

**No. 46/12/2020-R&R  
Government of India  
Ministry of Power  
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**Shram Shakti Bhawan, Rafi Marg,  
New Delhi - 110 001 dated 20<sup>th</sup> March, 2021**

**VACANCY CIRCULAR**

**Subject: Filling up the post of Chairperson in APTEL-reg**

A Vacancy Circular for filling up the post of Chairperson, APTEL which will become vacant on **13.8.2021** was issued on 5.2.2021(**copy enclosed**). This vacancy circular was also posted on the website of Ministry of Power and DOPT respectively. This has also been published in Employment News in its edition of February 20-26, 2021. As per this vacancy circular the last date for receiving of applications is 19.3.2021.

2. It has now been decided to extend the date for receiving of applications/nomination for the said post by **three more weeks i.e. till 09.04.2021**.

3. Applications/nominations in the proforma enclosed should reach the Ministry of Power **latest by 09.04.2021 (till 5:30 PM)** addressed to the Deputy Secretary (R&R), Ministry of Power, 2nd Floor (Room No.222 A), Shram Shakti Bhawan, Rafi Marg, New Delhi-110001. The application may also be emailed at [debranjan.chattopadhyay@nic.in](mailto:debranjan.chattopadhyay@nic.in).

**Encl: As stated.**

Sd/-

(D. Chattopadhyay)  
Deputy Secretary to the Govt of India  
Telefax: 2371 5250

No. 46/12/2020-R&R  
Government of India  
Ministry of Power  
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Shram Shakti Bhavan, Rafi Marg,  
New Delhi - 110 001 dated 5<sup>th</sup> Februray, 2021

**VACANCY CIRCULAR**

The Appellate Tribunal for Electricity (APTEL) was set up at New Delhi by the Government of India under the provisions of the Electricity Act, 2003. The Tribunal consists of the Chairperson, one Judicial Member and three Technical Members including one Technical Member appointed under the Petroleum and Natural Gas Regulatory Board Act, 2006. The post of Chairperson in the Tribunal will become vacant on **13.8.2021**. It is proposed to fill up the anticipated vacancy.

2. The appointment to the post of Chairperson of APTEL shall be made in accordance with relevant provisions of Electricity Act 2003 read with section 180 & 184 of the Finance Act, 2017 and Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and other Conditions of Service of Members) Rules, 2020 ("Tribunal Rules 2020") and as per the Hon'ble Supreme Court Judgment dated 27.11.2020 in Writ Petition (C) No.804 of 2020 Madras Bar Association vs Union of India & Anr. tagged with several other matters including Misc. Application No.1058 of 2020 In WP (C) No.640 of 2017.

3. The relevant provision of the Tribunal Rules, 2020 are as under:

I. **Qualifications:** In terms of the Schedule under the rule 3 of the Tribunal Rules, 2020, A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, —

- (a) is, or has been, a Judge of Supreme Court; or
- (b) is, or has been, Chief Justice of a High Court

II. **Term of office and Age:** Under the provisions of the rule 9 (2) of the Tribunal Rules, 2020 read with the Hon'ble Supreme Court judgment dated 27.11.2020, the Chairperson shall hold office for a term of **five years** or till he attains the age of **seventy years**, whichever is earlier.

III. **Salary and allowances:** As per rule 11 of the Tribunal Rules read with the Hon'ble Supreme court Judgment dated 27.11.2020.

IV. **Medical Fitness:** As per rule 5 of the Tribunal Rules 2020, no person shall be appointed as the Chairperson of the Appellate Tribunal unless he is declared medically fit by an authority specified by the Central Government in this behalf.

4. The prospective candidate has also to give a declaration in the prescribed proforma that he/she does not have any financial or other interest, which is likely to affect prejudicially his/her functioning as Chairperson of the Appellate Tribunal for Electricity.

5. The other conditions and process for appointment of the Chairperson, Appellate Tribunal for Electricity shall be governed by the relevant provisions of Electricity Act 2003, Tribunal Rules 2020 and Hon'ble Supreme Court judgment dated 27.11.2020. **Further, the appointment to the post of Chairperson, APTEL is subject to amendment to be made by Department of Revenue to the Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and other Conditions of Service of Members) Rules, 2020.** The relevant extract of Electricity Act 2003, Finance Act 2017 and Tribunal Rules, 2020 and extract of Supreme Court Judgment dated 27.11.2020 in this regard are available with the vacancy circular posted on the website of Ministry of Power.

6. Applications/ nominations are invited in the proforma enclosed at **Annexure**, from suitable persons having qualification and experience as prescribed Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and other Conditions of Service of Members) Rules, 2020 read with Hon'ble Supreme Court Judgment dated 27.11.2020 for appointment as Chairperson of APTEL so as to reach the Ministry of Power latest by **19.03.2021** addressed to the Deputy Secretary (R&R), Ministry of Power, 2nd Floor (Room No.222 A), Shram Shakti Bhavan, Rafi Marg, New Delhi – 110001. The application must also be emailed at [debranjan.chattopadhyay@nic.in](mailto:debranjan.chattopadhyay@nic.in) .

Encl: as stated.



(D. Chattopadhyay)  
Deputy Secretary to the Govt of India  
Telefax : 2371 5250

**Annexure**

**Application to the post of Chairperson, Appellate Tribunal for Electricity  
(APTEL)**

1. Name of Post : Chairperson, APTEL
2. Date of Vacancy : 13.08.2021
3. Name of Applicant :
4. Father's Name :
5. Present post held (since.....):
6. Date of Birth of Applicant (DD/MM/YYYY) :
7. Age of Applicant on date of Vacancy: ...Years .....Months.....Days
8. Correspondence Address :
9. Phone Number :
10. Mobile Number :
11. Email ID :
12. Educational Qualification(s) [ In reverse chronological order]

Sl. No.	Name of University/ equivalent institution	Degree	Year of passing	Subject/specialization

**13. Experience ( last 15 years) :**

Sl. No.	From (Date)	To (Date)	Department/Organization/ Institute	Designation	Experience

Any other relevant facts the Applicant may like to share (limited to 500 words):

Note: - copies of certificates and ACRs/APARs should not be enclosed at this stage.

**Declaration**

1. I ..... hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Chairperson, Appellate Tribunal for Electricity in the event of my selection.
2. I have read the Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and other Conditions of Service of Members) Rules, 2020 and conditions and process of appointment of Chairperson, APTEL
3. The information furnished above is correct is to the best of my knowledge and belief and nothing has been suppressed. I understand that in the event of my selection, if it is found at a later stage that any information furnished above is false or misrepresented, or any information or fact is suppressed, my selection is liable to be cancelled.

Place: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

**PART XI**

**APPELLATE TRIBUNAL FOR ELECTRICITY**

**Section 110. (Establishment of Appellate Tribunal):**

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Appellate Tribunal for Electricity to hear appeals against the orders of the adjudicating officer or the Appropriate Commission under this Act.

**Section 111. (Appeal to Appellate Tribunal):** --- (1) Any person aggrieved by an order made by an adjudicating officer under this Act (except under section 127) or an order made by the Appropriate Commission under this Act may prefer an appeal to the Appellate Tribunal for Electricity:

Provided that any person appealing against the order of the adjudicating officer levying any penalty shall, while filing the appeal, deposit the amount of such penalty:

Provided further that wherein any particular case, the Appellate Tribunal is of the opinion that the deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the adjudicating officer or the Appropriate Commission is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer or the Appropriate Commission, as the case may be.

(5) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within one hundred and eighty days from the date of receipt of the appeal:

Provided that where any appeal could not be disposed of within the said period of one hundred and eighty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality, propriety or correctness of any order made by the adjudicating officer or the Appropriate Commission under this Act, as the case may be, in relation to any proceeding, on its own motion or otherwise, call for the records of such proceedings and make such order in the case as it thinks fit.

**Section 112. (Composition of Appellate Tribunal): ---** (1) The Appellate Tribunal shall consist of a Chairperson and three other Members.

(2) Subject to the provisions of this Act,-

- (a) the jurisdiction of the Appellate Tribunal may be exercised by Benches thereof;
- (b) a Bench may be constituted by the Chairperson of the Appellate Tribunal with two or more Members of the Appellate Tribunal as the Chairperson of the Appellate Tribunal may deem fit:

Provided that every Bench constituted under this clause shall include at least one Judicial Member and one Technical Member;

- (c) the Benches of the Appellate Tribunal shall ordinarily sit at Delhi and such other places as the Central Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;
- (d) the Central Government shall notify the areas in relation to which each Bench of the Appellate Tribunal may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of the Appellate Tribunal from one Bench to another Bench.

Explanation.- For the purposes of this Chapter,-

(i) “Judicial Member” means a Member of the Appellate Tribunal appointed as such under sub-clause (i) of clause (b) of sub-section (1) of section 113, and includes the Chairperson of the Appellate Tribunal;

(ii) “Technical Member” means a Member of the Appellate Tribunal appointed as such under sub-clause (ii) or sub-clause (iii) of clause (b) of sub-section (1) of section 113.

**Section 113. (Qualification for appointment of Chairperson and Members of Appellate Tribunal): ---** (1) A person shall not be qualified for appointment as the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal unless he-

(a) in the case of the Chairperson of the Appellate Tribunal, is, or has been, a judge of the Supreme Court or the Chief Justice of a High Court; and

(b) in the case of a Member of the Appellate Tribunal,-

(i) is, or has been, or is qualified to be, a Judge of a High Court; or

(ii) is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government dealing with economic affairs or matters or infrastructure; or

(iii) is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with the matters relating to electricity generation, transmission and distribution and regulation or economics, commerce, law or management.

(2) The Chairperson of the Appellate Tribunal shall be appointed by the Central Government after consultation with the Chief Justice of India.



(3) The Members of the Appellate Tribunal shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78.

(4) Before appointing any person for appointment as Chairperson or other Member of the Appellate Tribunal, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member.

**Section 114. (Term of Office):**

The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall hold office as such for a term of three years from the date on which he enters upon his office:

Provided that such Chairperson or other Member shall be eligible for reappointment for a second term of three years:

Provided further that no Chairperson of the Appellate Tribunal or Member of the Appellate Tribunal shall hold office as such after he has attained,-

- (a) in the case of the Chairperson of the Appellate Tribunal, the age of seventy years;
- (b) in the case of a Member of the Appellate Tribunal, the age of sixty-five years.

**Section 115. (Terms and conditions of service):**

The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson of the Appellate Tribunal and Members of the Appellate Tribunal shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall be varied to his disadvantage after appointment.

**Section 116. (Vacancies):**

If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance

with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

**Section 117. (Resignation and Removal):** --- (1) The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall, unless he is permitted by the Central Government to relinquish his 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 his successor enters upon his office or until the expiry of term of office, whichever is the earliest.

(2) The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall not be removed from his office except by an order by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a judge of the Supreme Court as the Central Government may appoint for this purpose in which the Chairperson or a Member of the Appellate Tribunal concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of such charges.

**Section 118. (Member to act as Chairperson in certain circumstances):** --- (1)

In the event of the occurrence of any vacancy in the office of the Chairperson of the Appellate Tribunal by reason of his death, resignation or otherwise, the senior-most Member of the Appellate Tribunal shall act as the Chairperson of the Appellate Tribunal until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson of the Appellate Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member of the Appellate Tribunal shall discharge the functions of the Chairperson of the Appellate Tribunal until the date on which the Chairperson of the Appellate Tribunal resumes his duties.

**Section 119. (Officers and other employees of Appellate Tribunal):** --- (1) The Central Government shall provide the Appellate Tribunal with such officers and other employees as it may deem fit.

(2) The officers and other employees of the Appellate Tribunal shall discharge their functions under the general superintendence of the Chairperson of the Appellate Tribunal.

(3) The salaries and allowances and other terms and conditions of service of the officers and other employees of the Appellate Tribunal shall be such as may be prescribed by the Central Government.

**Section 120. (Procedure and powers of Appellate Tribunal):** --- (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.

(2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing a representation of default or deciding it *ex parte*;
- (h) setting aside any order of dismissal or any representation for default or any order passed by it *ex parte*;
- (i) any other matter which may be prescribed by the Central Government.

(3) An order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court and, for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(4) Notwithstanding anything contained in sub-section (3), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 345 and 346 of the Code of Criminal Procedure, 1973 .

**<sup>1</sup>[Section 121. (Power of Appellate Tribunal):**

The Appellate Tribunal may, after hearing the Appropriate Commission or other interested party, if any, from time to time, issue such orders, instructions or directions as it may deem fit, to any Appropriate Commission for the performance of its statutory functions under this Act.]

**Section 122. (Distribution of business amongst Benches and transfer of cases from one Bench to another Bench):** --- (1) Where Benches are constituted, the Chairperson of the Appellate Tribunal may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench.

(2) On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

**Section 123. (Decision to be by majority):**

If the Members of the Appellate Tribunal of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Appellate Tribunal and such point or points shall be decided according to the opinion of the majority of the Members of the Appellate Tribunal who have heard the case, including those who first heard it.

**Section 124. (Right of appellant to take assistance of legal practitioner and of Appropriate Commission to appoint presenting officers):** --- (1) A person preferring an appeal to the Appellate Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Appellate Tribunal, as the case may be.

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<sup>1</sup> Subs. by Act 57 of 2003, Sec. 4 (w.e.f. 27<sup>th</sup> January, 2004).

(2) The Appropriate Commission may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before the Appellate Tribunal, as the case may be.

**Section 125. (Appeal to Supreme Court):**

Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908:

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

19.	राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) के अधीन राष्ट्रीय हरित अधिकरण	<p>(1) कोई व्यक्ति, अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) वह उच्चतम न्यायालय का न्यायाधीश नहीं है या नहीं रहा है; या</p> <p>(ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति नहीं है या नहीं रहा है।</p> <p>(2) कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश नहीं है या नहीं रहा है; या</p> <p>(ख) दस वर्ष की संयुक्त अवधि के लिए जिला न्यायाधीश और अपर जिला न्यायाधीश नहीं रहा है।</p> <p>(3) कोई व्यक्ति विशेषज्ञ सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा जब तक,—</p> <p>(क) उसके पास विज्ञान में स्नातक डिग्री या स्नातकोत्तर डिग्री या डाक्टरेट डिग्री न हो तथा सुसंगत क्षेत्र में पच्चीस वर्ष का अनुभव न हो, जिसमें पर्यावरण और वन (जिसके अंतर्गत प्रदूषण नियंत्रण, परिसंकटमय पदार्थ प्रबंध, पर्यावरण समाघात निर्धारण, जलवायु परिवर्तन प्रबंध, जैविक विविधता प्रबंध और वन संरक्षण भी है) के क्षेत्र में किसी सुविख्यात राष्ट्रीय स्तर की संस्था में पांच वर्ष का व्यवहारिक अनुभव भी है; या</p> <p>(ख) उसके पास पच्चीस वर्ष का प्रशासनिक अनुभव न हो, जिसमें पांच वर्ष का ऐसा अनुभव भी है, जो केंद्रीय सरकार या किसी राज्य सरकार या सुविख्यात राष्ट्रीय या राज्य स्तर की संस्था में पर्यावरण विषयों से संबंधित हो।</p>	<p>राष्ट्रीय हरित अधिकरण के अध्यक्ष, न्यायिक सदस्य और विशेषज्ञ सदस्य के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उसके द्वारा नामनिर्दिष्ट उच्चतम न्यायालय का न्यायाधीश—अध्यक्ष;</p> <p>(ii)(क) अध्यक्ष की नियुक्ति के मामले में, राष्ट्रीय हरित अधिकरण का पद मुक्त अध्यक्ष—सदस्य; या</p> <p>(ख) न्यायिक सदस्य या विशेषज्ञ सदस्य की नियुक्ति के मामले में, राष्ट्रीय हरित अधिकरण का अध्यक्ष -- सदस्य;</p> <p>(iii) सचिव, भारत सरकार, पर्यावरण और वन मंत्रालय -- सदस्य; और</p> <p>(iv) सचिव, भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) - सदस्य।</p>
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[फा. सं. ए-50050/9/2016-प्रशा.1ग(सीईएसटीएटी) पी.टी1]

ऋत्विक् पांडेय, संयुक्त सचिव

**MINISTRY OF FINANCE**

**(Department of Revenue)**

**NOTIFICATION**

New Delhi, the 12th February, 2020

**G.S.R. 109(E).**—In exercise of the powers conferred by section 184 of the Finance Act, 2017 (7 of 2017), the Central Government hereby makes the following rules, namely:—

**1. Short title, commencement and application.** - (1) These rules may be called the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to the Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority as specified in column (2) of the Eighth Schedule of the Finance Act, 2017 (7 of 2017).

**2. Definitions.** - In these rules, unless the context otherwise requires, -

- (a) “Act” means an Act specified in column (3) of the Eighth Schedule of the Finance Act, 2017(7 of 2017);
- (b) “Accountant Member”, “Administrative Member”, “Judicial Member”, “Expert Member”, “Law Member”, “Revenue Member” or “Technical Member” means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;
- (c) “Appellate Tribunal”, “Authority” or “Tribunal” has the same meaning as assigned to it in the corresponding provisions of the Act;
- (d) “Chairman” or “Chairperson” or “President” means the Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority appointed under the corresponding provisions of the Act;
- (e) “Member” means the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member or Technical Member and includes the Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, Presiding Officer of the Security Appellate Tribunal, President or, as the case may be, Vice- President;
- (f) “Presiding Officer” means the Presiding Officer of the Security Appellate Tribunal appointed under section 15L of the Securities and Exchange Board of India Act, 1992 (15 of 1992), Presiding Officer of the Debts Recovery Tribunal appointed under sub-section (1) of section 4 of the Recovery of Debts due to Banks and Financial Institutions Act 1993, (51 of 1993) and Presiding Officer of the Industrial Tribunal appointed by the Central Government under sub-section (1) of section 7A of the Industrial Disputes Act, 1947 (14 of 1947);
- (g) “Search-cum-Selection Committee” means the Search-cum-Selection Committee referred to in rule 4;
- (h) “Vice-Chairman” or “Vice- Chairperson” or “Vice-President” means the Vice-Chairman, the Vice-Chairperson or Vice-President of the Tribunal, Appellate Tribunal or, as the case may be, Authority;
- (i) 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.

**3. Qualifications for appointment of Member.** – The qualification for appointment of the Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be such as specified in column (3) of the Schedule annexed to these rules.

**4. Method of recruitment.**-(1) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted for the Tribunal, appellate Tribunal or, as the case may be, Authority specified in column (4) of the said Schedule in respect of the Tribunal, Appellate Tribunal or as the case may be, Authority specified in column (2) of the said Schedule.

(2) The Search-cum-Selection Committee shall determine its procedure for making its recommendation and, after taking into account the suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirements of the Tribunal, Appellate Tribunal or, as the case may be, Authority, recommend a panel of two or three persons for appointment to each post.

(3) No appointment of Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authorities shall be invalid merely by reason of any vacancy or absence in the Search-cum-Selection Committee.

(4) Nothing in this rule shall apply to the appointment of Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority functioning as such immediately before the commencement of these rules.

**5. Medical fitness.** - No person shall be appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or Authority, or as the case may be unless he is declared medically fit by an authority specified by the Central Government in this behalf.

**6. Resignation by a Member.** -A Member may, by writing under his hand addressed to the Central Government, resign his office at any time:

Provided that the 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.

**7. Removal of Member from office.** - The Central Government shall, on the recommendation of a Search-cum-Selection Committee, remove from office any 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 a Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

**8. Procedure for inquiry of misbehavior or incapacity of the Member.** - (1) If a written complaint received by the Central Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, it shall make a preliminary scrutiny of such complaint.

(2) If 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 Chairman, Vice-Chairman, Chairperson, Vice-Chairperson, President, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.

(3) The Search-Cum-Selection Committee shall complete the inquiry within such time or such further time as may be specified by the Central Government.

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



(5) The Search-Cum-Selection 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.

**9. Term of office of Member.** – (1) The Chairman, Chairperson or President shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier.

(2) The Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier.

**10. Casual vacancy.** – (1) In case of a casual vacancy in the office of, -

(a) the Chairman, Chairperson, President, or Presiding Officer of the Security Appellate Tribunal, the Central Government shall have the power to appoint the senior most Vice-Chairperson or Vice-Chairman, Vice-President or in his absence, one of the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority to officiate as Chairperson, Chairman, President or Presiding Officer.

(b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government shall have power to appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson and in case of a casual vacancy in the office of the Presiding Officer of the Debts Recovery Tribunal, the Chairperson of the Debts Recovery Appellate Tribunal shall have power to appoint the Presiding Officer of another Debts Recovery Appellate Tribunal to officiate as Presiding Officer.

**11. Salary and allowances.** - (1) The Chairman, Chairperson or President of the Tribunal, Appellate Tribunal or, as the case may be, Authority or the Presiding Officer of the Security Appellate Tribunal shall be paid a salary of Rs. 2,50,000 (fixed) and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay.

(2) The Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or, as the case may be, Member shall be paid a salary of Rs. 2,25,000 and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(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 of Rs.1,44,200 – 2,18,200 and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(4) In case of a person appointed as the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member, as the case may be, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

**12. Pension, Gratuity and Provident Fund.** - (1) In case of a serving Judge of the Supreme Court or a High Court or a Judicial Member of the Tribunal or a member of the Indian Legal Service or a member of an organised Service appointed to the post of the Chairperson, Chairman, President or Presiding Officer of the Security Appellate Tribunal, the service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority 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 and the rules for pension applicable to him.

(2) In all other cases, the Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and the Contribution Pension System.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal, Appellate Tribunal or, as the case may be, Authority.

**13. Leave. - (1)** The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member, Presiding Officer 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 Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, or Technical Member, Presiding Officer 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 Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member 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.

**14. Leave sanctioning authority. - (1)** Leave sanctioning authority, -

(a) for the Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer of the Debts Recovery Tribunal and Industrial Tribunal, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member shall be Chairman, Chairperson or, as the case may be, President; and

(b) for the Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President, shall be the Central Government, who shall also be sanctioning authority for Accountant Member, Administrative Member, Judicial Member, Expert Member or Member in case of absence of Chairman, Chairperson, Presiding Officer of Security Appellate Tribunal or President.

(2) The Central Government shall be the sanctioning authority for foreign travel to the Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or a Member.

**15. House rent allowance. -** The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member or Member shall be entitled to house rent allowance at the same rate are admissible to a Government of India officer holding Group 'A' post carrying the same pay .

**16.Transport allowance. -** The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer 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.

**17. Declaration of Financial and other Interests. -** The Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

**18. Other conditions of service. - (1)** The terms and conditions of service of a Chairman, Chairperson, President, Vice-Chairman, Vice- Chairperson, Vice- President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer 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 Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not practice before the Tribunal, Appellate Tribunal or Authority after retirement from the service of that Tribunal, Appellate Tribunal or, as the case may be, Authority.

(3) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall not undertake any arbitration work while functioning in these capacities in the Tribunal, Appellate Tribunal or Authority.

(4) The Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member, Technical Member or Member of the Tribunal, Appellate Tribunal or, as the case may be, Authority 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, Appellate Tribunal or, as the case may be, Authority:

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).

**19. Oath of office and secrecy.** - Every person appointed to be the Chairman, Chairperson, President, Vice-Chairman, Vice-Chairperson, Vice-President, Accountant Member, Administrative Member, Judicial Member, Expert Member, Technical Member, Presiding Officer or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed to these rules.

#### FORM I

(See rule 19)

Form of Oath of Office for Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member, /Member of the (Name of the Tribunal/Appellate Tribunal/Authority)

I, A. B., having been appointed as Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member of the (Name of the Tribunal/Appellate Tribunal/Authority

do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/ Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member/ Member (Name of the Tribunal/Appellate Tribunal/Authority) 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 land.

#### FORM II

(See rule 19)

Form of Oath of Secrecy for Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member/ Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the (Name of Tribunal/Appellate Tribunal/Authority)

I, A. B., having been appointed as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Member of the(Name of Tribunal/Appellate Tribunal/Authority), 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 Chairman/Vice-Chairman/ Chairperson/ Vice-

Chairperson/ President/Vice-President/ Presiding Officer / Accountant Member/ Administrative Member, Judicial Member/ Expert Member / Law Member/ Revenue Member/ Technical Member /Member of the said (Name of Tribunal/Appellate Tribunal/Authority) except as may be required for the due discharge of my duties as the Chairman/Vice-Chairman/ Chairperson/ Vice-Chairperson/ President/Vice-President/ Presiding Officer/Member.

### SCHEDULE

(See rules 3 and 4)

Sl. No.	Name of Tribunal, Appellate Tribunal or Authority.	Qualification for appointment of Chairperson, Chairman, President, Vice-Chairperson, Vice-Chairman, Vice- President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member or Technical Member or Member.	Composition of Search-cum-Selection Committee
(1)	(2)	(3)	(4)
1.	Industrial Tribunal constituted by the Central Government 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.	Search-cum-Selection- Committee for the post of the Presiding Officer,— (i) Chief Justice of India or a Judge of Supreme Court nominated by him - chairperson; (ii) Outgoing Presiding Officer of the National Industrial Tribunal - member; (iii) Secretary to the Government of India, Ministry of Labour and Employment -member; (iv) Secretary to the Government of India, Ministry of Commerce (Department for Promotion of Industry and Internal Trade) - member.
2.	Income-tax Appellate Tribunal under the Income-tax Act, 1961 (43 of 1961)	(1) A person shall not be qualified for appointment as 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. (2) The Central Government may appoint one or more members of the Income-tax Appellate Tribunal to be the Vice-President or, as the case may be, Vice-Presidents thereof. (3) A person shall not be qualified for appointment as a Judicial Member, unless, — (a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or (b) he has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or higher post for two years; or	Search-cum-Selection Committee for the post of the President, Vice-President, Accountant Member or Judicial Member - (i) Chief Justice of India or a Judge of the Supreme Court nominated by him - chairperson; (ii) (a) In case of appointment of President, the Outgoing President, Income-tax Appellate Tribunal-member; or (b) In case of appointment of Vice-President or Accountant Member or Judicial Member, the President, Income-tax Appellate Tribunal -member ; (iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) - member; and

		<p>(c) he has been an advocate for twenty-five years.</p> <p>(4) A person shall not be qualified for appointment as an Accountant Member, unless, —</p> <p>(i) he has for twenty-five years been in the practice of accountancy, -</p> <p>(a) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or</p> <p>(b) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or</p> <p>(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 for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>(iv) Secretary to the Government of India, Ministry of Finance, (Department of Revenue) — member.</p>
3.	The Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962 (52 of 1962)	<p>(1) A person shall not be qualified for appointment as President unless, -</p> <p>(a) 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</p> <p>(b) he is the member of the Appellate Tribunal.</p> <p>(2) A person shall not be qualified for appointment as a Judicial Member, unless, -</p> <p>(a) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(b) he has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or higher post for two years; or</p> <p>(c) he has been an advocate for twenty-five years.</p> <p>(3) A person shall not be qualified for appointment as a 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 for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum-Selection Committee for the post of President, Judicial Member and Technical Member-</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii)(a) In case of appointment of President, the Outgoing President of the Customs Excise and Service Tax Appellate Tribunal – member; or</p> <p>(b) In case of appointment of Judicial Member and Technical Member, the President, Customs and Excise and Service Tax Appellate Tribunal-member ;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)-member;</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) —member.</p>

4.	Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)	<p>(1) The Chairman of the Appellate Tribunal shall be a person who is or has been a Judge of a Supreme Court or a Chief Justice of a High Court.</p> <p>(2) The Member of the Appellate Tribunal shall be a person not below the rank of Additional Secretary to the Government of India or any equivalent or higher post for two years and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum-Selection Committee for the post of Chairman and Member, -</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court nominated by him— chairperson;</p> <p>(ii)(a) in case of appointment of Chairman, the Outgoing Chairman of the Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Member, the Chairman of the Appellate Tribunal-member;</p> <p>(iii) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training)- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Finance (Department of Revenue)- member.</p>
5.	Central Administrative Tribunal under the Administrative Tribunal Act, 1985 (13 of 1985).	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Administrative Member or Judicial Member in the Central Administrative Tribunal;</p> <p>(2) A person shall not be qualified for appointment,—</p> <p>(a) as a Judicial Member, unless he,—</p> <p>(i) is, or has been, a Judge of a High Court; or</p> <p>(ii) has, for one year, held the post of Secretary to the Government of India in the Department of Legal Affairs or the Legislative Department including Member –Secretary, Law Commission of India; or</p> <p>(iii) has, for two years, held a post of Additional Secretary to the Government of India in the Department of Legal Affairs or Legislative Department; or</p> <p>(iv) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(b) as an Administrative Member, unless he, -</p> <p>(i) has, for one year, held the post of 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</p>	<p>Search-cum-Selection Committee for the post of Chairman, Administrative Member and Judicial Member –</p> <p>(i) Chief Justice of India or Judge of the Supreme Court as nominated by him- chairperson;</p> <p>(ii)(a) in case of appointment of Chairman the Outgoing Chairman of the Central Administrative Tribunal – member; or</p> <p>(b) in case of appointment of Administrative Member and Judicial Member, the Chairman, Central Administrative Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) - member;</p> <p>(iv) Secretary to the Government of India, Ministry of Law and Justice, (Department of Legal Affairs) –member.</p>

		<p>not less than that of a Secretary to the Government of India for one year; or</p> <p>(ii) has, for two years, held a post of Additional Secretary to the Government of India, or any other post under the Central or State Government carrying the scale of pay which is not less than that of Additional Secretary to the Government of India for a period of two years:</p> <p>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 Secretary or Additional Secretary, as the case may be, from the date such officers were granted proforma promotion or actual promotion whichever is earlier to the level of Secretary or Additional Secretary, as the case may be, and the period spent on Central deputation after such date shall count for qualifying service for the purpose of this clause.</p>	
6.	Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987)	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) 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.</p> <p>(2) A person shall not be qualified for appointment as the Vice-Chairman(Judicial), unless he, –</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) 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</p> <p>(d) has, for a period of not less than three years, held office as a Judicial Member.</p> <p>(3) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, –</p> <p>(a) has, for a period of not less than three years, held office as a Technical Member;</p>	<p>Search-cum-Selection Committee consisting for the post of the Chairman, Vice-Chairman (Judicial), Vice-Chairman (Technical), Technical Member and Judicial Member: -</p> <p>(j) Chief Justice of India or Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman, Railway Claim Tribunal – member; or</p> <p>(b) in case of appointment of Vice-Chairman (Judicial), Vice-Chairman (Technical), Technical Member and Judicial Member, the Chairman Railway Claim Tribunal – member; or</p> <p>(iii) Member (Traffic) of the Railway Board- member;</p> <p>(iv)Secretary to the Government of India, Ministry of Law and Justice, (Department of Legal Affairs) – member.</p>

		<p>(b) 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.</p> <p>(4) A person shall not be qualified for appointment as a Judicial Member, unless he, –</p> <p>(a) is, or has been, a Judge of a High Court;</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(5) 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.</p>	
7.	Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992)	<p>(1) A person shall not be qualified for appointment as the Presiding Officer or a Judicial Member or a Technical Member of the Securities Appellate Tribunal, unless he, –</p> <p>(a) in the case of the Presiding Officer, is, or has been, a Judge of the Supreme Court or a Chief Justice of a High Court; or</p> <p>(b) in the case of a Judicial Member, is, or has been, a Judge of a High Court; or</p> <p>(c) in the case of a Technical Member,—</p> <p>(i) is, or has been, an Additional Secretary for two years or Secretary in the Ministry or Department of the Central Government or any equivalent post in the Central Government or a State Government; or</p> <p>(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.</p> <p>(2) A Member or Part time Member of the Board or the Insurance Regulatory and Development Authority or the Pension Fund</p>	<p>Search and Selection Committee for Post of the Presiding Officer, Judicial Member and Technical Member.</p> <p>(i) Chief Justice of India or Judge of the Supreme Court of India nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Presiding Officer, the Outgoing Presiding Officer of the Securities Appellate Tribunal– member;</p> <p>(b) in case of appointment of Judicial Member and Technical Member, the Presiding Officer of the Securities Appellate Tribunal– member; or</p> <p>(iii) Secretary to the Government of India, Ministry of Finance, (Department of Economic Affairs) – member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Finance, (Department of Revenue) –member.</p>



		<p>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.</p> <p>(3) The Presiding Officer or Member of the Securities Appellate Tribunal 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.</p>	
8.	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.	<p>Search-cum-Selection Committee for the post of Presiding Officer of the Debts Recovery Tribunal, -</p> <p>(i) Chief Justice of India or Judge of the Supreme Court nominated by him-chairperson;</p> <p>(ii) Outgoing Presiding Officer of the Debts Recovery Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)- member; and</p> <p>(v)Secretary to the Government of India, Ministry of Corporate Affairs - member.</p>
9.	Debts Recovery Appellate Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993)	<p>A person shall not be qualified for appointment as Chairperson, unless he, —</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.</p>	<p>Search-cum-Selection Committee for the Chairperson of the Debts Recovery Appellate Tribunal, -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court as nominated by him - chairperson;</p> <p>(ii) Outgoing Chairperson of the Debts Recovery Appellate Tribunal – member;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)– member;</p> <p>(iv)Secretary to the Government of India, Ministry of Corporate Affairs – member.</p>
10.	Airport Appellate Tribunal under the Airport Authority of India Act, 1994 (55 of 1994)	A person shall not be eligible for appointment as Chairperson, unless he, is, or has been, a judge of a High Court.	Search-cum-Selection Committee for the post of Chairperson of Airport Appellate Tribunal, —

			<p>(i) Chief Justice of India or any other judge of Supreme Court nominated by him -chairperson;</p> <p>(ii) Outgoing Chairperson of Airport Appellate Tribunal – member;</p> <p>(iii) Secretary to the Government of India, Ministry of Civil Aviation - member;</p> <p>(iv) Secretary to the Government of India, (Department of Economic Affairs) - member;</p>
11.	Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, –</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as 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.</p>	<p>Search-cum-Selection Committee for the post of the Chairperson and Member, —</p> <p>(i) Chief Justice of India or any judge of the Supreme Court nominated by him -chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Telecom Disputes Settlement and Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Member, the Chairperson of the Telecom Disputes Settlement and Appellate Tribunal – member; or</p> <p>(iii) Secretary to the Government of India, (Department of Telecommunications)- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Civil Aviation - member</p>
12.	Appellate Board under the Trade Marks Act, 1999 (47 of 1999)	<p>(1) A person shall not be qualified for appointment as Chairman, unless he,-</p> <p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for a period of not less than three years, held office as Vice-Chairperson of the Appellate Board.</p> <p>(2) A person shall not be qualified for appointment as Vice-Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for two years, held the office of Judicial Member or a Technical Member, and has a degree in law with twelve years of practice at bar or twelve years' experience in a State Judicial Service.</p> <p>(3) A person shall not be qualified for appointment as Judicial Member, unless he, -</p>	<p>(A) Search-cum-Selection for the post of the Chairman, Vice-Chairman, Judicial Member and Technical Member of the Appellate Board, -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him - chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman of the Appellate Board– member; or</p> <p>(b) in case of appointment of Vice-Chairman, Judicial Member and Technical Member (Trade mark), Technical Member (Patent) and Technical Member(Copyright) of the Appellate Board, the Chairman of the Appellate Board-member;or</p> <p>(iii) Secretary to the Government of India, (Department for Promotion of Industry and Internal Trade) -member;</p>

	<p>(a) is, or has been, a Judge of High Court; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(4) A person shall not be qualified for appointment as Technical Member (Trademark), unless he, -</p> <p>(a) has, for ten years, exercised functions of a Tribunal under the Trade Marks Act, 1999 (47 of 1999) and has held a post not lower than the post of Registrar for five years and has a degree in law with twelve years of practice at bar or twelve years' experience in a State Judicial Service, or</p> <p>(b) has, for twenty-five years, been an advocate of a proven specialised experience in trade mark law.</p> <p>(5) A person shall not be qualified for appointment as Technical Member (Patent), unless he, -</p> <p>(a) has, for five years, held the post or exercised the functions of the Controller under the Patents Act, 1970 (39 of 1970); or</p> <p>(b) has, for twenty-five years, functioned as a registered patent agent and possesses a degree in engineering or technology or a master's degree in science from any University established under law for the time being in force.</p> <p>(6) A person shall not be qualified for appointment as Technical Member (Copyright), unless he, -</p> <p>(a) is, or has been a member of the Indian Legal Service and is holding, or has held a post of Additional Secretary or any equivalent or any higher post for two years; or</p> <p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(c) is, or has been a member of a Tribunal or Civil Service not below the rank of an Additional Secretary to the Government of India with three years' experience in the field of Copyright; or</p> <p>(d) has, for twenty-five years, been an advocate of a proven specialized experience in Copyright Law:</p> <p>Provided that one member of the Appellate Board for purposes of the Copyright Act shall have qualification as in (a), (b) or (d) above.</p>	<p>(iv) Secretary to the Government of India, Ministry of Consumer Affairs Food and Public Distribution -member;</p>
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13.	National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013).	<p>(1) The Chairperson shall be a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court.</p> <p>(2) A Judicial Member shall be a person who is or has been a Judge of a High Court or is a Judicial Member of the National Company Law Tribunal for five years.</p> <p>(3) A Technical Member shall be 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.</p>	<p>Search-Cum-Selection Committee for the post of Chairperson, Judicial Member and Technical Member –</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him –chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the National Company Law Appellate Tribunal – member; or</p> <p>(b) in case of appointment of Judicial Member and Technical Member the Chairperson of the National Company Law Appellate Tribunal – member; or</p> <p>(iii) Secretary to the Government of India, Ministry of Corporate Affairs – member;</p> <p>(iv) Secretary to the Government of India, Ministry of Finance (Department of Financial Services)– member.</p>
14.	Authority for Advance Ruling under the Income-tax Act, 1961 (43 of 1961)	<p>A person shall be qualified for appointment as, -</p> <p>(a) Chairman, who: -</p> <p>(i) is, or has been, a Judge of the Supreme Court; or</p> <p>(ii) is or has been a Chief Justice of a High Court.</p> <p>(b) Vice-chairman, who is, or has been, a Judge of a High Court;</p> <p>(c) Law Member, who has, for a combined period of ten years, been a District Judge and Additional District Judge; or</p> <p>(d) Revenue Member from the Indian Revenue Service who is qualified to be a Member of the Central Board of Direct Taxes and an officer of the Indian Customs and Central Excise Service, who is qualified to be a Member of the Central Board of Excise and Customs and has performed judicial, quasi-judicial or adjudicating function for three years.</p>	<p>Search-cum Selection Committee for the post of Chairman, Vice-Chairman, Law Member and Revenue Member -</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairman, the Outgoing Chairman to the Authorities for Advance Ruling- member; or</p> <p>(b) in case of appointment of Vice-Chairman, Law Member and Revenue Member, the Chairman to the Authorities for Advance Ruling- member;</p> <p>(iii) Secretary to the Government of India, Ministry of Finance (Department of Revenue) - member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training) –member.</p>
15.	Film Certification Appellate Tribunal under the Cinematograph Act, 1952 (37 of 1952)	<p>(1) A person shall not be qualified for appointment as Chairman, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as member.</p>	<p>Search-cum-Selection Committee for post of the Chairman and Member of the Appellate Tribunal, —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p>

		(2) A person qualified to judge the effect of films on the public shall be qualified for appointment as a Member.	(ii) (a) in case of appointment of Chairman, the outgoing Chairman of the Appellate Tribunal-member; or (b) in case of appointment of Member, the Chairman of the Appellate Tribunal-member; (iii) Secretary to the Government of India, Ministry of Information and Broadcasting -member; and (iv) Secretary to the Government of India, Ministry of Culture-member.
16.	National Consumer Disputes Redressal Commission under the Consumer Protection Act, 1986 (68 of 1986)	(1) A person shall not be qualified for appointment as President, unless he, – (a) is, or has been, a Judge of the Supreme Court; or (b) is, or has been, Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Member 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; or (c) 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.	Search-cum-Selection Committee for post of the President and Member of the National Consumer Disputes Redressal Commission, - (i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson; (ii) (a) in case of appointment of President, the Outgoing President of National Consumer Disputes Redressal Commission- member; or (b) in case of appointment of Member, the President of National Consumer Disputes Redressal Commission- member; (iii) Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution-member; and (iv) Secretary to the Government of India, Ministry of Commerce (Department for Promotion of Industry and Internal Trade)-member.
17.	Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).	(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, — (a) is, or has been, a Judge of Supreme Court; or (b) is, or has been, Chief Justice of a High Court. (2) A person shall not be qualified for appointment as Judicial Member, 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. (3) A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special	Search-cum-Selection Committee for the post of Chairperson, Judicial Member and Technical Member — (i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson; (ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Appellate Tribunal for Electricity - member; or (b) in case of appointment of Judicial Member and Technical Member, the Chairperson of the Appellate Tribunal for Electricity - member; (iii) Secretary to the Government of India, Ministry Power-member; and

		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.	(iv) Secretary to the Government of India, Ministry of Petroleum -member.
18.	Armed Forces Tribunal under the Armed Forces Act, 2007 (55 of 2007)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless, he, -</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is or has been a Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member unless he is, or has been, a Judge of a High Court.</p> <p>(3) A person shall not be qualified for appointment as Administrative Member, unless he, -</p> <p>(a) 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</p> <p>(b) 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</p> <p>(c) 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.</p>	<p>Search-cum-Selection Committee for the post of Chairperson, Judicial Member and Administrative Member —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the Armed Force Tribunal - member; or</p> <p>(b) in case of appointment of Judicial Member and Administrative Member the Chairperson of the Armed Forces Tribunal - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Defence-member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training)-member.</p>
19.	National Green Tribunal under the National Green Tribunal Act, 2010 (19 of 2010)	<p>(1) A person shall not be qualified for appointment as Chairperson, unless he, -</p> <p>(a) is, or has been, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless he, -</p> <p>(a) is, or has been, a Judge of a High Court; or</p>	<p>Search-cum-Selection Committee for the post of the Chairperson, Judicial Member and Expert Member of the National Green Tribunal, —</p> <p>(i) Chief Justice of India or any Judge of the Supreme Court nominated by him – chairperson;</p> <p>(ii) (a) in case of appointment of Chairperson, the Outgoing Chairperson of the National Green Tribunal - member; or</p>

		<p>(b) has, for a combined period of ten years, been a District Judge and Additional District Judge.</p> <p>(3) A person shall not be qualified for appointment as Expert Member, unless he, -</p> <p>(a) 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</p> <p>(b) 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.</p>	<p>(b) in case of appointment of Judicial Member and Expert Member the Chairperson of the National Green Tribunal - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Environment and Forest-member; and</p> <p>(iv) Secretary to the Government of India, Ministry of Personal, Public Grievances and Pensions (Department of Personnel &amp; Training)-member.</p>
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[F. No. A.-50050/9/2016-Ad.1C (CESTAT) (Pt-1)]

RITVIK PANDEY, Jt. Secy.

## Extracts of the Hon'ble Supreme Court judgment on the Tribunal Rule 2020

Para 29 -----“ It is settled that the Secretary of the parent or sponsoring Department cannot have a say in the process of selection and service conditions of the members of Tribunals. Ergo, the Secretary to the sponsoring or parent Department shall serve as the Member-Secretary/Convener to the Search-cum-Selection Committee and shall function in the Search-cum-Selection Committee without a vote.”

Para 30 --- “The Government of India is duty bound to implement the directions issued in the earlier judgments and **constitute the Search-cum-Selection Committees in which the Chief Justice of India or his nominee shall be the Chairperson along with the Chairperson of the Tribunal if he is a retired Judge of the Supreme Court or a retired Chief Justice of a High Court and two Secretaries to the Government of India.** In case the Tribunal is headed by a Chairperson who is not a judicial member, the Search-cum-Selection Committee shall consist of the Chief Justice of India or his nominee as Chairperson and 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 and Secretary to the Government of India from the Ministry of Law and Justice and a Secretary of a department other than the parent or sponsoring department to be nominated by the Cabinet Secretary. As stated above, the Secretary of the parent or sponsoring department shall serve as the Member-Secretary or Convener, without a vote.”

Para 31

31.”--- we direct that Rule 4(2) of the 2020 Rules shall be amended and till so amended, that it be read as empowering the Search-cum-Selection Committee to recommend the name of only one person for each post. However, taking note of the submissions made by the learned Attorney General regarding the requirement of the reports of the selected candidates from the Intelligence Bureau, another suitable person can be selected by the Search-cum-Selection Committee and placed in the waiting list. In case, the report of the Intelligence Bureau regarding the selected candidate is not satisfactory, then the candidate in the waiting list can be appointed.

TERM OF OFFICE

Para 35



“--- We, therefore, direct the Government to amend Rule 9(1)of the 2020 Rules by making the term of Chairman, Chairperson or President as five years or till they attain 70 years, whichever is earlier and other members dealt with in Rule 9(2) as five years or till they attain 67 years, whichever is earlier.”

Para 41

“ --- it is left open to the Search-cum-Selection Committee to take into account in the experience of the Advocates at the bar and the specialization of the Advocates in the relevant branch of law while considering them for appointment as judicial members.”

Para 47

“ -- direct that the Government of India shall make the appointments to the Tribunals within three months after the Search-cum-Selection Committee completes the selection and makes its recommendations.”

Para 51

“The 2020 Rules which came into force from the date of their publication in the Official Gazette, i.e. 12.02.2020, cannot be given retrospective effect. The intention of Government of India to make the 2020 Rules prospective is very clear from the notification dated 12.02.2020. In any event, subordinate legislation cannot be given retrospective effect unless the parent statute specifically provides for the same.”

Para 52

“--For the purpose of clarity, we hold that all appointments made prior to the 2020 Rules which came into force on 12.02.2020 shall be governed by the parent Acts and Rules. Any appointment made after the 2020 Rules have come into force shall be in accordance with the 2020 Rules subject to the modifications directed in the preceding paragraphs of this judgment.”

Para 53.

The upshot of the above discussion leads this court to issue the following directions:

(i) The Union of India shall constitute a National Tribunals Commission which shall act as an independent body to supervise the appointments and functioning of Tribunals, as well as to conduct disciplinary proceedings against members of Tribunals and to take care of administrative and infrastructural needs of the Tribunals, in an appropriate manner. Till the National Tribunals Commission is constituted, a separate wing in the Ministry of Finance, Government of India shall be established to cater to the requirements of the Tribunals.

(ii) Instead of the four-member Search-cum-Selection Committees provided for in Column (4) of the Schedule to the 2020 Rules with the Chief Justice of India or his nominee, outgoing or sitting Chairman or Chairperson or President of the Tribunal and two Secretaries to the Government of India, the Search-cum-Selection Committees should comprise of the following members:

(a) The Chief Justice of India or his nominee—Chairperson (with a casting vote).

(b) The outgoing Chairman or Chairperson or President of the Tribunal in case of appointment of the Chairman or Chairperson or President of the Tribunal (or) the sitting Chairman or Chairperson or President of the Tribunal in case of appointment of other members of the Tribunal (or) a retired Judge of the Supreme Court of India or a retired Chief Justice of a High Court in case the Chairman or Chairperson or President of the Tribunal is not a Judicial member or if the Chairman or Chairperson or President of the Tribunal is seeking re-appointment—member;

(c) Secretary to the Ministry of Law and Justice, Government of India—member;

(d) Secretary to the Government of India from a department other than the parent or sponsoring department, nominated by the Cabinet Secretary—member;

(e) Secretary to the sponsoring or parent Ministry or Department—Member Secretary/ Convener (without a vote).

Till amendments are carried out, the 2020 Rules shall be read in the manner indicated.

(iii) Rule 4(2) of the 2020 Rules shall be amended to provide that the Search-cum-Selection Committee shall recommend the name of **one person** for appointment to each post instead of a panel of two or three persons for appointment to each post. Another name may be recommended to be included in the waiting list.

(iv) The Chairpersons, Vice-Chairpersons and the members of the Tribunal shall hold office for a term of five years and shall be eligible for **reappointment**. Rule 9(2) of the 2020 Rules

shall be amended to provide that the Vice-Chairman, Vice-Chairperson and Vice President and other members shall hold office till they attain the age of sixty-seven years.

(v) The Union of India shall make serious efforts to provide suitable housing to the Chairman or Chairperson or President and other members of the Tribunals. If providing housing is not possible, the Union of India shall pay the Chairman or Chairperson or President and Vice-Chairman, Vice-Chairperson, Vice President of the Tribunals an amount of Rs. 1,50,000/-per month as house rent allowance and Rs. 1,25,000/-per month for other members of the Tribunals. This direction shall be effective from 01.01.2021.

(vi) The 2020 Rules shall be amended to make advocates with an experience of at least 10 years eligible for appointment as judicial members in the Tribunals. While considering advocates for appointment as judicial members in the Tribunals, the Search-cum-Selection Committee shall take into account the experience of the Advocate at the bar and their specialization in the relevant branches of law. They shall be entitled for reappointment for at least one term by giving preference to the service rendered by them for the Tribunals.

(vii) The members of the Indian Legal Service shall be eligible for appointment as judicial members in the Tribunals, provided that they fulfil the criteria applicable to advocates subject to suitability to be assessed by the Search-cum-Selection Committee on the basis of their experience and knowledge in the specialized branch of law.

(viii) Rule 8 of the 2020 Rules shall be amended to reflect that the recommendations of the Search-cum-Selection Committee in matters of disciplinary actions shall be final and the recommendations of the Search-cum-Selection Committee shall be implemented by the Central Government.

(ix) The Union of India shall make appointments to Tribunals within three months from the date on which the Search-cum-Selection Committee completes the selection process and makes its recommendations.

**(x) The 2020 Rules shall have prospective effect and will be applicable from 12.02.2020, as per Rule 1(2) of the 2020 Rules.**

(xi) Appointments made prior to the 2017 Rules are governed by the parent Acts and Rules which established the concerned Tribunals. In view of the interim orders passed by the Court in Rojer Mathew(supra), **appointments made during the pendency of Rojer Mathew(supra) were also governed by the parent Acts and Rules.** Any appointments that were made **after the 2020 Rules came into force i.e. on or after 12.02.2020 shall be governed by the 2020 Rules subject to the modifications directed in the preceding paragraphs of this judgment.**

(xii) Appointments made under the 2020 Rules till the date of this judgment, shall not be considered invalid, insofar as they conformed to the recommendations of the Search-cum-Selection Committees in terms of the 2020 Rules. Such appointments are upheld, and shall not be called into question on the ground that the Search-cum-Selection Committees which recommended the appointment of Chairman, Chairperson, President or other members were in terms of the 2020 Rules, as they stood before the modifications directed in this judgment. They are, in other words, saved.

**(xiii) In case the Search-cum-Selection Committees have made recommendations after conducting selections in accordance with the 2020 Rules, appointments shall be made within three months from today and shall not be subject matter of challenge on the ground that they are not in accord with this judgment.**

(xiv) The terms and conditions relating to salary, benefits, allowances, house rent allowance etc. shall be in accordance with the terms indicated in, and directed by this judgment.

**(xv) The Chairpersons, Vice Chairpersons and members of the Tribunals appointed prior to 12.02.2020 shall be governed by the parent statutes and Rules as per which they were appointed.** The 2020 Rules shall be applicable with the modifications directed in the preceding paragraphs to those who were appointed after 12.02.2020. While reserving the matter for judgment on 09.10.2020, we extended the term of the Chairpersons, Vice-Chairpersons and members of the Tribunals till 31.12.2020. In view of the final judgment on the 2020 Rules, the retirements of the Chairpersons, Vice-Chairpersons and the members of the Tribunals shall be in accordance with the applicable Rules as mentioned above.