न रह चुका हो ; या
- (आ) पूर्ववर्ती प्रवृत्त किसी विधि के अधीन पंजीकृत लेखापाल; या भागतः उक्त पंजीकृत लेखापाल और भागतः चार्टर्ड अकाउन्टेन्ट न रह चुका हो ; या

(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 ;

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

(घ) केंद्रीय प्रशासनिक अधिकरण, सशस्त्र बल अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में सेवा मामलों के मुकदमें में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ग) प्रशासनिक सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह भारत सरकार के अपर सचिव या केंद्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद धारित न कर चुका हो और ऐसा वेतनमान धारित न कर रहा हो, जो भारत सरकार के अपर सचिव के वेतनमान से कम न हो :

परंतु अखिल भारतीय सेवा के वे अधिकारी, जो किसी निम्नतर पद के लिए केंद्रीय प्रतिनियुक्ति पर थे या हैं, वे उस तारीख से, जिस तारीख से ऐसे अधिकारी प्रोफार्मा प्रोन्नति या वास्तविक प्रोन्नति प्रदान की गई थी, जो अपर सचिव के स्तर से पूर्वतर है, अपर सचिव के पद को धारित किया हुआ समझा जाएगा और ऐसी तारीख के पश्चात् केंद्रीय प्रतिनियुक्ति पर व्यतीत अवधि इस खंड के प्रयोजन के लिए अर्हक सेवा के रूप में गणना की जाएगी।

(6) रेल दावा अधिकरण अधिनियम, 1987 (1987 का 54) के अधीन रेल दावा 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,—

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

(ii) कम से कम तीन वर्ष की अवधि के लिए, यथास्थिति, उपाध्यक्ष, न्यायिक सदस्य या तकनीकी सदस्य न रह चुका हो।

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

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

(ii) मुकदमें में दस वर्ष के अनुभव के साथ भारतीय विधिक सेवा का सदस्य न रह चुका हो और अपर सचिव या कोई समतुल्य या अन्य उच्चतर पद धारित न कर चुका हो ; या

(iii) कम से कम दो वर्ष के लिए सिविल न्यायिक पद, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो, धारित करता हो; या

(iv) कम से कम तीन वर्ष की अवधि के लिए न्यायिक सदस्य के रूप में पद धारित न कर चुका हो।

(ग) कोई व्यक्ति उपाध्यक्ष (तकनीकी) के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह,—

(i) कम से कम तीन वर्ष की अवधि के लिए तकनीकी सदस्य के रूप में पद धारित न रह चुका हो ; या

(ii) दो वर्ष की अवधि के लिए रेल प्रशासन के अधीन किसी पद को, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो, धारित न कर चुका हो और रेल से संबंधित दावे और वाणिज्यिक मामलों में नियम और प्रक्रिया तथा अनुभव में पर्याप्त ज्ञान न रखता हो।

(घ) कोई व्यक्ति, 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 ;

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

(iii) रेल दावा अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय में जीवन और संपत्ति से क्षति से संबंधित दावे के निपटारे में मुकदमें में पर्याप्त अनुभव के साथ दस वर्ष तक अधिवक्ता न रह चुका हो ;

(ङ.) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्त किए जाने के लिए तब तक अर्हित नहीं होगा, जब तक कि वह रेल से संबंधित दावे और वाणिज्यिक मामले में कम से कम पच्चीस वर्ष का नियमों और प्रक्रिया में योग्यता, सत्यनिष्ठा और विशेष ज्ञान न रखता 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 कोई 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 वित्तीय 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 वित्तीय क्षेत्रों में जिसके अंतर्गत प्रतिभूतियाँ चिन्हांकन या पेंशन निधि या वाणिज्य व्युत्पाद या वीमा 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 वित्तीय 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 वित्तीय संस्थाओं को शोध्य 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 वित्तीय संस्थाओं को शोध्य 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 वाबत 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

(क) अध्यक्ष जब तक कि वह उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का न्यायमूर्ति 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) राष्ट्रीय कंपनी विधि अधिकरण में पांच वर्ष तक न्यायिक सदस्य न रहा हो ; या

(iii) ऐसा अधिवक्ता जिसके पास राष्ट्रीय कंपनी विधि अधिकरण, राष्ट्रीय कंपनी विधि अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष कंपनी कार्य संबंधी मामलों में मुकदमेबाजी का दस वर्ष तक का पर्याप्त अनुभव न रहा हो ।

(ग) तकनीकी सदस्य, जब तक कि वह प्रमाणित योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला व्यक्ति न हों जिनके पास विधि, औद्योगिक वित्त, औद्योगिक प्रबंधन या प्रशासन, औद्योगिक पुनर्निर्माण, विनिधान, लेखा कर्म या ऐसे अन्य मामले जो राष्ट्रीय कंपनी विधि अपील अधिकरण के लिए उपयोगी हों, में कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न हो ।

(12) उपभोक्ता संरक्षण अधिनियम, 2019 (2019 का 35) के अधीन राष्ट्रीय उपभोक्ता विवाद समाधान आयोग की दशा में 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-

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

(ii) दस वर्ष की अवधि तक जिला न्यायाधीश और अपर न्यायाधीश के रूप में न रहा हो ; या

(iii) योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंधन, उद्योग, लोक कार्य, प्रशासन या ऐसे अन्य मामले जो राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के लिए उपयोगी हों, में कम से कम पच्चीस वर्ष का विशेष ज्ञान और वृत्तिक अनुभव न रहा हो ।

(13) विद्युत अधिनियम, 2003 (2003 का 36) के अधीन विद्युत अपील अधिकरण की दशा में 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) न्यायिक सदस्य, जब तक कि वह-

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

(ii) दस वर्ष की सम्मिलित अवधि तक जिला न्यायाधीश या अपर जिला न्यायाधीश के रूप में न रहा हो ; या

(iii) ऐसा अधिवक्ता जिनके पास केन्द्रीय विद्युत विनियामक आयोग, राज्य विद्युत विनियामक आयोग, विद्युत अपील अधिकरण, उच्च न्यायालय या उच्चतम न्यायालय के समक्ष विद्युत क्षेत्र संबंधी मामलों में मुकदमेबाजी का दस वर्ष का विशेष अनुभव न हो ।

(ग) तकनीकी सदस्य, जब तक कि वह योग्यता, सत्यनिष्ठा और प्रतिष्ठा वाला ऐसा व्यक्ति जिसके पास विद्युत उत्पादन, पारेषण, वितरण, विनियम, अर्थशास्त्र कारबार, वाणिज्य, विधि, वित्त, लेखा-कर्म, प्रबंधन, उद्योग, लोक कार्य, प्रशासन या ऐसे अन्य मामले जो अपील अधिकरण के लिए उपयोगी हों, में कम से कम पच्चीस वर्ष तक का विशेष ज्ञान और वृत्तिक अनुभव न हो ।

(14) सशस्त्र बल अधिनियम, 2007 (2007 का 55) के अधीन सशस्त्र जब अधिकरण की दशा में 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 न्यायामूर्ति 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 मुकदमेवाजी 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 कुल 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 से अन्यून न हो; या

(iii) कोई व्यक्ति जिसमें योग्यता, सत्यनिष्ठा 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 अनधिक 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 न्यायमूर्ति 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 मुकदमेवाजी 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 डाक्ट्रेट डिग्री और प्रख्यात राष्ट्रीय स्तरीय संस्था में वन तथा पर्यावरण (जिसके अंतर्गत प्रदूषण नियंत्रण परिसंकटमय 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 सुसंगत 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 देते 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 ।

- (2) समिति परिपत्र के प्रत्युत्तर में प्राप्त प्रत्येक आवेदन की अर्हताओं की छानबीन करेगी या कराएगी और वैक्तिक अन्योन्यक्रिया के लिए पात्र अभ्यर्थियों को ऐसी संख्या में शार्टलिस्ट कर सकेगी जैसा वह उचित समझे।
- (3) अध्यक्ष के पद के लिए समिति या तो रिक्तियों का परिपत्र जारी करा सकेगी और आवेदन मांग सकेगी और/ या नियुक्ति के लिए पात्र उपयुक्त व्यक्तियों की खोज कर सकेगी और अध्यक्ष के पद पर चयन के लिए निर्धारण कर सकेगी,
- (4) समिति अभ्यर्थी की पात्रता के संपूर्ण निर्धारण के आधार पर अपनी सिफारिशें कर सकेगी जिसके अंतर्गत उपयुक्तता पर ध्यान देने के पश्चात् वैयक्तिक अन्योन्यक्रिया के माध्यम से निर्धारण पूर्व प्रदर्शन का अभिलेख, विश्वसनीयता साथ ही साथ अधिकरण की अपेक्षाओं को ध्यान में रखते हुए न्यायनिर्णायक अनुभव भी है और अधिनियम की धारा 3 की उपधारा (7) के उपबंधों के अनुसार प्रत्येक पद के लिए जिस हेतु चयन किया जाना है दो नाम के पैनल की सिफारिश करेगी।

5. पुनर्नियुक्ति के लिए चयन -

- (1) पुनर्नियुक्ति के लिए किसी आवेदन पर उसी रीति से अधिमानतः रिक्ति परिपत्र या अन्यथा के प्रत्युत्तर में शार्ट लिस्ट किए गए सभी व्यक्तियों के साथ विचार किया जाएगा, जो रीति मूल नियुक्ति के लिए है,
- (2) किसी पद पर उपयुक्तता के लिए निर्धारण करते समय समिति पुनर्नियुक्ति चाहने वाले व्यक्तियों को अधिकरण में उनके अनुभव के लिए अतिरिक्त अधिमान देगी और ऐसा करते समय ऐसे व्यक्ति के अधिकरण के सदस्य या अध्यक्ष के रूप में कार्य करते समय प्रदर्शन का ध्यान रखेगी।
- 6. अध्यक्ष और सदस्यों की चिकित्सीय उपयुक्तता:-** कोई व्यक्ति अधिकरण के अध्यक्ष या सदस्य के रूप में नियुक्त नहीं किया जाएगा जब तक कि वह केन्द्रीय सरकार द्वारा इस संबंध में विनिर्दिष्ट किसी प्राधिकारी द्वारा चिकित्सीय रूप से उपयुक्त घोषित नहीं किया गया हो।

7. आकस्मिक रिक्ति.— (1) निम्नलिखित के पद में आकस्मिक रिक्ति की दशा में,—

- (क) अध्यक्ष की दशा में, केन्द्रीय सरकार को उपाध्यक्ष या उपसभाध्यक्ष या उपसभापति अथवा उसकी अनुपस्थिति में अधिकरण के किसी एक सदस्य को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी।
- (ख) ऋण वसूली अपील अधिकरण के अध्यक्ष की दशा में, केन्द्रीय सरकार को किसी अन्य ऋण वसूली अपील अधिकरण के अध्यक्ष को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी।
- (ग) ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी की दशा में, ऋण वसूली अधिकरण के अध्यक्ष को किसी अन्य ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी।
- (घ) राज्य प्रशासनिक अधिकरण के अध्यक्ष की दशा में, संबंधित राज्य सरकार को किसी एक सदस्य को अध्यक्ष के रूप में कार्यवहन करने के लिए नियुक्त करने की शक्ति होगी।

अध्याय 3

अध्यक्ष या सदस्य का त्यागपत्र या हटाया जाना

8. त्यागपत्र.— अध्यक्ष या सदस्य, किसी भी समय केन्द्रीय सरकार को लिखित में संबोधित करके अपने पद से त्यागपत्र दे सकेंगे:

परंतु अध्यक्ष या सदस्य जब तक कि उसे केन्द्रीय सरकार द्वारा पदमुक्त होना अनुज्ञात नहीं किया जाता है वह ऐसी सूचना की प्राप्ति की तारीख से तीन मास के अवसान तक या उत्तराधिकारी के रूप में सम्यक रूप से नियुक्त कोई व्यक्ति अपना पद धारण नहीं कर लेता अथवा उसकी पदावधि की समाप्ति तक, इनमें से जो पहले हो, पद धारण करता रहेगा।

9. शिकायतों की जांच करने के लिए प्रक्रिया.— (1) जहां केन्द्रीय सरकार द्वारा अध्यक्ष या सदस्य के संबंध में उसके पद के कृत्यों के पालन में कदाचार या असमर्थता के किसी निश्चित आरोप का अभिकथन करते हुए लिखित शिकायत प्राप्त की जाती है, तो वह ऐसी शिकायत की प्रारंभिक छानबीन करेगी।

(2) जहां प्रारंभिक छानबीन पर केन्द्रीय सरकार की यह राय है कि अध्यक्ष या सदस्य के कदाचार या असमर्थता की सत्यता की जांच करने की लिए युक्तियुक्त आधार है तो वह समिति को निर्देश करेगी।

(3) समिति जांच करेगी या किसी व्यक्ति द्वारा जांच कराएगी जो-

(क) जहां जांच अध्यक्ष के विरुद्ध है, उच्चतम न्यायालय का न्यायाधीश या उच्च न्यायालय का मुख्य न्यायमूर्ति है अथवा रहा है, या

(ख) जहां जांच सदस्य के विरुद्ध है, उच्च न्यायालय का न्यायाधीश है या रहा है।

- (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 पृथक 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 सिविल प्रक्रिया संहिता, 1908 (1908 का 5) द्वारा अधिकथित प्रक्रियाओं से वाध्य 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 संदत्त किया जाएगा।
- (2) सदस्य को 2,25,000 रुपये वेतन प्रतिमाह संदत्त 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 संदत्त 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 पास तत्समय 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 जिससे 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।

14. छुट्टी.—(1) अध्यक्ष या सदस्य प्रत्येक वर्ष की सेवा के लिए तीस अर्जित छुट्टी के हकदार होंगे ।
- (2) किसी कैलेंडर वर्ष में अध्यक्ष या सदस्यों को आठ से अधिक आकस्मिक छुट्टी प्रदान नहीं की जा सकेगी ।
- (3) छुट्टी के दौरान, छुट्टी वेतन का संदाय केन्द्रीय सिविल सेवा (छुट्टी), नियम, 1972 के नियम 40 द्वारा शासित होगी ।
- (4) अध्यक्ष या सदस्य इस शर्त के अधीन रहते हुए, उसके खाते में विद्यमान अर्जित छुट्टी की बाबत छुट्टी भुनाने का हकदार होगा कि अधिकतम छुट्टी भुनाना जिसके अंतर्गत पूर्व सेवा से सेवानिवृत्ति के समय प्राप्त रकम भी है, किसी भी दशा में केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन विहित सीमा से अधिक नहीं होगी ।
- (5) छुट्टी स्वीकृत करने वाला प्राधिकारी निम्नानुसार होगा —
- (क) सदस्य के लिए अध्यक्ष;
- (ख) अध्यक्ष की अनुपस्थिति की दशा में, राज्य प्रशासनिक अधिकरण के अध्यक्ष या राज्य प्रशासनिक के अध्यक्ष के लिए संबंधित राज्य सरकार; और
- (ग) खंड (ख) में समाविष्ट से भिन्न की दशा में अध्यक्ष की अनुपस्थिति में अध्यक्ष या सदस्य के लिए केन्द्रीय सरकार ।
- (6) केन्द्रीय सरकार अध्यक्ष या सदस्यों की विदेश यात्रा के लिए मंजूरी प्राधिकारी होगा ।

अध्याय 6

प्रकीर्ण

15. वित्तीय और अन्य हितों की घोषणा.— अध्यक्ष या सदस्य अपना पद ग्रहण करने से पहले अपनी आस्तियों और अपने दायित्वों और वित्तीय तथा अन्य हितों की घोषणा करेगा ।

16. सेवा की अन्य शर्तें.—(1) अध्यक्ष या सदस्यों की सेवा के निबंधन और अन्य शर्तों जिसके लिए इन नियमों में स्पष्ट उपाबंध नहीं बनाए गए हैं ऐसी होगी जो समूह 'क' पद धारण करने वाले भारत सरकार के समान वेतन वाले अधिकारी को अनुज्ञेय हैं ।

(2) अध्यक्ष या सदस्य उस अधिकरण की सेवाओं से सेवानिवृत्ति के पश्चात् अधिकरण के समक्ष कोई व्यवसाय नहीं करेगा ।

(3) अध्यक्ष या सदस्य अधिकरण में इन क्षमताओं में कार्य करते समय कोई माध्यम्यम् समनुदेशन नहीं करेगा ।

(4) अधिकरण का अध्यक्ष या सदस्य उस तारीख से जिसको वह पद पर बना नहीं रहता है दो वर्ष की अवधि के लिए कोई नियोजन किसी व्यक्ति जो अधिकरण के समक्ष कार्यवाहियों का पक्षकार है के प्रबंध या प्रशासन में या उससे संसक्त नियोजन स्वीकार नहीं करेगा:

परंतु इस नियम में अंतर्विष्ट कोई बात केन्द्रीय सरकार या राज्य सरकार या स्थानीय निकाय या किसी कानूनी प्राधिकरण या केन्द्रीय, राज्य अथवा प्रांतीय अधिनियम द्वारा या उसके अधीन स्थापित किसी नियम या कंपनी अधिनियम, 2013 (2013 का 18) की धारा 2 के खंड (45) में यथा परिभाषित सरकारी कंपनी के अधीन किसी नियोजन को लागू नहीं होंगे ।

17. पद और गोपनीयता की शपथ.— अध्यक्ष या सदस्य के रूप में नियुक्त किया गया प्रत्येक व्यक्ति अपना पद ग्रहण करने से पहले इन नियमों से उपाबंध प्ररूप 2 और प्ररूप 3 में पद और गोपनीयता की शपथ लेगा और हस्ताक्षर करेगा ।

प्ररूप I

(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 है। 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 तारीख

3. योग्यता:- अभ्यर्थी की नियुक्ति के लिए योग्यताएं, पात्रता, वेतन और अन्य निबंधन व शर्तें, अधिकरण (सेवा 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 सुधार अधिनियम, 2021 के तहत गठित खोज सह-चयन समिति, अभ्यर्थियों की योग्यता और अनुभव को समुचित महत्व देते 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 वृत्तांत (ii) अनुबंध - II में दिए गए नियोक्ता/कार्यालयध्यक्ष/अग्रेषण 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

शामिल हों (iv) संवर्ग सतर्कता (v) अनुबंध- III में सतर्कता एवं अनुशासनिक कोण से सत्यनिष्ठा प्रमाणपत्र/निकासी (vi) विगत दस वर्षों के दौरान अधिकारी पर लगाई गई छोटी या बड़ी शास्तियों, यदि कोई है, का विस्तृत विवरण, निम्नलिखित पते पर भेजदिया जाए, ताकि इस कार्यालय में _____ तक पहुँच जाए।

[नाम और पता]

6. साक्षात्कार/परस्पर विचार विमर्श के लिए बुलाए गए अभ्यर्थियों को कोई यात्रा भत्ता/महँगाई भत्ता देय नहीं होगा। अभ्यर्थियों को अपनी व्यवस्था स्वयं करनी होगी।
7. विज्ञापन और निर्धारित आवेदन प्रपत्र मंत्रालय/अधिकरण की वेबसाइट से डाउनलोड किया जा सकता है।
8. अंतिम तारीख के बाद प्राप्त और उपर्युक्त उल्लिखित आवश्यक अनुबंध के बिना प्राप्त आवेदन पर विचार नहीं किया जाएगा।

सभी संगठनों और उनके क्षेत्रीय कार्यालयों में विस्तार से प्रचार किया जाए ताकि शीघ्र और इष्टतम संख्या में आवेदन प्राप्त हो सकें।

(हस्ताक्षर करने वाले अधिकारी का नाम)
अवर सचिव, भारत सरकार/निदेशक

अनुलग्नक-1

प्रपत्र

उम्मीदवार द्वारा
विधिवत
हस्ताक्षर हेतु
स्थान

1. नाम :
2. जन्म तिथि :
3. वर्ग (एससी/एसटी/ओबीसी/यूआर) :
4. पदनाम/व्यवसाय :
5. संपर्क विवरण :

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

6. संवर्ग/सेवा [जहां कहीं लागू हो]

7. शैक्षिक योग्यता (उत्क्रम कालानुक्रम में)

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

8. कार्य का अनुभव:

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

क्रम. संख्या	नियोक्ता का नाम एवं पता (सरकार/पीएसयू/मंत्रालय/विभाग/कोई अन्य)	पदनाम/वेतन या वेतनमान (वेतन मैट्रिक्स 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 समकक्ष हो।

8ख) वर्तमान वचनवधत्ता से 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 /सिविल /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।

9. भारत सरकार के अपर सचिव/ :
जिला न्यायाधीश/अपर जिला न्यायाधीश/
मेजर जनरल अथवा कोई अन्य समकक्ष
रैंक (जहां कहीं लागू हो) के ग्रेड में वेतनमान
प्राप्त करने की तिथि
10. आवेदक के न्याय निर्णयन अनुभव पर :
आलेख (200 शब्दों में)
(जहां कहीं पर लागू हो)
11. संबंधित न्यायालयों/न्यायाधिकरणों के : ऐसे मामलों का विवरण
समक्ष मामलों के संचालन में संक्षिप्त (रिपोर्ट किए गए मामले/मामले जिनकी रिपोर्ट नहीं हुई) विवरण सहित
अनुभव (यदि लागू हो)
12. अनुभव का प्रमाण, जिसमें अधिवक्ता/चार्टर्ड आकउंटेंट :
आदि के रूप में नामांकन सं/पंजीकृत सं. शामिल हो।
[सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों के लिए]
13. वार्षिक आय, जिसके साथ अद्यतन आयकर विवरणिका :
हो [सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों
के लिए]
14. मुख्य उपलब्धियों पर 05 आलेख [200 शब्द प्रत्येक] :
15. पुरस्कार/सम्मान/प्रकाशन, यदि कोई हो, :
16. राजनैतिक दल सहित व्यावसायिक निकायों/संस्थानों/
सोसाइटियों/किसी अन्य निकाय के साथ संबंधन। :
17. कोई अतिरिक्त जानकारी, यदि कोई हो, जिसका पद के लिए
किए गए आवेदन के समर्थन में उल्लेख करना चाहे। :

घोषणा

1. मैं यह प्रमाणित करता हूँ कि ऊपर दी गई सूचना मेरी जानकारी एवं विश्वास के अनुसार पूर्णतः सही एवं पूर्ण है तथा इसमें कुछ भी छिपाया/विरुपित नहीं किया गया है। यदि किसी समय मेरे द्वारा किसी सामग्रीगत सूचना को छिपाने/विरुपित किए जाने का ज्ञान होगा तो मेरी उम्मीदवारी/सेवाएँ किसी प्रकार के नोटिस के बिना तत्काल समाप्त कर दी जाएंगी।
2. चयन समिति की बैठक के बाद मैं अपनी अभ्यर्थिता को वापस नहीं लूँगा।
3. नियुक्ति के लिए एसीसी द्वारा चयनित किए जाने पर मैं नियुक्ति को मना नहीं करूँगा।
4. मैं नियुक्ति के आदेश के जारी होने के 30 दिनों के भीतर कार्यभार ग्रहण करूँगा।
5. मैं इसे जानता हूँ कि यदि मैं क्रम सं.2 से 4 में उल्लिखित शर्तों में से किसी भी शर्त का उल्लंघन करूँगा तो भारत सरकार द्वारा मुझे संवर्ग-वाह्य तथा किसी स्वायत्त निकाय/सांविधिक निकाय तथा विनियामक निकाय में नियुक्ति हेतु विचार के लिए तीन वर्ष की अवधि के लिए विवर्जित कर दिया जाएगा।

स्थान:

दिनांक:

अभ्यर्थी के हस्ताक्षर

अनुलग्नक-II

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

1. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी _____ द्वारा दिया गया विवरण सही है तथा उनके पास 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 गंभीर या मामूली जुर्माना नहीं लगाया गया।
5. पिछले वर्षों के एसीआर/एपीएआर के नवीनतम साक्ष्यांकित फोटोस्टेट प्रतियां (एसीआर/एपीएआर की प्रत्येक फोटोस्टेट प्रति साक्ष्यांकित 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 जाना)

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, वैच/वर्ष/संवर्ग आदि जहाँ कहीं लागू हो, बताया जाए) :
7. धारित पद (पूर्ववर्ती दस वर्षों के दौरान) :

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

8. क्या अधिकारी को संदिग्ध सत्यनिष्ठा की सहमत सूची या अधिकारी सूची में रखा गया है। (यदि हां, तो विवरण दिया जाए)

9. क्या अधिकारी के विरुद्ध पिछले 10 वर्षों के दौरान सतर्कता : दृष्टि सहित किसी कदाचार के आरोप की जांच की गई है। यदि हां तो फैसला क्या था (*)

10. क्या अधिकारी को पिछले 10 वर्षों के दौरान कोई सजा दी गई है, यदि हां तो उसकी तारीख तथा दंड(*) का विवरण

11. क्या अधिकारी के विरुद्ध आज की तारीख में कोई अनुशासनात्मक/दांडिक कार्रवाई या चार्टशीट लंबित है। (यदि हां, तो संदर्भ संख्या, यदि किसी भी आयोग के, सहित विवरण दें)

12. क्या अधिकारी के विरुद्ध आज की तारीख में कोई कार्रवाई विचाराधीन है।(यदि हां तो विवरण दें (*)

(*) यदि विगत समय में आयोग से सतर्कता निकासी प्राप्त की गई थी तो उसके बाद की अवधि के लिए सूचना उपलब्ध करें।

तारीख:

(नाम और हस्ताक्षर)

प्ररूप II

(नियम 17 देखें)

अध्यक्ष/सदस्य (अधिकरण का नाम) के लिए पद की शपथ का प्ररूप

मैं, ए.वी., के अध्यक्ष/सदस्य के रूप में नियुक्त किया गया हूँ (अधिकरण का नाम सत्यनिष्ठा से पुष्टि करता/करती हूँ या मैं ईश्वर के नाम की शपथ लेता/लेती हूँ कि मैं अध्यक्ष/सदस्य (अधिकरण का नाम) के रूप में अपने कर्तव्यों का निर्वहन ईमानदारी और कर्तव्यनिष्ठा से बिना किसी डर या पक्षपात, स्नेह या द्वेष के अपनी क्षमता, ज्ञान और निर्णय के अनुसार करूंगा/करूंगी और मैं संविधान और कानून की व्यवस्था को बनाए रखूंगा/रखूंगी।

प्ररूप III

(नियम 17 देखें)

अध्यक्ष/सदस्य (अधिकरण का नाम) के लिए गोपनीयता की शपथ का प्रपत्र

मैं, ए.वी., (न्यायाधिकरण का नाम) के अध्यक्ष/सदस्य के रूप में नियुक्त होने के पश्चात्, सत्यनिष्ठा से पुष्टि करता/करती हूँ या मैं ईश्वर के नाम की शपथ लेता/लेती हूँ कि मैं प्रत्यक्ष या परोक्ष रूप से किसी भी व्यक्ति या व्यक्तियों को कोई भी बात जिसे मेरे विचार के अधीन लाया जाएगा या मुझे अध्यक्ष/सदस्य/उक्त (अधिकरण का नाम) के अध्यक्ष/सदस्य के रूप में मेरे कर्तव्यों के उचित निर्वहन के लिए आवश्यक होने के लिए ज्ञात होगा, नहीं बताऊंगा या प्रकट करूंगा।

[फा.सं.ए-50050/9/2016-प्रशा.1 सी (सीईएसटीएटी) (भाग-1)]

ऋत्तिक पांडे, संयुक्त सचिव

स्पष्टीकारक ज्ञापन

नियम 11, 2020 के डब्ल्यूपी (सी) संख्या 804 में भारत के माननीय उच्चतम न्यायालय के निर्णय को प्रभावी करने के लिए 1 जनवरी, 2021 से पूर्वव्यापी प्रचलन देता है। यह प्रमाणित किया जाता है कि कोई भी व्यक्ति ऐसे पूर्वव्यापी प्रचलन से प्रतिकूल रूप से प्रभावित नहीं होगा।

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 (e) 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

- (ii) he has been a member of the Indian Revenue Service (Income-tax Service Group 'A') and has held the post of Principal Commissioner of Income-tax or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.
- (3) In case of Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962 (52 of 1962), a person shall not be qualified for appointment as,-
- (a) *President* unless, —
- (i) he is, or has been, a Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court; or
- (ii) he is the member of the Appellate Tribunal;
- (b) *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 indirect tax laws in Customs, Excise and Service Tax Appellate Tribunal, High Court or Supreme Court;
- (c) *Technical Member*, unless he has been a member of the Indian Revenue Service (Customs and Central Excise Service Group 'A') and has held the post of Principal Commissioner of Customs or Central Excise or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.
- (4) In case of Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976), a person shall not be qualified for appointment as,-
- (a) *Chairman*, unless he is, or has been, a Judge of a Supreme Court or Chief Justice of a High Court;
- (b) *Member*, unless he has held the post of Additional Secretary to the Government of India or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.
- (5) In case of Tribunals under the Administrative Tribunal Act, 1985 (13 of 1985), 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 Administrative Member or Judicial Member in the Central Administrative Tribunal.
- (b) *Judicial Member*, unless he,—
- (i) is, or has been, a Judge of a High Court; or
- (ii) has held the post of Additional Secretary to the Government of India or any equivalent or higher post in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law Commission of India; or
- (iii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
- (iv) 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 has held the post of Additional Secretary to the Government of India or any other post under the Central Government or a State Government and carrying the scale of pay which is not less than that of an Additional Secretary to the Government of India:

Provided that the officers belonging to the All-India services who were or are on Central deputation to a lower post shall be deemed to have held the post of Additional Secretary from the date such officers were granted proforma promotion or actual promotion whichever is earlier to the level of Additional Secretary and the period spent on Central deputation after such date shall count for qualifying service for the purpose of this clause.

(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

as such with the Board or with such Authorities, as the case may be, or within two years from the date on which he ceases to hold office as such in the Board or in such Authorities:

Provided further that the Presiding Officer or Member shall be a person who does not have any financial or other interest as are likely to prejudicially affect their functions as such Presiding Officer or Member.

- (8) In case of Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Presiding Officer* of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.
- (9) In case of Debts Recovery Appellate Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Chairperson*, unless he, —
- (a) is, or has been, a Judge of a High Court; or
 - (b) 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
 - (c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.
- (10) In case of Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), 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) *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 economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal.
- (11) In case of National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013), a person shall not be qualified for appointment as,—
- (a) *Chairperson* unless he is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
 - (b) *Judicial Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) is a Judicial Member of the National Company Law Tribunal for five years; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.
 - (c) *Technical Member* unless he is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.
- (12) In case of National Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 (35 of 2019), a person shall not be qualified for appointment as,—
- (a) *President*, unless he, —
 - (i) is, or has been, a Judge of the Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
 - (b) *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) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law,

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

- (iii) has, for ten years, been an advocate with substantial experience in litigation in matters relating to environment and forest in National Green Tribunal, High Court or Supreme Court.
- (c) *Expert Member*, unless he, -
- (i) has a degree or Post-graduation degree or Doctorate Degree in Science and has an experience of twenty-five years in the relevant field including five years' practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or
- (ii) has administrative experience of twenty years including experience of five years in dealing with environmental matters in the Central Government or a State Government or in a reputed National or State level institution.

4. Selection for posts of Members and Chairpersons.— (1) The Committee may cause a vacancy circular to be issued through the Member-Secretary, giving details of the posts of Members proposed to be filled up, including the following—

- (a) number of existing and anticipated vacancies;
- (b) qualifications;
- (c) salary and allowances;
- (d) format for application; and
- (e) last date for filing of applications,

in Form-I after making such modifications as may be deemed fit.

(2) The Committee shall scrutinise, or cause to be scrutinised, every application received in response to the circular, against the qualifications and may shortlist such number of eligible candidates for personal interaction as it may deem fit.

(3) For the post of Chairperson, the Committee may, either cause a vacancy circular to be issued and call for applications or search for suitable persons eligible for appointment and make an assessment for selection to the post of Chairperson.

(4) The Committee shall make its recommendations based on the overall assessment of eligible candidates including assessment through the personal interaction after taking into account the suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirements of the Tribunal and shall recommend a panel of two names for every post for which selection is being done in accordance with the provisions of sub - section (7) of section 3 of the Act.

5. Selection for re - appointment.— (1) An application for re-appointment shall be considered in the same manner as that for the original appointment, preferably, alongwith all the persons shortlisted in response to the vacancy circular or otherwise.

(2) While making its assessment for suitability to a post, the Committee shall give additional weightage to the persons seeking re-appointment for their experience in the Tribunal and while doing so, shall take into account, the performance of the person while working as a Member or a Chairman in the Tribunal.

6. Medical fitness of Chairperson and Member.—No person shall be appointed as the Chairperson or Member of the Tribunal unless he is declared medically fit by an authority specified by the Central Government in this behalf.

7. Casual vacancy.— In case of a casual vacancy in the office of,—

- (a) the Chairperson, Central Government may appoint one of the Vice-Chairpersons or Vice-Chairman, Vice-Presidents or in their absence, one of the Members of the Tribunal, to officiate as Chairperson;
- (b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government may appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson;
- (c) the Presiding Officer of the Debts Recovery Tribunal, the Chairperson of the Debts Recovery Appellate Tribunal may appoint the Presiding Officer of another Debts Recovery Tribunal to officiate as Presiding Officer;
- (d) the Chairperson of the State Administrative Tribunals, the respective State Government may appoint one of the Members to officiate as Chairperson.

**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.

12. **Transport allowance.**— The Chairperson, or Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities as are admissible to a Government of India officer holding Group 'A' post carrying the same pay as per the provisions of Staff Car Rules.

CHAPTER V PENSION, PROVIDENT FUND, GRATUITY AND LEAVE

13. **Pension, Provident Fund and Gratuity.**— (1) In case of a serving Judge of the Supreme Court or a High Court or a Member of an organised Service appointed as the Chairperson or Member, the service in the Tribunal shall count for pension to be drawn in accordance with the rules of the service to which he belongs and he shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960 or the Contribution Pension System, as the case may be, and the rules for pension applicable to him.

(2) In all other cases, the Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 or the Contribution Pension System, as the case may be.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal.

14. **Leave.** (1) The Chairperson or a Member shall be entitled to thirty days of earned leave for every year of service.

(2) Casual Leave not exceeding eight days may be granted to the Chairperson or a Member in a calendar year.

(3) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(4) The Chairperson or Member shall be entitled to encashment of leave in respect of the earned Leave standing to his credit, subject to the condition that maximum leave encashment, including the amount received at the time of retirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

(5) Leave sanctioning authority for the-

(a) Member, shall be Chairperson;

(b) Chairperson of the State Administrative Tribunal or Members of State Administrative Tribunal in case of absence of Chairpersons, shall be the respective State Government; and

(c) Chairperson or Member in case of absence of Chairperson, in cases other than covered in clause (b), shall be the Central Government.

(6) The Central Government shall be the sanctioning authority for foreign travel to the Chairperson, or a Member.

CHAPTER VI MISCELLANEOUS

15. **Declaration of Financial and other Interests.**— The Chairperson, or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

16. **Other conditions of service.**— (1) The terms and conditions of service of a Chairperson, or Member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(2) The Chairperson, or Member shall not practice before the Tribunal, after retirement from the service of that Tribunals.

(3) The Chairperson, or Member shall not undertake any arbitration assignment while functioning in these capacities in the Tribunals.

(4) The Chairperson, or Member of the Tribunal, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

17. **Oath of office and secrecy.**— Every person appointed to be the Chairperson, or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms II and III annexed to these rules.

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-Section 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]

Applicants can Log on to <https://.....> to access the home page of the Online Application to apply (wherever applicable).

6. No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make own arrangements.
7. Advertisement and Prescribed application form can be downloaded from Ministry's/Tribunals website (name of the website)
8. Any application received after due date without necessary Annexure as mentioned above will not be entertained.

Wide publicity may be given in all organizations and their field formations to facilitate early and optimum number of application.

(Name of the Signing Officer)

Under Secretary to the Govt. of India/Director

Annexure-I

PROFORMA

Space for
photograph
duly signed by
candidate

1. Name :
2. Date of Birth :
3. Category(SC/ST/OBC/UR) :
4. Designation/Profession :
5. Contact Details :

	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.

9. Date from which drawing the pay scale
in the grade of Additional Secretary/
District Judge/Additional District Judge/
Major General to the Government of India
or any equivalent rank (wherever applicable). :
10. Write up on adjudicating experience
of the applicant (200 words)
[Wherever applicable] :
11. Experience alongwith brief write up in handling
Cases before relevant Courts/Tribunals/
[if applicable] : Details of Such cases
(Reported Cases/UnreportedCases)
12. Proof of Experience, including
Enrolment/Registration No. As an Advocate/CA etc.
[For candidates other than Govt. or Judicial
officers] :
13. Annual Income along with copy of
latest ITR [For Candidates other than
Govt. or Judicial Officers] :
14. Write up on 05, major achievement
(200 words each) :
15. Awards/honours/Publications, if any :
16. Affiliation with the professional bodies/
Institutions/societies/or any other body
Including political party. :
17. Additional information, if any, which
You would like to mention in support
of the application for the post. :

DECLARATION

1. I certify that the foregoing information is correct and complete to the best of knowledge and belief and nothing has been concealed/distorted. If at any time I found to have concealed/distorted any material information; my appointment shall be liable to summary termination without notice.
2. I shall not withdraw my candidature after the meeting of the Selection Committee.

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 SI.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/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

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 :

6. Service to which the officer belongs :
including batch /ycar/ 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 awards 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)

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.IC (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.