

No. 46/1/2018-R&R
Government of India
Ministry of Power

Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001 dated 2nd June 2018

VACANCY CIRCULAR

1. 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 to hear appeals against the orders of the adjudicating officer or the Appropriate Commission under the Electricity Act. 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. One post of Technical Member in the Tribunal will fall vacant on 21.8.2018. It is proposed to fill up the anticipated vacancy.
2. Appointment of Member of APTEL is to be made in accordance with the provisions of the Electricity Act 2003 and the Rules made there under. The Parliament has passed Finance Act 2017 to provide for merger of tribunals and other authorities and conditions of service of Chairpersons, Members, etc., as PART XIV of the Finance Act 2017. With the enactment of the Finance Act 2017, these appointments shall be made in accordance with section 184 of the Finance Act. Necessary amendments in the Electricity Act to this effect have been made through section 180 of the Finance Act.
3. In exercise of powers conferred by section 184 of the Finance Act, 2017, Central Government has notified the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017 vide Notification No. G.S.R. 514(E) on 1.6.2017 ("Tribunal Rules 2017"). With the enactment of the Finance Act 2017 and notification of the Tribunal Rules, appointment of Chairperson and Member of Appellate Tribunal for Electricity (APTEL) is to be made in accordance with the Tribunal Rules.
4. Hon'ble Supreme Court of India vide its Order of dated 9.2.2018 in WP(C) 279/2017 challenging certain provisions of Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017, has accepted the suggestion for constituting an interim Search-cum-Selection Committee ("interim SCSC") for Selection of Members of the Tribunals. In pursuance of the said Order of the Supreme Court and the

opinion of Ld Attorney General of India dated 20.3.2018, the interim SCSC for selection of Technical Member of APTEL has been constituted vide Notification dated 21.5.2018.

5. **Qualifications:**

Qualifications for appointment as Technical Member in APTEL as prescribed in column (3) of SCHEDULE to the Tribunal Rules 2017 against Sl. No. 17 are as follows:

“A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty 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 in the opinion of the Central Government is useful to the Appellate Tribunal.”

6. **Term of office:**

In terms of Supreme Court order dated 9.2.2018 in WP(C) 279/2017 which has been further clarified by a subsequent order dated 20.3.2018, Technical Member of the Tribunal is to be appointed based on the recommendation of the interim Search-cum-Selection Committee shall hold office for a term of five years from the date on which he or she assumes office or till he or she attains the age of sixty-five years, whichever is earlier.

The Member of APTEL shall also be eligible for reappointment subject to the maximum age of 65 years.

The application of only those applicants who shall have tenure of atleast three years as on date of occurrence of vacancy i.e. 21.08.2018, shall be considered.

7. **Conditions of service:**

In terms of Supreme Court order dated 9.2.2018 in WP(C) 279/2017, all appointments to be made in pursuance to the selection made by the interim Search-cum-Selection Committee shall abide by the conditions of service as per the old Acts and the Rules. Accordingly conditions of service to the posts of Members shall be governed by the relevant provisions of the Electricity Act and the Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008 as amended from time to time.

8. A copy of the relevant extracts of the Electricity Act, Finance Act, 2017, the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules 2017, Supreme Court Order dated 9.2.2018 and 22.3.2018, Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004 and the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008 are available at Ministry's website www.powermin.nic.in and the website of DoPT www.persmin.nic.in.
9. Applications are invited from suitable persons having qualification and experience as stated above for appointment as Technical Member of APTEL. Applications as per prescribed format (Annexure) may be submitted to Under Secretary (R&R), Ministry of Power, 2nd Floor, Room No. 222A, Shram Shakti Bhawan, New Delhi 110001 so as to reach this Ministry on or before 2nd July 2018 (5.30 pm).



(D. Chattopadhyay)

Under Secretary to the Govt of India
Telefax : 2373 0265

Application to the post of Technical Member, Appellate Tribunal for Electricity (APTEL)

14. Name of Post : **Technical Member,
Appellate Tribunal for Electricity (APTEL)**

15. Date of Vacancy : **21.8.2018**

16. Name of Applicant :

17. Father's Name :

18. Present post held (since.....) :

19. Date of Birth of Applicant (DD/MM/YYYY) :

20. Age of Applicant on date of Vacancy: ...YearsMonths.....Days

21. Correspondence Address :

22. Phone Number :

23. Mobile Number :

24. Email ID :

25. Educational Qualification(s) [In reverse chronological order]

SN	Name of University/ equivalent institution	Degree	Year of passing	Subject/specialization

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26. Experience (Past 20 years) :

SN	From (Date)	To (Date)	Department/Organizat ion/ Institute	Designation	Experience

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

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

Declaration

3. I hereby declare that I do not have any financial or other interest, which is likely to affect prejudicially my function as Member, Appellate Tribunal for Electricity, in the event of my selection.
4. 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 mis re-represented, or any information or fact is suppressed, my selection is liable to be cancelled.

Place:

Signature:

Date:

Name:

Extracts from Electricity Act 2003

direction relates to matter within the exclusive territorial jurisdiction of the State;

- (b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union territory if the participating Governments fail to reach an agreement or the participating States or majority of them request the Central Government to issue such directions.

CHAPTER XI

APPELLATE TRIBUNAL FOR ELECTRICITY

Establishment
of Appellate
Tribunal.

110. 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.

Appeal to
Appellate
Tribunal.

111. (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 filling the appeal, deposit the amount of such penalty:

Provided further that where in 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 off 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.

Composition
of Appellate
Tribunal.

112. (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,-

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|---|---|
| Qualifications
for
appointment
of Chairperson
and Member of
the Appellate
Tribunal. | <ul style="list-style-type: none"> (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. <p>113. (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-</p> <ul style="list-style-type: none"> (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,- <ul style="list-style-type: none"> (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. <p>(2) The Chairperson of the Appellate Tribunal shall be appointed by the Central Government after consultation with the Chief Justice of India.</p> <p>(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.</p> <p>(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.</p> |
| Term of
office. | <p>114. 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:</p> |

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.

Terms and conditions of service.

115. 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.

Vacancies.

116. 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.

Resignation and removal

117. (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.

Member to act as Chairperson in certain circumstances.

118. (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.

Officers and other employees of Appellate Tribunal..

119. (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.

Procedure and powers of Appellate Tribunal.

120. (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. 5 of 1908
- (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:- 5 of 1908
- (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 1 of 1872

		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 <i>ex parte</i> ;
		(h) setting aside any order of dismissal or any representation for default or any order passed by it <i>ex parte</i> ;
		(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.
45 of 1860.	(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 .
2 of 1974.		
Power of Appellate Tribunal	121.	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.
Distribution of business amongst Benches and transfer of cases from one Bench to another Bench.	122. (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.

- Decision to be by majority.
123. 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.
- Right of appellant to take assistance of legal practitioner and of Appropriate Commission to appoint presenting officers.
124. (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.
- (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.
- Appeal to Supreme Court.
125. 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:
- 5 of 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.

PART – XII

INVESTIGATION AND ENFORCEMENT

- Assessment.
- 126 (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.
- (2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

PART XIV

AMENDMENTS TO CERTAIN ACTS TO PROVIDE FOR MERGER OF
TRIBUNALS AND OTHER AUTHORITIES AND CONDITIONS OF
SERVICE OF CHAIRPERSONS, MEMBERS, ETC.

A.—PRELIMINARY

156. The provisions of this Part shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Part and any reference in any provision to the commencement of this Part shall be construed as a reference to the coming into force of that provision.

Commencement
of this Part.

157. In this Part, unless the context otherwise requires,—

Definitions.

(a) "appointed day", in relation to any provision of this Part, means such date as the Central Government may, by notification in the Official Gazette, appoint;

(b) "Authority" means the Authority, other than Tribunals and Appellate Tribunals, specified in the Eighth Schedule or Ninth Schedule, as the case may be;

(c) "notification" means a notification published in the Official Gazette;

(d) "Schedule" means the Eighth Schedule and Ninth Schedule appended to this Act.

B.—AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947 AND THE
EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952.

158. In the Industrial Disputes Act, 1947,—

Amendment
of Act 14 of
1947.

(a) in section 7A, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) The Industrial Tribunal constituted by the Central Government under sub-section (I) shall also exercise, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, the jurisdiction, powers and authority conferred on the Tribunal referred to in section 7D of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.";

19 of 1952.

(b) after section 7C, the following section shall be inserted, namely:—

"7D. Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation and removal and other terms and conditions of service of the Presiding Officer of the Industrial Tribunal appointed by the Central Government under sub-section (I) of section 7A, shall, after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of section 184 of that Act:

Qualifications,
terms and
conditions of
service of
Presiding
Officer.

Provided that the Presiding Officer appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force."

159. In the Employees' Provident Funds and Miscellaneous Provisions Act, 1952,—

Amendment
of Act 19 of
1952.

(a) in section 2, for clause (m), the following clause shall be substituted, namely:—

'(m) "Tribunal" means the Industrial Tribunal referred to in section 7 D;'

P.—AMENDMENT TO THE ELECTRICITY ACT, 2003

Amendment
of Act 36 of
2003.

Qualifications,
terms and
conditions of
service of
Chairperson
and Member.

180. In the Electricity Act, 2003, after section 47, the following section shall be inserted, namely:—

"117A. Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act:

Provided that the Chairperson and Member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force."

Q.—AMENDMENT TO THE ARMED FORCES TRIBUNAL ACT, 2007

Amendment
of Act 55 of
2007.

Qualifications,
terms and
conditions of
service of
Chairperson
and Member.

181. In the Armed Force Tribunal Act, 2007, after section 9, the following section shall be inserted, namely:—

"9A. Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act:

Provided that the Chairperson and Member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force."

R.—AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

Qualifications,
terms and
conditions of
service of
Chairperson,
Judicial
Member and
Expert
Member.

182. In the National Green Tribunal Act, 2010, after section 10, the following section shall be inserted, namely:—

"10A. Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and other terms and conditions of service of the Chairperson, Judicial Member and Expert Member of the Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act:

Provided that the Chairperson, Judicial Member and Expert Member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force."

S.—CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNALS, APPELLATE TRIBUNALS AND OTHER AUTHORITIES

Application
of section
184.

183. Notwithstanding anything to the contrary contained in the provisions of the Acts specified in column (3) of the Eighth Schedule, on and from the appointed day, provisions of section 184 shall apply to the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authorities as specified in column (2) of the said Schedule:

Provided that the provisions of section 184 shall not apply to the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or, as the case may be, Member holding such office as such immediately before the appointed day.

184. (1) The Central Government may, by notification, make rules to provide for qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authorities as specified in column (2) of the Eighth Schedule:

Qualifications, appointment, term and conditions of service, salary and allowances, etc., of Chairperson, Vice-Chairperson and Members, etc., of the Tribunal, Appellate Tribunal and other Authorities.

Provided that the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or other Authority shall hold office for such term as specified in the rules made by the Central Government but not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided further that no Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member shall hold office as such after he has attained such age as specified in the rules made by the Central Government which shall not exceed,—

(a) in the case of Chairperson, Chairman or President, the age of seventy years;

(b) in the case of Vice-Chairperson, Vice-Chairman, Vice-President, Presiding Officer or any other Member, the age of sixty-seven years:

(2) Neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment.

T.—MISCELLANEOUS

185. (1) Any person appointed as the Chairperson or Chairman, President or Vice-Chairperson or Vice-Chairman, Vice-President or Presiding Officer or Member of the Tribunals, Appellate Tribunals, or as the case may be, other Authorities specified in column (2) of the Ninth Schedule and holding office as such immediately before the appointed day, shall on and from the appointed day, cease to hold such office and such Chairperson or Chairman, President, Vice-Chairperson or Vice-Chairman, Vice-President or Presiding officer or Member shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their 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 column (2) of the Ninth Schedule appointed on deputation, before the appointed day, shall, on and from the appointed day, stand reverted to their parent cadre, Ministry or Department.

(3) Every officer or other employee of the Tribunal, Appellate Tribunal and other Authorities specified in column (2) of the Ninth Schedule employed on regular basis, by such Tribunal, Appellate Tribunal or other Authorities shall become, on and from the appointed day, the officer and other employee, of the corresponding Tribunal, Appellate Tribunal or other Authorities specified in column (3) of the said Schedule with same rights and privileges as to pension, gratuity and other like benefits as would have been admissible to him if he had continued to serve the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the said Schedule until his employment is duly terminated or until his remuneration, terms and conditions of employment are duly altered by such corresponding Tribunal, Appellate Tribunal or other Authorities, as the case may be, specified in column (3) of the Ninth Schedule or until the expiry of a period of one year from the appointed day if such officer or other employee opts not to continue to be the officer or other employee of such Tribunal, Appellate Tribunal or other Authorities within such period.

(4) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the Ninth Schedule, before the appointed day, shall stand transferred to the corresponding Tribunal, Appellate Tribunal or

other Authorities specified in column (3) of the said Schedule and the said Tribunal, Appellate Tribunal or other Authority shall, on and from the appointed day, deal with *de novo* or from the stage at which such appeal, application or proceeding stood before the date of their transfer and shall dispose them in accordance with the provisions of the Act specified in column (2) of the said Schedule.

(5) The balance of all monies received by, or advanced to the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the Ninth Schedule and not spent by it before the appointed day, shall, on and from the appointed day, stand transferred to an vest in the Central Government which shall be utilised for the purposes stated in sub-section (7).

(6) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the Ninth Schedule before the appointed day, shall stand transferred to, on and from the appointed day, and shall vest in the Central Government.

(7) All liabilities and obligations of whatever kind incurred by the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the Ninth Schedule and subsisting immediately before the appointed day, shall, on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the corresponding Tribunal, Appellate Tribunal or other Authorities specified in column (3) of the Ninth Schedule; and any proceeding or cause of action, pending or existing immediately before the appointed day by or against the Tribunal, Appellate Tribunal or other Authorities specified in column (2) of the Ninth Schedule in relation to such liability or obligation may, on and from the appointed day, be continued or enforced by or against the corresponding Tribunal, Appellate Tribunal or other Authority specified in column (3) of the Ninth Schedule.

General
Power to
make rules.

186. Without prejudice to any other power to make rules contained elsewhere in this Part, the Central Government may, by notification, make rules generally to carry out the provisions of this Part.

Power to
amend Eighth
Schedule.

187. (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 Eighth 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.

188. Every rule made under this Part 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.

Removal of
difficulties.

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

(2) No order under sub-section (1) shall be made after the expiry of three years from the appointed day.

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

THE EIGHTH SCHEDULE

[See sections 183 and 184]

S.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.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
7.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
8.	Debts Recovery Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)
9.	Debts Recovery Appellate Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)
10.	Airport Appellate Tribunal	The Airport Authority of India Act, 1994 (55 of 1994)
11.	Telecom Disputes Settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
12.	Appellate Board	The Trade Marks Act, 1999 (47 of 1999)
13.	National Company Law Appellate Tribunal	The Companies Act, 2013 (18 of 2013)

(1)	(2)	(3)
14.	Authority for Advance Ruling	The Income Tax Act, 1961 (43 of 1961)
15.	Film Certification Appellate Tribunal	The Cinematograph Act, 1952 (37 of 1952)
16.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 1986 (68 of 1986)
17.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
18.	Armed Forces Tribunal	The Armed Forces Act, 2007 (55 of 2007)
19.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010).

THE NINTH SCHEDULE

[See section 185]

Sl.No.	Tribunal/ Appellate Tribunal under the Acts	Tribunal/ Appellate Tribunal/ Authority to exercise the jurisdiction under the Acts.
(1)	(2)	(3)
1.	The Employees Provident Fund Appellate Tribunal under the Employees Provident Funds and Miscellaneous Provisions Act, 1952.	The Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947.
2.	The Copyright Board under the Copyright Act, 1957.	The Intellectual Property Appellate Board under the Trade Marks Act, 1999.
3.	The Railway Rates Tribunal under the Railways Act, 1989.	The Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987.
4.	The Appellate Tribunal for Foreign Exchange under the Foreign Exchange Management Act, 1999.	The Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.
5.	The National Highways Tribunal under the Control of National Highways (Land and Traffic) Act, 2002.	The Airport Appellate Tribunal under the Airport Authority of India Act, 1994.
6.	(A) The Cyber Appellate Tribunal under the Information Technology Act, 2000. (B) The Airports Economic Regulatory Authority Appellate Tribunal under the Airports Economic Regulatory Authority of India Act, 2008.	The Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997.
7.	The Competition Appellate Tribunal under the Competition Act, 2002.	The National Company Law Appellate Tribunal under the Companies Act, 2013."

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Secretary to the Govt. of India.

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भाग II—खण्ड 3—उप-खण्ड (i)
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(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 1 जून, 2017

सा.का.नि. 514(अ).—केंद्रीय सरकार, वित्त अधिनियम, 2017 (2017 का 7) की धारा 184 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :--

1. संक्षिप्त नाम, प्रारंभ और लागू होना.—(1) इन नियमों का संक्षिप्त नाम अधिकरण, अपील अधिकरण और अन्य प्राधिकरण (सदस्यों की अर्हताएं, अनुभव और सेवा शर्तें) नियम, 2017 है।

(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

(3) ये नियम, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण, जैसा कि वित्त अधिनियम, 2017 (2017 का 7) की आठवीं अनुसूची के स्तंभ (2) में विनिर्दिष्ट है, के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, सदस्य को लागू होंगे।

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

(क) “अधिनियम” से वित्त अधिनियम, 2017 (2017 का 7) की आठवीं अनुसूची के स्तंभ (3) में विनिर्दिष्ट अधिनियम अभिप्रेत है ;

(ख) “लेखा सदस्य”, “प्रशासनिक सदस्य”, “न्यायिक सदस्य”, “विशेषज्ञ सदस्य”, “विधि सदस्य”, “राजस्व सदस्य” या “तकनीकी सदस्य” से, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अधिनियम के तत्स्थानी उपबंधों के अधीन नियुक्त लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य अभिप्रेत है ;

(ग) “अपील अधिकरण”, “प्राधिकरण” या “अधिकरण” का वही अर्थ है, जो उनका अधिनियम के तत्स्थानी उपबंधों में है ;

- (घ) “अध्यक्ष” से अधिनियम के तत्स्थानी उपबंधों के अधीन नियुक्त, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष अभिप्रेत है ;
- (ङ) “सदस्य” से लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य अभिप्रेत है और इसके अंतर्गत, यथास्थिति, प्रतिभूति अपील अधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी या उपाध्यक्ष है ;
- (च) “पीठासीन अधिकारी” से भारतीय प्रतिभूति और विनिमय बोर्ड अधिनियम, 1992 (1992 का 15) की धारा 15ठ के अधीन नियुक्त प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी, बैंकों और वित्तीय संस्थाओं को शोध्य ऋण वसूली अधिनियम, 1993 (1993 का 51) की धारा 4 की उपधारा (1) के अधीन नियुक्त ऋण वसूली अधिकरण का पीठासीन अधिकारी और केंद्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क की उपधारा (1) के अधीन नियुक्त औद्योगिक अधिकरण का पीठासीन अधिकारी अभिप्रेत है ;
- (छ) “खोजबीन-सह-चयन समिति” से नियम 4 में निर्दिष्ट खोजबीन-सह-चयन समिति अभिप्रेत है ;
- (ज) “उपाध्यक्ष” से, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का उपाध्यक्ष अभिप्रेत है ;
- (झ) उन शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, क्रमशः वही अर्थ होंगे जो उनका संबंधित अधिनियमों में है ।

3. सदस्य की नियुक्ति के लिए अर्हताएं.—यथास्थिति, अधिकरण, अपील अधिकरण, प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य की नियुक्ति के लिए अर्हताएं वह होगी, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (3) में विनिर्दिष्ट हैं ।

4. भर्ती की पद्धति.—(1) यथास्थिति, अधिकरण, अपील अधिकरण, प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य की नियुक्ति यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के संबंध में उक्त अनुसूची के स्तंभ (4) में विनिर्दिष्ट खोजबीन-सह-चयन समिति की सिफारिश पर केंद्रीय सरकार द्वारा की जाएगी ।

(2) उस मंत्रालय/विभाग, जिसके अधीन यथास्थिति, अधिकरण, अपील अधिकरण, प्राधिकरण का गठन किया जाता है या स्थापित किया जाता है, का सचिव, भारत सरकार खोजबीन-सह-चयन समिति का संयोजक होगा ।

(3) खोजबीन-सह-चयन समिति अपनी सिफारिश करने के लिए अपनी प्रक्रिया अवधारित करेगी ।

(4) अधिकरण, अपील अधिकरण या प्राधिकरणों के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य की नियुक्ति केवल इस कारण से ही अविधिमान्य नहीं होगी कि खोजबीन-सह-चयन समिति या चयन समिति में कोई रिक्ति या अनुपस्थिति है ।

(5) इस नियम की कोई बात, यथास्थिति, अपील अधिकरण, अधिकरण या प्राधिकरण के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य, जो इन नियमों के प्रारंभ होने से ठीक पूर्व उस रूप में कार्य कर रहा है, को लागू नहीं होगी ।

5. चिकित्सक दृष्टया योग्यता.—किसी व्यक्ति को, जिसे केंद्रीय सरकार द्वारा इस निमित्त विनिर्दिष्ट किसी प्राधिकारी द्वारा चिकित्सा दृष्टया योग्य घोषित न कर दिया जाए, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य या सदस्य नियुक्त नहीं किया जाएगा ।

6. किसी सदस्य द्वारा त्यागपत्र.—कोई सदस्य, केंद्रीय सरकार को संबोधित अपने हस्ताक्षर सहित लेख द्वारा किसी भी समय पद से त्यागपत्र दे सकेगा :

परंतु सदस्य जब तक कि केंद्रीय सरकार द्वारा उसे पहले पद छोड़ने की अनुज्ञा न प्रदान की जाए, ऐसी सूचना की प्राप्ति की तारीख से तीन मास के अवसान तक या जब तक कि उसके उत्तरवर्ती की उस पद पर सम्यक्तः नियुक्ति न कर दी जाए या उसकी पदावधि की समाप्ति, इनमें जो भी पूर्वोक्त हो, अपने पद पर बना रहेगा ।

7. सदस्य को पद से हटाना.—केंद्रीय सरकार, इस निमित्त उसके द्वारा गठित समिति की सिफारिश पर किसी सदस्य को पद से हटा सकेगी, जिसे

(क) दिवालिया न्यायनिर्णीत किया गया है;

(ख) ऐसे किसी अपराध के लिए सिद्धदोष ठहराया गया है, जिसमें केंद्रीय सरकार की राय में नैतिक अधमता अंतर्वलित है;

(ग) शारीरिक रूप से या मानसिक रूप से सदस्य के रूप में कार्य करने में असमर्थ हो गया है;

(घ) उसने ऐसे वित्तीय या अन्य हित अर्जित किए हैं, जिनसे सदस्य के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है

(ङ) उसने अपनी हैसियत का इस प्रकार दुरुपयोग किया है जिससे उसका पद पर बने रहना लोक हित के प्रतिकूल हो गया है:

परंतु जहां किसी सदस्य को खंड (ख) से खंड (ङ) में विनिर्दिष्ट किसी आधार पर हटाया जाना प्रस्तावित है तो वहां सदस्य को उसके विरुद्ध आरोपों की सूचना दी जाएगी और उन आरोपों के संबंध में सुने जाने का अवसर प्रदान किया जाएगा :

परंतु यह और कि राष्ट्रीय कंपनी अपील अधिकरण के अध्यक्ष या सदस्य को भारत के मुख्य न्यायमूर्ति के परामर्श से पद से हटाया जाएगा ।

8. सदस्य के दुर्व्यवहार या अधमता की जांच की प्रक्रिया.—(1) यदि केंद्रीय सरकार को अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के संबंध में दुर्व्यवहार या पद के कृत्यों का पालन करने में अधमता के स्पष्ट आरोप का अभिकथन करने की कोई लिखित शिकायत प्राप्त होती है तो भारत सरकार का मंत्रालय या विभाग जिसके अधीन यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण गठित किया गया है या स्थापित किया गया है ऐसी शिकायत की प्रारंभिक संवीक्षा करेगा ।

(2) यदि प्रारंभिक संवीक्षा पर, भारत सरकार का मंत्रालय या विभाग, जिसके अधीन यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण गठित किया गया है या स्थापित किया गया है, की यह राय है कि किसी अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के किसी दुर्व्यवहार या अधमता की सच्चाई की जांच करने के लिए युक्तियुक्त आधार है तो वह जांच संचालित करने के लिए नियम 7 के अधीन गठित समिति को निर्देश करेगी ।

(3) समिति उतने समय या उतने और समय के भीतर, जो केंद्रीय सरकार द्वारा विनिर्दिष्ट किया जाए, जांच पूरी करेगी ।

(4) जांच के पूरा होने के पश्चात् समिति केंद्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करेगी, जिसमें वह अपने निष्कर्षों और पृथक् रूप से आरोपों में से प्रत्येक आरोप पर उन के लिए कारणों का और संपूर्ण मामले पर अपने प्रक्षेपणों, जो वह ठीक समझे, का कथन करेगी ।

(5) समिति सिविल प्रक्रिया संहिता, 1908 (1908 का 5) में अधिकथित प्रक्रिया से आबद्ध नहीं होगी किंतु वह नैसर्गिक न्याय के सिद्धांतों द्वारा मार्गदर्शित होगी और उसे अपनी प्रक्रिया को विनियमित करने की शक्ति होगी, जिसके अंतर्गत अपनी जांच के लिए तारीख, स्थान और समय नियत करना भी है ।

9. सदस्य की पदावधि.—इन नियमों में अन्यथा उपबंधित के सिवाय, यथास्थिति, अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य उक्त अनुसूची के स्तंभ (5) में यथाविनिर्दिष्ट अवधि के लिए पद धारण करेगा और उस तारीख से, जिसको वह पद धारण करता है से उक्त अनुसूची के स्तंभ (6) में यथाविनिर्दिष्ट ऐसी आयु तक पद धारण करेगा तथा पुनः नियुक्ति का पात्र होगा ।

10. आकस्मिक रिक्ति.—(1) (क) यथास्थिति, अध्यक्ष, उपाध्यक्ष या प्रतिभूति अपील अधिकरण के अध्यक्ष की आकस्मिक रिक्ति की दशा में केंद्रीय सरकार को ज्येष्ठतम उपाध्यक्ष की नियुक्ति करने की या उसकी अनुपस्थिति में, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के किसी एक लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य को अध्यक्ष या पीठासीन अधिकारी के रूप में स्थानापन्न के रूप में नियुक्त करने की शक्ति होगी ।

(ख) केंद्रीय सरकार को किसी अन्य ऋण वसूली अपील अधिकरण के अध्यक्ष को अध्यक्ष के रूप में स्थानापन्न के रूप में नियुक्त करने की शक्ति होगी और ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी के पद पर आकस्मिक रिक्ति की दशा में ऋण वसूली अपील अधिकरण के अध्यक्ष को किसी अन्य ऋण वसूली अपील अधिकरण के पीठासीन अधिकारी को स्थानापन्न पीठासीन अधिकारी के रूप में नियुक्त करने की शक्ति होगी ।

11. वेतन और भत्ते.—(1) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, या प्रतिभूति अपील अधिकरण को 2,50,000/- रुपए (नियत) और केंद्रीय सरकार के समान वेतन वाला पदधारण करने वाले अधिकारी को अनुज्ञेय अन्य भत्ते और फायदों का संदाय किया जाएगा।

(2) यथास्थिति, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य को 2,25,000/- रुपए के वेतन का संदाय किया जाएगा और वह भारत सरकार के समान वेतन वाला पदधारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय भत्तों को प्राप्त करने का हकदार होगा।

(3) केंद्रीय सरकार द्वारा गठित ऋण वसूली अधिकरण के पीठासीन अधिकारी या औद्योगिक अधिकरण के पीठासीन अधिकारी को 1,44,200-2,18,200/- रुपए के वेतन का संदाय किया जाएगा और वह भारत सरकार के समान वेतन वाला पदधारण करने वाले समूह 'क' अधिकारी को अनुज्ञेय भत्तों को प्राप्त करने का हकदार होगा।

(4) यथास्थिति, किसी व्यक्ति के अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के रूप में नियुक्ति पर, जो किसी पेंशन को प्राप्त करता है तो ऐसे व्यक्ति के वेतन को उसके द्वारा अर्जित पेंशन की सकल रकम से कम कर दिया जाएगा।

12. पेंशन, उपदान और भविष्य निधि.—(1) उच्चतम न्यायालय, उच्च न्यायालय या किसी अधिकरण के सेवारत न्यायिक सदस्य या भारतीय विधिक सेवा के सदस्य या किसी संगठित सेवा के सदस्य की दशा में, जिसकी नियुक्ति प्रतिभूति अपील अधिकरण के अध्यक्ष या पीठासीन अधिकारी के रूप में की जाती है तो, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण में की गई सेवा को उस सेवा के नियमों के अनुसार, जिससे वह संबंध रखता है, पेंशन के लिए गणना में लिया जाएगा और वह साधारण भविष्य निधि (केंद्रीय सेवाएं) नियम, 1960 और अभिदायी पेंशन प्रणाली के उपबंधों द्वारा प्रशासित होगा।

(2) सभी अन्य मामलों में लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य अभिदायी भविष्य निधि (भारत) नियम, 1962 और अभिदायी पेंशन प्रणाली के उपबंधों द्वारा प्रशासित होगा।

(3) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण में की गई सेवा के लिए अतिरिक्त पेंशन और उपदान अनुज्ञेय नहीं होगा।

13. छुट्टी.—(1) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य सेवा के प्रत्येक वर्ष के लिए तीस दिन की अर्जित छुट्टी का हकदार होगा।

(2) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य को किसी कलेंडर वर्ष में आठ दिन से अनधिक आकस्मिक छुट्टी अनुदत्त की जाएगी।

(3) छुट्टी के दौरान छुट्टी वेतन केंद्रीय सिविल सेवा (छुट्टी) नियम, 1972 के नियम 40 द्वारा प्रशासित होगा।

(4) अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य इस शर्त के अधीन रहते हुए कि अधिकतम छुट्टी नकदीकरण, जिसके अंतर्गत पूर्व सेवा से सेवानिवृत्ति के समय प्राप्त रकम भी है, उसके खाते में जमा अर्जित छुट्टी के संबंध में छुट्टी के नकदीकरण का हकदार होगा कि उसके द्वारा प्राप्त रकम केंद्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन विहित सीमा से अधिक नहीं होगा।

14. छुट्टी मंजूर करने वाला प्राधिकारी.—(1) निम्नलिखित के लिए,-

(क) किसी उपाध्यक्ष, ऋण वसूली अधिकरण और औद्योगिक अधिकरण के पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य या सदस्य के लिए, यथास्थिति, छुट्टी मंजूर करने वाला प्राधिकारी अध्यक्ष होगा प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी और प्रतिभूति अपील अधिकरण का होगा; और लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य या सदस्य की दशा में अध्यक्ष, प्रतिभूति अपील अधिकरण के पीठासीन अधिकारी की अनुपस्थिति में केंद्रीय सरकार भी मंजूरी प्राधिकारी होगी।

(ख) अध्यक्ष, प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या अध्यक्ष की अनुपस्थिति की दशा में अध्यक्ष, प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या अध्यक्ष के लिए केन्द्रीय सरकार होगी जो लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, के लिए मंजूर करने वाला प्राधिकरण भी होगा।

(2) केन्द्रीय सरकार अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य के लिए विदेशी यात्रा हेतु मंजूर करने वाला प्राधिकरण होगा।

15. गृह किराया भत्ता.—अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य या सदस्य उसी दर पर गृह किराया भत्ते के हकदार होंगे, जो तत्स्थानी प्रास्थिति के भारत सरकार के समूह 'क' अधिकारी को अनुज्ञेय है।

16. परिवहन भत्ता.—अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी, सदस्य भारत सरकार की तत्स्थानी प्रास्थिति के समूह 'क' अधिकारी को यथा अनुज्ञेय सुविधाओं के अनुसार स्टाफ कार नियम के उपबंधों के अनुसार शासकीय और प्राइवेट प्रयोजनों के लिए स्टॉफ कार की सुविधा के हकदार होंगे।

17. वित्तीय और अन्य हितों की घोषणा.—अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य अपना पद धारण करने से पूर्व अपनी आस्तियों और अपने उत्तरदायित्वों तथा वित्तीय और अन्य हितों का प्रकटन करेगा।

18. सेवा की अन्य शर्तें.—(1) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य या तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य, जिसके संबंध में इन नियमों में कोई अभिव्यक्त उपबंध नहीं किया गया है, की सेवा के निबंधन और शर्तें वे होंगी, जो भारत सरकार के तत्स्थानी प्रास्थिति के समूह 'क' अधिकारी को अनुज्ञेय हैं।

(2) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य किसी अधिकरण, अपील अधिकरण या प्राधिकरण के समक्ष, यथास्थिति, उस अधिकरण, अपील अधिकरण या प्राधिकरण से सेवानिवृत्ति के पश्चात् व्यवसाय नहीं करेंगे।

(3) अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य, यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण में इन क्षमताओं में कार्य करते हुए कोई माध्यस्थ कार्य हाथ में नहीं लेंगे।

(4) यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण का अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, विधि सदस्य, राजस्व सदस्य या तकनीकी सदस्य उस तारीख से, जिसको वह अपना पद धारण करना समाप्त करते हैं, से दो वर्ष की अवधि के लिए कोई नियोजन स्वीकार नहीं करेंगे या किसी व्यक्ति, जो यथास्थिति, अधिकरण, अपील अधिकरण या प्राधिकरण के समक्ष कार्यवाहियों में पक्षकार था, के प्रबंधन या प्रशासन से संबद्ध नहीं होगा।

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

19. पद और गोपनीयता की शपथ.—अध्यक्ष, उपाध्यक्ष, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य, पीठासीन अधिकारी या सदस्य के रूप में नियुक्त व्यक्ति अपना पद धारण करने से पूर्व इन नियमों से उपाबद्ध प्ररूप 1 और प्ररूप 2 में पद और गोपनीयता की शपथ लेगा तथा हस्ताक्षर करेगा।

20. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है वहां वह उसके लिए जो कारण हैं, उन्हें लेखबद्ध करके इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों के संबंध में आदेश द्वारा शिथिल कर सकेगी।

21. निर्वचन.—यदि इन नियमों के निर्वचन के संबंध में कोई प्रश्न उदभूत होता है तो उस पर केन्द्रीय सरकार का विनिश्चय अंतिम होगा।

22. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, भूतपूर्व सैनिकों, अन्य पिछड़े वर्गों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

प्ररूप 1

(नियम 19 देखिए)

..... (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के लिए पद की शपथ का प्ररूप

मैं अमुक (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में नियुक्त किए जाने पर

ईश्वर की शपथ लेता हूँ/सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि मैं श्रद्धापूर्वक और शुद्ध अंतःकरण से (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में अपने कर्तव्यों का अपनी पूरी योग्यता, ज्ञान और विवेक से भय या पक्षपात, अनुराग या द्वेष के बिना निर्वहन करूंगा और मैं संविधान और देश की विधियों की मर्यादा को बनाए रखूंगा।

[अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम)]

प्ररूप 2

(नियम 19 देखिए)

.....(अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के लिए गोपनीयता की शपथ का प्ररूप

मैं.....अमुक (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/सदस्य की रूप में नियुक्त किए जाने पर ईश्वर की शपथ लेता हूँ/सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि जो विषय, विचार के लिए लाया जाएगा अथवा मुझे ज्ञात होगा उसे किसी व्यक्तियों को तब के सिवाय जबकि या मुझे (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम) के अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य के रूप में विचार के लिए लाया जाएगा अथवा मुझे ज्ञात होगा उसे किसी व्यक्तियों को तब के सिवाय जबकि अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/सदस्य के रूप में अपने कर्तव्यों के सम्यक् निर्वहन के लिए ऐसा करना अपेक्षित हो मैं प्रत्यक्षतः या अप्रत्यक्षतः किसी व्यक्ति या व्यक्तियों को संसूचित नहीं करूंगा या प्रकट नहीं करूंगा।

[अध्यक्ष/उपाध्यक्ष/पीठासीन अधिकारी/उप पीठासीन अधिकारी/अध्यक्ष/उपाध्यक्ष/लेखा सदस्य/प्रशासनिक सदस्य/न्यायिक सदस्य/विशेषज्ञ सदस्य/विधि सदस्य/राजस्व सदस्य/तकनीकी सदस्य/सदस्य (अधिकरण/अपील अधिकरण/प्राधिकरण का नाम)]

अनुसूची

क्रम सं.	अधिकरण, अपील अधिकरण या प्राधिकरण का नाम	अध्यक्ष, उपाध्यक्ष, पीठासीन अधिकारी, लेखा सदस्य, प्रशासनिक सदस्य, न्यायिक सदस्य, विशेषज्ञ सदस्य, तकनीकी सदस्य या सदस्य की नियुक्ति के लिए अर्हता	खोजबीन-सह-चयन समिति की संरचना	पदावधि	पदधारण करने के लिए अधिकतम आयु (वर्ष में)
(1)	(2)	(3)	(4)	(5)	(6)
1.	केंद्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के अधीन गठित औद्योगिक अधिकरण	कोई सदस्य पीठासीन अधिकारी के रूप में नियुक्त नहीं किया जाएगा,— (क) यदि वह उच्च न्यायालय का न्यायाधीश नहीं है, या नहीं रहा है या न्यायाधीश होने के लिए अर्हित नहीं है ; या (ख) वह तीन वर्ष से अन्यून अवधि के लिए जिला न्यायाधीश या अपर जिला	पीठासीन अधिकारी के लिए खोजबीन-सह-चयन समिति : (i) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला व्यक्ति – अध्यक्ष (ii) सचिव, भारत सरकार, श्रम और रोजगार मंत्रालय – सदस्य (iii) केंद्रीय सरकार द्वारा नामनिर्दिष्ट	तीन वर्ष	पीठासीन अधिकारी – पैंसठ वर्ष

		न्यायाधीश रहा है ; या (ग) वह योग्य, सत्यनिष्ठ और अनुभवी व्यक्ति है तथा उसे बीस वर्ष से अन्यून का अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, प्रबंधन, उद्योग, सार्वजनिक मामले, प्रशासन, श्रम संबंध, औद्योगिक विवाद या किसी अन्य विषय का विशेष ज्ञान और व्यवसायिक अनुभव है, जो केंद्रीय सरकार की राय में औद्योगिक अधिकरण के लिए उपयोग हो सकता है।	किया जाने वाला सचिव, भारत सरकार – सदस्य (iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ – सदस्य		
2.	आय-कर अधिनियम, 1961 (1961 का 43) के अधीन आय-कर अपील अधिकरण	(1) कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा, जब तक वह किसी उच्च न्यायालय का पीठासीन या सेवानिवृत्त न्यायाधीश नहीं है, जिसने किसी उच्च न्यायालय में या आय-कर अपील अधिकरण के उपाध्यक्ष के रूप में सात वर्ष से अन्यून सेवा नहीं कर ली है। (2) केंद्रीय सरकार आय-कर अपील अधिकरण के एक या अधिक सदस्यों को, यथास्थिति, उसका उपाध्यक्ष या उपाध्यक्ष नियुक्त कर सकेगी। (3) न्यायिक सदस्य के रूप में नियुक्त किए जाने के लिए कोई व्यक्ति अर्हित नहीं होगा— (क) उसने भारत के राज्यक्षेत्र में कम से कम दस वर्ष के लिए न्यायिक पद धारण नहीं किया है ; या (ख) वह भारतीय विधिक सेवा का सदस्य नहीं है और उसने सेवा के ग्रेड 2 या किसी समतुल्य या उच्चतर पद पर कम से कम तीन वर्ष की सेवा की है ; या (ग) वह कम से कम दस वर्ष के लिए अधिवक्ता नहीं रहा है ; (4) कोई व्यक्ति लेखा सदस्य के रूप में नियुक्ति के लिए पात्र नहीं होगा,— (i) उसने कम से कम दस वर्ष का लेखाकर्म का व्यवसाय नहीं किया है ; (क) वह चार्टर्ड अकाउंटेंट अधिनियम, 1949 (1949 का 38) के अधीन चार्टर्ड अकाउंटेंट नहीं है ; या (ख) वह औपचारिक रूप से प्रवृत्त किसी विधि के अधीन रजिस्ट्रीकृत लेखाकार है या भागतः ऐसा	अ. अध्यक्ष और उपाध्यक्ष के पद के लिए के लिए खोजबीन-सह-चयन समिति : (i) भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाने वाला उच्चतम न्यायालय का आसीन न्यायाधीश – अध्यक्ष (ii) अध्यक्ष, आय-कर अपील अधिकरण – सदस्य और (iii) सचिव, विधि और न्याय मंत्रालय (विधि कार्य विभाग) – सदस्य आ. लेखा सदस्य और न्यायिक सदस्य के लिए खोजबीन-सह-चयन समिति : (i) विधि और न्याय मंत्री का नामनिर्देशिती – अध्यक्ष (ii) सचिव, विधि और न्याय मंत्रालय (विधि कार्य विभाग) – सदस्य (iii) अध्यक्ष, आय-कर अपील अधिकरण – सदस्य और (iv) दो से अनधिक कोई अन्य व्यक्ति, यदि कोई हों, जैसा विधि और न्याय मंत्री नियुक्त करें।	तीन वर्ष	अध्यक्ष – पैंसठ वर्ष उपाध्यक्ष – बासठ वर्ष सदस्य – बासठ वर्ष

		<p>रजिस्ट्रीकृत लेखाकार है और भागतः चार्टर्ड अकाउंटेंट है ; या</p> <p>(ii) वह भारतीय राजस्व सेवा (आय-कर सेवा समूह 'क') का सदस्य रहा है और उसने अपर आयुक्त आय-कर या किसी समतुल्य या उच्चतर पद पर कम से कम तीन वर्ष की सेवा की है ।</p>			
3.	सीमा-शुल्क अधिनियम, 1962 (1962 का 52) के अधीन सीमाशुल्क, उत्पाद-शुल्क और सेवा कर अपील अधिकरण	<p>(1) कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए अर्हित नहीं होगा :</p> <p>(क) वह उच्च न्यायालय का न्यायाधीश है या रहा है ; या</p> <p>(ख) वह अपील अधिकरण का सदस्य है ।</p> <p>(2) कोई सदस्य न्यायिक सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा—</p> <p>(क) उसने भारत के राज्यक्षेत्र में कम से कम दस वर्ष के लिए न्यायिक पद धारण नहीं किया है ; या</p> <p>(ख) वह भारतीय विधिक सेवा का सदस्य नहीं है और उसने सेवा के ग्रेड 1 या किसी समतुल्य या उच्चतर पद पर कम से कम तीन वर्ष की सेवा की है ; या</p> <p>(ग) वह कम से कम दस वर्ष के लिए अधिवक्ता नहीं रहा है ।</p> <p>(3) कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए अर्हित नहीं होगा यदि वह भारतीय राजस्व (सीमाशुल्क और केंद्रीय उत्पाद-शुल्क सेवा समूह 'क') का सदस्य न हो और उसने आयुक्त सीमाशुल्क या केंद्रीय उत्पाद-शुल्क या किसी समतुल्य या उच्चतर पद पर कम से कम तीन वर्ष की सेवा नहीं की है ।</p>	<p>(अ) अध्यक्ष के पद के लिए खोजबीन-सह-चयन समिति—</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उच्चतम न्यायालय का न्यायाधीश जैसा कि भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाए – अध्यक्ष</p> <p>(ii) सचिव, भारत सरकार, राजस्व विभाग – सदस्य</p> <p>(iii) सचिव, भारत सरकार, विधि कार्य विभाग – सदस्य</p> <p>(iv) सचिव, भारत सरकार, कार्मिक और प्रशिक्षण विभाग – सदस्य</p> <p>(आ) न्यायिक सदस्य के लिए खोजबीन-सह-चयन समिति—</p> <p>(i) उच्चतम न्यायालय का न्यायाधीश जैसा कि भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाए – अध्यक्ष</p> <p>(ii) सचिव, भारत सरकार, वित्त मंत्रालय, (राजस्व विभाग) – सदस्य</p> <p>(iii) सचिव, भारत सरकार, विधि और न्याय मंत्रालय (विधि कार्य विभाग) – सदस्य</p> <p>(iv) अध्यक्ष, सीमाशुल्क उत्पादशुल्क और सेवा कर अपील अधिकरण – सदस्य ; और</p> <p>(v) दो से अनधिक ऐसे अन्य सदस्य, जो केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाएं – सदस्य</p> <p>इ. तकनीकी सदस्य के लिए खोजबीन-सह-चयन समिति</p> <p>(i) मंत्रिमंडल सचिव, भारत सरकार – सदस्य</p> <p>(ii) सचिव, भारत सरकार, वित्त मंत्रालय, (राजस्व विभाग) – सदस्य</p> <p>(iii) सचिव, भारत सरकार, कार्मिक,</p>	तीन वर्ष	<p>अध्यक्ष –</p> <p>सड़सठ वर्ष</p> <p>सदस्य –</p> <p>बासठ वर्ष</p>

			लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) – सदस्य (iv) सचिव, भारत सरकार, विधि और न्याय मंत्रालय (विधि कार्य विभाग) – सदस्य।		
4.	तस्कर और विदेशी मुद्रा छलसाधक (सम्पत्ति समपहरण) अधिनियम, 1976 (1976 का 13) के अधीन अपील अधिकरण	(1) अपील अधिकरण का अध्यक्ष ऐसा व्यक्ति होगा जो उच्चतम न्यायालय या किसी उच्च न्यायालय का न्यायाधीश है या न्यायाधीश रहा है या न्यायाधीश होने के लिए अर्हित है (2) अपील अधिकरण का सदस्य ऐसा व्यक्ति होगा जो भारत सरकार के संयुक्त सचिव की पंक्ति से नीचे का न हो	(अ) अध्यक्ष पद के लिए खोजबीन-सह-चयन समिति,— (i) भारत के मुख्य न्यायमूर्ति या भारत के मुख्य न्यायमूर्ति द्वारा यथा नामनिर्दिष्ट भारत के उच्चतम न्यायालय का न्यायाधीश-अध्यक्ष (ii) सचिव, भारत सरकार, राजस्व विभाग – सदस्य; (iii) सचिव, भारत सरकार, विधि और न्याय मंत्रालय, विधि कार्य विभाग – सदस्य; (iv) सचिव, भारत सरकार कार्मिक और प्रशिक्षण विभाग – सदस्य (आ) सदस्य के पद के लिए खोजबीन-सह-चयन समिति: (i) मंत्रिमंडल सचिव – अध्यक्ष (ii) सचिव, भारत सरकार कार्मिक और प्रशिक्षण विभाग – सदस्य (iii) सचिव, भारत सरकार राजस्व विभाग – सदस्य; (iv) केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले भारत सरकार के दो सचिव	तीन वर्ष	अध्यक्ष – पैंसठ वर्ष सदस्य – बासठ वर्ष
5.	प्रशासनिक अधिकरण अधिनियम, 1985 (1985 का 13) के अधीन केन्द्रीय प्रशासनिक अधिकरण	1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,— (क) किसी उच्च न्यायालय का न्यायाधीश है, या रहा है या न्यायाधीश होने के लिए अर्हित है; या (ख) केन्द्रीय प्रशासनिक अधिकरण में प्रशासनिक सदस्य या न्यायिक सदस्य के रूप में तीन वर्ष से अन्यून अवधि के लिए पद धारण किया है। (ग) योग्य, ईमानदार और अनुभवी व्यक्ति है और जो अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य-कलाप या	(अ). अध्यक्ष या न्यायिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशिती – अध्यक्ष (ii) अध्यक्ष, केन्द्रीय प्रशासनिक अधिकरण, प्रधान न्यायपीठ – सदस्य (iii) सचिव, भारत सरकार कार्मिक और प्रशिक्षण विभाग – सदस्य (iv) सचिव, भारत सरकार विधि और न्याय मंत्रालय – सदस्य (v) एक विशेषज्ञ, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए – सदस्य (आ) प्रशासनिक सदस्य के पद के	तीन वर्ष	अध्यक्ष – अड़सठ वर्ष सदस्य – पैंसठ वर्ष

	<p>प्रशासन या कोई अन्य विषय, जो केन्द्रीय सरकार की राय में केन्द्रीय प्रशासनिक अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और इनमें कम से कम बीस वर्ष का वृत्तिक अनुभव रखता हो।</p> <p>2. कोई व्यक्ति—</p> <p>(क) न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,—</p> <p>(i) किसी उच्च न्यायालय का न्यायाधीश है, या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ii) जिसने भारत सरकार के विधि कार्य विभाग या विधायी विभाग के सचिव, जिसमें भारत के विधि आयोग का सदस्य – सचिव भी है, का पद कम से कम एक वर्ष तक धारण किया हो; या</p> <p>(iii) जिसने भारत सरकार के विधि कार्य विभाग या विधायी विभाग का अपर सचिव का पद कम से कम दो वर्ष तक धारण किया हो; या</p> <p>(iv) जिसने भारत के राज्य क्षेत्र में कम से कम दस वर्ष तक न्यायिक पद धारण किया हो,—</p> <p>(ख) प्रशासनिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा,—</p> <p>(i) जब उसने भारत सरकार के सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद कम से कम एक वर्ष तक धारण किया हो और कम से कम एक वर्ष तक ऐसे पद के वेतनमान में हो जो भारत सरकार के सचिव के वेतनमान से कम न हो; या</p> <p>(ii) जब उसने भारत सरकार के अपर सचिव का पद या केन्द्रीय सरकार या किसी राज्य सरकार के अधीन कोई अन्य पद कम से कम दो वर्ष तक धारण किया हो और कम से कम दो वर्ष तक ऐसे पद के वेतनमान में हो जो भारत सरकार के अपर सचिव के वेतनमान से कम न हो:</p> <p>परंतु अखिल भारतीय सेवा के ऐसे अधिकारी, जो केन्द्रीय प्रतिनियुक्ति पर किसी निम्नतर पद पर थे या हैं, ऐसी तारीख से ऐसे अधिकारी को प्रोफार्मा</p>	<p>लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) ऐसा व्यक्ति, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - अध्यक्ष</p> <p>(ii) अध्यक्ष, केन्द्रीय प्रशासनिक अधिकरण – सदस्य</p> <p>(iii) सचिव, भारत सरकार कार्मिक और प्रशिक्षण विभाग – सदस्य</p> <p>(iv) सचिव, भारत सरकार विधि और न्याय मंत्रालय – सदस्य</p> <p>(v) एक विशेषज्ञ, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - सदस्य</p>		
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		प्रोन्नति या वास्तविक प्रोन्नति, जो भी पहले हो, यथास्थिति, सचिव या अपर सचिव के स्तर पर दी गई थी, यथास्थिति, सचिव या अपर सचिव का पद धारण किए हुए समझे जाएंगे और ऐसी तारीख के पश्चात् केन्द्रीय प्रतिनियुक्ति पर व्यतीत की गई अवधि इस खंड के प्रयोजन के लिए अर्हक सेवा के लिए गिनी जाएगी।			
6.	रेल दावा अधिकरण अधिनियम, 1987 (1987 का 54) के अधीन रेल दावा अधिकरण।	<p>1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) यथास्थिति, उपाध्यक्ष, न्यायिक सदस्य या तकनीकी सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पदधारण किया है; या</p> <p>(ग) योग्य, ईमानदार और अनुभवी व्यक्ति हो तथा रेल से सम्बन्धित दावों और वाणिज्य विषयों की विशेष जानकारी रखता है और उनमें कम से कम पच्चीस वर्ष का वृत्तिक अनुभव रखता हो।</p> <p>2. कोई व्यक्ति उपाध्यक्ष (न्यायिक) के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह, -</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसके न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) भारतीय विधि सेवा का सदस्य रहा है और उस सेवा की श्रेणी 1 का पद या कोई उच्चतर पद कम से कम पांच वर्ष तक धारण किया है; या</p> <p>(ग) कम से कम पांच वर्ष की अवधि के लिए कोई सिविल न्यायिक पद धारण किया है, जिसका वेतनमान भारत सरकार के संयुक्त सचिव के वेतनमान से कम नहीं है; या</p> <p>(घ) न्यायिक सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पद धारण किया है।</p> <p>3. कोई व्यक्ति उपाध्यक्ष (तकनीकी) के रूप में नियुक्ति के तभी अर्हित होगा जब उसने,-</p> <p>(क) कम से कम तीन वर्ष की अवधि के लिए तकनीकी सदस्य के रूप में पद धारण किया हो; या</p>	<p>(अ) अध्यक्ष, उपाध्यक्ष (न्यायिक) या सदस्य (न्यायिक) के पद के लिए निम्नलिखित से मिलकर बनी चयन समिति:—</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशित - अध्यक्ष;</p> <p>(ii) अध्यक्ष रेल बोर्ड/सदस्य (यातायात रेल बोर्ड) - सदस्य</p> <p>(iii) सचिव, भारत सरकार, जो केन्द्रीय सरकार द्वारा नाम निर्दिष्ट किया जाए - सदस्य;</p> <p>(iv) ऐसे दो विशेषज्ञ, जिनको केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले रेल से सम्बन्धित दावों या वाणिज्यिक विषयों की जानकारी और अनुभव हो - सदस्य।</p> <p>(आ). उपाध्यक्ष (तकनीकी) या सदस्य (तकनीकी) के पद के लिए खोजबीन-सह-चयन समिति:—</p> <p>(i) ऐसा व्यक्ति, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - अध्यक्ष</p> <p>(ii) अध्यक्ष, या सदस्य (यातायात रेल बोर्ड/सदस्य - सदस्य</p> <p>(iii) सचिव, भारत सरकार, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - सदस्य</p> <p>(iv) रेल से सम्बन्धित दावों और वाणिज्यिक विषयों की जानकारी और अनुभव रखने वाले दो विशेषज्ञ, जो केन्द्रीय सरकार नामनिर्दिष्ट किए जाएं - सदस्य</p>	तीन वर्ष	<p>अध्यक्ष - सड़सठ वर्ष</p> <p>उपाध्यक्ष - पैंसठ वर्ष</p> <p>सदस्य - वासठ वर्ष</p>

		<p>(ख) रेल प्रशासन के अधीन कम से कम पांच वर्ष तक ऐसा पद धारण किया है जिसका वेतनमान भारत सरकार के संयुक्त सचिव के वेतनमान से कम नहीं है और जिसे रेल से सम्बन्धित दावों और वाणिज्यिक विषयों के नियमों और प्रक्रियाओं का पर्याप्त ज्ञान है और इनमें पर्याप्त अनुभव रखता है।</p> <p>4. कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) जिसने भारत के राज्य क्षेत्र में कम से कम दस वर्ष तक न्यायिक पद धारण किया है।</p> <p>5. कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब वह,-</p> <p>योग्य और ईमानदार तथा अनुभवी व्यक्ति है और रेल से सम्बन्धित वाणिज्यिक विषयों के नियमों और प्रक्रियाओं का विशेष ज्ञान रखता हो और उनमें कम से कम पच्चीस वर्ष का अनुभव रखता हो।</p>			
7.	भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1992 (1992 का 15) के अधीन प्रतिभूति अपील अधिकरण	<p>1. कोई व्यक्ति प्रतिभूति अपील अधिकरण के पीठासीन अधिकारी या न्यायिक सदस्य या तकनीकी सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) पीठासीन अधिकारी के मामले में कम से कम सात वर्ष तक उच्चतम न्यायालय का न्यायाधीश या उच्च न्यायालय का मुख्य न्यायमूर्ति या उच्च न्यायालय का न्यायाधीश है या रहा है:</p> <p>(ख) न्यायिक सदस्य के मामले में कम से कम पांच वर्ष तक किसी उच्च न्यायालय का न्यायाधीश है या रहा है; या</p> <p>(ग) तकनीकी सदस्य के मामले में-</p> <p>(i) केन्द्रीय सरकार के मंत्रालय या विभाग में अपर सचिव या सचिव है</p>	<p>(अ). अधिकरण का पीठासीन अधिकारी और न्यायिक सदस्य की नियुक्ति भारत के मुख्य न्यायमूर्ति या उसके नामनिर्देशिती के परामर्श से केन्द्रीय सरकार द्वारा की जाएगी।</p> <p>(आ). तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति;-</p> <p>(i) पीठासीन अधिकारी, प्रतिभूति अपील अधिकरण - अध्यक्ष</p> <p>(ii) सचिव, भारत सरकार आर्थिक कार्य विभाग - सदस्य</p> <p>(iii) सचिव, भारत सरकार वित्तीय सेवा विभाग - सदस्य</p> <p>(iv) सचिव, भारत सरकार विधायी विभाग या विधि कार्य विभाग - सदस्य</p>	तीन वर्ष	<p>पीठासीन अधिकारी - सत्तर वर्ष</p> <p>सदस्य - सड़सठ वर्ष</p>

		<p>या रहा है या केन्द्रीय सरकार या राज्य सरकार में कोई समतुल्य पद धारण कर रहा है; या</p> <p>(ii) साबित योग्य, ईमानदार और अनुभव वाला व्यक्ति, जिसको वित्तीय सेक्टर, जिनके अन्तर्गत प्रतिभूति बाजार या पेंशन निधि या वस्तु व्युत्पन्न या बीमा भी हैं, में विशेष ज्ञान रखता है और उनमें कम से कम पंद्रह वर्ष का वृत्तिक अनुभव रखता हो।</p> <p>2. बोर्ड या बीमा विनियामक और विकास प्राधिकरण या पेंशन निधि विनियामक और विकास प्राधिकरण का कोई सदस्य या अंशकालिक सदस्य या बोर्ड में या ऐसे प्राधिकरणों में कार्यपालक निदेशक के समतुल्य ज्येष्ठ प्रबंध स्तर पर कोई व्यक्ति अपनी सेवा या कार्यकाल के दौरान प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या सदस्य के रूप में, यथास्थिति, ऐसे बोर्ड या ऐसे प्राधिकरणों को उस रूप में या उस तारीख से, जिसको वह बोर्ड में या ऐसे प्राधिकरणों में उस रूप में पद पर नहीं रह जाता है, से दो वर्ष के भीतर नियुक्त नहीं किया जाएगा।</p> <p>3. प्रतिभूति अपील अधिकरण का पीठासीन अधिकारी या सदस्य ऐसा व्यक्ति होगा जो ऐसा कोई वित्तीय या अन्य हित नहीं रखता है जिससे पीठासीन अधिकारी या सदस्य के रूप में उनके कृत्यों पर प्रतिकूल प्रभाव पड़ने की सम्भावना है।</p>			
8.	बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण	<p>कोई व्यक्ति ऋण वसूली अधिकरण के पीठासीन अधिकारी के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,-</p> <p>(क) जिला न्यायाधीश है या रहा है या जिला न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) योग्य, ईमानदारी और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक, कार्य-कलाप, प्रशासन, बैंककारी, ऋण वसूली या कोई अन्य विषय, जो केन्द्रीय सरकार की राय में ऋण वसूली अधिकरण के लिए उपयोगी हो, में विशेष ज्ञान रखता हो और उसमें कम से कम बीस वर्ष का और उसमें अनुभव रखता हो।</p>	<p>ऋण वसूली अधिकरण के पीठासीन अधिकारी के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशिती - अध्यक्ष;</p> <p>(ii) सचिव, भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) - सदस्य;</p> <p>(iii) सचिव, भारत सरकार, विधि और न्याय मंत्रालय - सदस्य;</p> <p>(iv) भारतीय रिजर्व बैंक का गवर्नर या भारतीय रिजर्व बैंक के गवर्नर द्वारा नामनिर्दिष्ट रिजर्व बैंक का डिप्टी गवर्नर - सदस्य; और</p> <p>(v) सचिव, भारत सरकार, अपर</p>	तीन वर्ष	पीठासीन अधिकारी - पैंसठ वर्ष

			सचिव भारत सरकार, वित्त मंत्रालय वित्तीय सेवा विभाग - सदस्य		
9.	बैंकों और वित्तीय संस्थाओं को शोध ऋण वसूली अधिनियम, 1993 (1993 का 51) के अधीन ऋण वसूली अधिकरण	1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह,- (क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; (ख) भारतीय विधि सेवा का सदस्य रहा है और उस सेवा की श्रेणी 1 में पद धारण किया है; या (ग) ऋण वसूली अधिकरण के पीठासीन अधिकारी के रूप में कम से कम तीन वर्ष तक पद धारण किया है।	ऋण वसूली अपील अधिकरण के अध्यक्ष के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशिती - अध्यक्ष (ii) सचिव, भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) - सदस्य (iii) सचिव, भारत सरकार, विधि और न्याय मंत्रालय - सदस्य (iv) भारतीय रिजर्व बैंक का गवर्नर या भारतीय रिजर्व बैंक के गवर्नर द्वारा नामनिर्दिष्ट भारतीय रिजर्व बैंक का डिप्टी गवर्नर - सदस्य; और (v) सचिव, भारत सरकार या अपर सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवा विभाग - सदस्य	तीन वर्ष	अध्यक्ष - सत्तर वर्ष
10.	भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) के अधीन विमानपत्तन अपील अधिकरण	कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी पात्र होगा जब वह - (क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; या (ख) योग्य, ईमानदार और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य-कलाप, प्रशासन या किसी अन्य विषय, जो केन्द्रीय सरकार की राय में अपील अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और उनमें कम से कम पच्चीस वर्ष का वृत्तिक अनुभव रखता हो।	विमानपत्तन अपील अधिकरण के अध्यक्ष पद के लिए खोजबीन-सह- चयन समिति:- (i) ऐसा व्यक्ति, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - अध्यक्ष (ii) सचिव, भारत सरकार नागर विमानन मंत्रालय - सदस्य (iii) सचिव, भारत सरकार, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - सदस्य (iv) ऐसे दो विशेषज्ञ हैं जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाएं - सदस्य	तीन वर्ष	अध्यक्ष - बासठ वर्ष
11.	भारतीय दूरसंचार विनियामक प्राधिकरण अधिनियम, 1997 (1997 का 24) के अधीन दूरसंचार विवाद निपटान और अपील अधिकरण	1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी पात्र होगा जब वह - (क) किसी उच्च न्यायालय का न्यायाधीश है या रहा है या उसका न्यायाधीश होने के लिए अर्हित है; या (ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है; या (ग) उसने सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पद धारण किया है; या	अ. अध्यक्ष के पद के लिए खोजबीन-सह-चयन समिति:- (i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशिती - अध्यक्ष (ii) सचिव, भारत सरकार दूरसंचार विभाग - सदस्य (iii) सचिव, भारत सरकार, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - सदस्य	तीन वर्ष	अध्यक्ष - सत्तर वर्ष सदस्य - पैंसठ वर्ष

		<p>(घ) योग्य, ईमानदार और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य-कलाप, प्रशासन या किसी अन्य विषय, जो केन्द्रीय सरकार की राय में दूरसंचार, विवाद, निपटान और अपील अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और उनमें कम से कम बीस वर्ष का वृत्तिक अनुभव रखता हो।</p> <p>2. कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह योग्य, ईमानदार और अनुभवी व्यक्ति है और अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य-कलाप, प्रशासन या किसी अन्य विषय, जो केन्द्रीय सरकार की राय में अपील अधिकरण के लिए उपयोगी है, का विशेष ज्ञान रखता हो और उनका कम से कम वृत्तिक अनुभव रखता हो।</p>	<p>(iv) ऐसे दो विशेषज्ञ, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाएं – सदस्य</p> <p>आ. सदस्य के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) ऐसा व्यक्ति, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए - अध्यक्ष</p> <p>(ii) सचिव, भारत सरकार दूरसंचार विभाग – सदस्य</p> <p>(iii) सचिव, भारत सरकार, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाए – सदस्य</p> <p>(iv) ऐसे दो विशेषज्ञ, जो केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाएं – सदस्य</p>		
12.	व्यापार चिह्न अधिनियम, 1999 (1999 का 47) के अधीन अपील बोर्ड	<p>1. कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) उसने अपील बोर्ड के उपाध्यक्ष का पद तीन वर्ष से अन्यून अवधि के लिए धारण किया है।</p> <p>2. कोई व्यक्ति उपाध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) उसने न्यायिक सदस्य या तकनीकी सदस्य का पद दो वर्ष से अन्यून अवधि के लिए धारण किया है और उसके पास बार में व्यवसाय का कम से कम 12 वर्ष के अनुभव या राज्य न्यायिक सेवा में 12 वर्ष के अनुभव के साथ विधि की डिग्री है।</p> <p>3. कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा</p>	<p>(अ). अपील बोर्ड के अध्यक्ष, उपाध्यक्ष या न्यायिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति :-</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनका नामनिर्देशिती-अध्यक्ष</p> <p>(ii) सचिव, भारत सरकार औद्योगिक नीति और संवर्धन विभाग-सदस्य;</p> <p>(iii) सचिव, भारत सरकार, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला-सदस्य;</p> <p>(iv) दो विशेषज्ञ, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाले-सदस्य।</p> <p>(आ.) अपील बोर्ड के तकनीकी सदस्य (व्यापार चिह्न), तकनीकी सदस्य (पेटेंट) और तकनीकी सदस्य (प्रतिलिप्याधिकार) के पद के लिए खोजबीन-सह-चयन समिति :-</p> <p>(i) केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला</p>	तीन वर्ष	<p>अध्यक्ष-सड़सठ वर्ष</p> <p>उपाध्यक्ष-पैंसठ वर्ष</p> <p>सदस्य- पैंसठ वर्ष</p>

	<p>न्यायाधीश होने के लिए अर्हित है;</p> <p>(ख) उसने भारत के राज्यक्षेत्र में किसी न्यायिक अधिकारी का पद कम से कम 10 वर्ष के लिए धारण किया है।</p> <p>4. कोई व्यक्ति तकनीकी सदस्य (व्यापार चिह्न) के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) उसने कम से कम 10 वर्ष के लिए व्यापार चिह्न अधिनियम, 1999 (1999 का 47) के अधीन किसी अधिकरण के कृत्यों का निर्वहन किया है और उसने कम से कम 5 वर्ष की अवधि के लिए संयुक्त रजिस्ट्रार से अन्यून पंक्ति का कोई पद धारण किया है और उसके पास बार में व्यवसाय का कम से कम 12 वर्ष के अनुभव या राज्य न्यायिक सेवा में 12 वर्ष के अनुभव के साथ विधि की डिग्री है , या</p> <p>(ख) वह कम से कम 10 वर्ष के लिए व्यापार चिह्न विधि में सिद्ध विशिष्ट अनुभव के साथ अधिवक्ता रहा है।</p> <p>5. कोई व्यक्ति तकनीकी सदस्य (व्यापार चिह्न) के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) उसने कम से कम 5 वर्ष के लिए पेटेंट अधिनियम, 1970 (1970 का 39) के अधीन कोई पद धारण किया है या उसके अधीन नियंत्रक के कृत्यों का निर्वहन किया है; या</p> <p>(ख) उसने कम से कम 10 वर्ष के लिए रजिस्ट्रीकृत पेटेंट अभिकर्ता के रूप में कार्यकरण किया है और उसके पास तत्समय प्रवृत्त किसी विधि के अधीन स्थापित विश्वविद्यालय से इंजीनियरी या प्रौद्योगिकी में डिग्री या विज्ञान में मास्टर की डिग्री है।</p> <p>6. कोई व्यक्ति तकनीकी सदस्य (प्रतिलिप्यधिकार) के रूप में नियुक्ति के लिए तभी अर्हित होगा, जब ,-</p> <p>(क) वह भारतीय विधिक सेवा का सदस्य है या रहा है और उस सेवा के ग्रेड-1 में कम से कम 3 वर्ष के लिए पद धारण कर रहा है या पद धारण किया है; या</p> <p>(ख) उसने कम से कम 10 वर्ष के लिए भारत के राज्यक्षेत्र में कोई न्यायिक पद धारण किया है ; या</p> <p>(ग) वह अधिकरण का सदस्य है या रहा है या वह भारत सरकार के संयुक्त सचिव से अन्यून पंक्ति का सिविल सेवा का सदस्य है या रहा है,</p>	<p>व्यक्ति-अध्यक्ष;</p> <p>(ii) सचिव, औद्योगिक नीति और संवर्धन विभाग-सदस्य;</p> <p>(iii) सचिव, भारत सरकार, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला-सदस्य;</p> <p>(iv) दो विशेषज्ञ, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले-सदस्य।</p>		
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		प्रतिलिप्यधिकार के क्षेत्र में 3 वर्ष के अनुभव सहित; या (घ) प्रतिलिप्यधिकार विधि में सिद्ध विशिष्ट अनुभव के साथ कम से कम 10 वर्ष के लिए अधिवक्ता रहा है: परंतु अपील बोर्ड के कम से कम एक सदस्य के पास, प्रतिलिप्यधिकार अधिनियम के प्रयोजनों के लिए ऊपर (क), (ख) और (घ) में दी गई अर्हता होगी।			
13.	कंपनी अधिनियम, 2013 (2013 का 18) के अधीन राष्ट्रीय कंपनी विधि अपील अधिकरण	(1). अध्यक्ष ऐसा व्यक्ति होगा जो उच्चतम न्यायालय का न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है। (2). न्यायिक सदस्य ऐसा व्यक्ति होगा जो किसी उच्च न्यायालय का न्यायाधीश है या रहा है या पांच वर्ष से राष्ट्रीय कंपनी विधि अधिकरण का न्यायिक सदस्य है। (3). तकनीकी सदस्य ऐसा व्यक्ति होगा, जिसके पास सिद्ध योग्यता, ईमानदारी और अनुभव है तथा जिसके पास विधि, औद्योगिक वित्त, औद्योगिक प्रबंध या प्रशासन, औद्योगिक पुनर्संनिर्माण, विनिधान, लेखाकर्म, या किसी ऐसे अन्य विषय में, जो केन्द्रीय सरकार की राय में राष्ट्रीय कंपनी विधि अपील अधिकरण के लिए उपयोगी है, विशेष ज्ञान और कम से कम पच्चीस वर्ष का वृत्तिक अनुभव है।	(अ). अपील अधिकरण के अध्यक्ष की नियुक्ति भारत के मुख्य न्यायमूर्ति से परामर्श के पश्चात् की जाएगी। (आ). अपील अधिकरण के न्यायिक सदस्य और तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति :- (i) भारत का मुख्य न्यायमूर्ति या उसका नामनिर्देशिती -अध्यक्ष; (ii) उच्चतम न्यायालय का कोई वरिष्ठ न्यायाधीश या किसी उच्च न्यायालय का मुख्य न्यायमूर्ति - सदस्य; (iii) सचिव, भारत सरकार कारपोरेट कार्य मंत्रालय - सदस्य; (iv) सचिव, भारत सरकार विधि और न्याय मंत्रालय -सदस्य।	तीन वर्ष	अध्यक्ष-सत्तर वर्ष सदस्य-सड़सठ वर्ष
14.	आयकर अधिनियम, 1961 (1961 का 43) के अधीन अग्रिम विनिर्णय प्राधिकरण	कोई व्यक्ति निम्नलिखित के रूप में नियुक्ति के लिए निम्नानुसार अर्हित होगा- (क) अध्यक्ष, (i) जो उच्चतम न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है; या (ii) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है; या (iii) कम से कम 7 वर्ष के लिए किसी उच्च न्यायालय का न्यायमूर्ति रहा है ; या (iv) कम से कम 3 वर्ष के लिए अग्रिम विनिर्णय प्राधिकरण का उपाध्यक्ष, राजस्व सदस्य या विधि सदस्य रहा है ; या (v) ऐसा व्यक्ति है, जिसके पास सिद्ध योग्यता, ईमानदारी और अनुभव है तथा जिसके पास अर्थशास्त्र, कारबार,	(अ). अध्यक्ष और उपाध्यक्ष के पद के लिए खोजबीन-सह-चयन समिति:- (i) भारत के मुख्य न्यायमूर्ति या भारत के मुख्य न्यायमूर्ति द्वारा यथानामनिर्दिष्ट भारत के उच्चतम न्यायालय का कोई न्यायाधीश-अध्यक्ष; (ii) सचिव, भारत सरकार, (राजस्व विभाग) - सदस्य; (iii) सचिव, भारत सरकार, (विधि कार्य विभाग) - सदस्य; (iv) सचिव, भारत सरकार, (कार्मिक और प्रशिक्षण विभाग) - सदस्य। (आ) सदस्य के पद के लिए खोजबीन-सह-चयन समिति:- (i) मंत्रिमंडल सचिव-अध्यक्ष; (ii) सचिव, भारत सरकार, कार्मिक और प्रशिक्षण विभाग-सदस्य;	तीन वर्ष	अध्यक्ष-सत्तर वर्ष उपाध्यक्ष-पैंसठ वर्ष सदस्य-बासठ वर्ष

		<p>वाणिज्य, विधि वित्त, लेखाकर्म प्रबंध, उद्योग, लोक कार्य, प्रशासन, कराधान में या किसी ऐसे अन्य विषय में जो केन्द्रीय सरकार की राय में अधिकरण के लिए उपयोगी है, विशेष ज्ञान और कम से कम 25 वर्ष का वृत्तिक अनुभव है।</p> <p>(ख) उपाध्यक्ष, जो किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है।</p> <p>(ग) भारतीय राजस्व सेवा से राजस्व सदस्य, जो केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य होने के लिए अर्हित है और भारतीय सीमा शुल्क और केन्द्रीय उत्पाद शुल्क सेवा का कोई ऐसा अधिकारी, जो केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड का सदस्य होने के लिए अर्हित है।</p> <p>(घ) भारतीय विधिक सेवा से विधिक सदस्य, जो भारत सरकार का अपर सचिव है।</p>	<p>(iii) सचिव, भारत सरकार, राजस्व विभाग-सदस्य;</p> <p>(iv) भारत सरकार के दो सचिव, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले-सदस्य।</p>		
15.	चलचित्र अधिनियम, 1952 (1952 का 37) के अधीन फिल्म प्रमाणन अपील अधिकरण	<p>(1). कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,-</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) उसने सदस्य के रूप में कम से कम तीन वर्ष की अवधि के लिए पदधारण किया है; या</p> <p>(ग) वह योग्य, ईमानदार और अनुभवी व्यक्ति है और उसके पास विधि, प्रबंध, उद्योग, लोक कार्य, प्रशासन, फिल्मों में या किसी ऐसे अन्य विषय में, जो केन्द्रीय सरकार की राय में अपील अधिकरण के लिए उपयोगी है, विशेष ज्ञान और कम से कम 25 वर्ष का वृत्तिक अनुभव है।</p> <p>(2). केन्द्रीय सरकार ऐसे व्यक्तियों को अपील अधिकरण के सदस्य के रूप में नियुक्त कर सकेगी, जो उसकी राय में जनता पर फिल्मों के प्रभाव को समझने के लिए अर्हित है।</p>	<p>अपील अधिकरण के अध्यक्ष और उपाध्यक्ष के पद के लिए खोजबीन-सह-चयन समिति:-</p> <p>(i) केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला व्यक्ति-अध्यक्ष;</p> <p>(ii) सचिव, भारत सरकार सूचना और प्रसारण मंत्रालय-सदस्य;</p> <p>(iii) सचिव, भारत सरकार, केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किया जाने वाला-सदस्य;</p> <p>(iv) केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ-सदस्य।</p>	तीन वर्ष	अध्यक्ष-सड़सठ वर्ष सदस्य-पैंसठ वर्ष
16.	उपभोक्ता संरक्षण अधिनियम, 1986 (1986 का 68) के अधीन राष्ट्रीय उपभोक्ता विवाद समाधान	<p>(1). कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,-</p> <p>(क) वह उच्चतम न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है; या</p> <p>(ख) वह किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है; या</p>	<p>(अ). अध्यक्ष की नियुक्ति केन्द्रीय सरकार द्वारा भारत के मुख्य न्यायमूर्ति से परामर्श करने के पश्चात् की जाएगी।</p> <p>(आ) सदस्य के पद के लिए खोजबीन-सह-चयन समिति :-</p> <p>(i) कोई व्यक्ति, जो उच्चतम न्यायालय का न्यायाधीश है, जिसे</p>	तीन वर्ष	अध्यक्ष-सत्तर वर्ष सदस्य-सत्तर वर्ष

	आयोग	<p>(ग) उसने कम से कम तीन वर्ष के लिए सदस्य या न्यायिक सदस्य का पद धारण किया है ; या</p> <p>(घ) वह योग्य, ईमानदार और अनुभवी व्यक्ति है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में, जो केंद्रीय सरकार की राय में राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के लिए उपयोगी है, विशेष ज्ञान और पच्चीस वर्ष से अन्यून का वृत्तिक अनुभव है ।</p> <p>(2). कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह योग्य, ईमानदार और अनुभवी व्यक्ति है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में, जो केंद्रीय सरकार की राय में राष्ट्रीय उपभोक्ता विवाद समाधान आयोग के लिए उपयोगी है, विशेष ज्ञान और पच्चीस वर्ष से अन्यून का वृत्तिक अनुभव है :</p> <p>परंतु किसी व्यक्ति को न्यायिक सदस्य के रूप में केवल तभी नियुक्त किया जाएगा जब,--</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) उसने कम से कम दस वर्ष के लिए भारत के राज्यक्षेत्र में कोई न्यायिक पद धारण किया है ।</p>	<p>भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाए—अध्यक्ष ;</p> <p>(ii) सचिव, भारत सरकार, विधि कार्य विभाग -- सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, उपभोक्ता कार्य मंत्रालय --सदस्य ;</p> <p>(iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ --सदस्य ।</p>		
17.	विद्युत अधिनियम, 2003 (2003 का 36) के अधीन विद्युत अपील अधिकरण	<p>(1). कोई व्यक्ति अपील अधिकरण के अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,--</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) वह किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है ; या</p> <p>(ग) उसने कम से कम तीन वर्ष की अवधि के लिए न्यायिक सदस्य या तकनीकी सदस्य का पद धारण किया है ; या</p> <p>(घ) वह योग्य, ईमानदार और</p>	<p>(अ). अपील अधिकरण के अध्यक्ष और न्यायिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति :--</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनका नामनिर्देशिती – अध्यक्ष ;</p> <p>(ii) सचिव, विद्युत मंत्रालय – सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला – सदस्य ;</p> <p>(iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ --सदस्य ।</p>	तीन वर्ष	अध्यक्ष-सत्तर वर्ष सदस्य-पैंसठ वर्ष

		<p>अनुभवी व्यक्ति है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में, जो केंद्रीय सरकार की राय में अपील अधिकरण के लिए उपयोगी है, विशेष ज्ञान और पच्चीस वर्ष से अन्यून का वृत्तिक अनुभव है।</p> <p>(2). कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,—</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) उसने कम से कम दस वर्ष के लिए भारत के राज्यक्षेत्र में कोई न्यायिक पद धारण किया है।</p> <p>(3). कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह योग्य, ईमानदार और अनुभवी व्यक्ति है, जिसके पास विद्युत जनन, पारेषण, वितरण, विनियमन, अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में, जो केंद्रीय सरकार की राय में अपील अधिकरण के लिए उपयोगी है, विशेष ज्ञान और पच्चीस वर्ष से अन्यून का वृत्तिक अनुभव है।</p>	<p>(आ). अपील अधिकरण के तकनीकी सदस्य के पद के लिए खोजबीन-सह-चयन समिति :--</p> <p>(i) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला कोई व्यक्ति - अध्यक्ष ;</p> <p>(ii) सचिव, भारत सरकार विद्युत मंत्रालय - सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला - सदस्य ;</p> <p>(iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ -सदस्य।</p>		
18.	सशस्त्र बल अधिनियम, 2007 (2007 का 55) के अधीन सशस्त्र बल अधिकरण	<p>(1). कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,—</p> <p>(क) वह उच्चतम न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है।</p> <p>(2). कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है।</p> <p>(3). कोई व्यक्ति प्रशासनिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,—</p> <p>(क) उसने कम से कम तीन वर्ष की कुल अवधि के लिए सेना में मेजर जनरल या उससे ऊपर का या नौसेना या वायु सेना में समतुल्य रैंक का पद</p>	<p>(अ). सशस्त्र बल अधिकरण के अध्यक्ष की नियुक्ति केंद्रीय सरकार द्वारा भारत के मुख्य न्यायमूर्ति से परामर्श करने के पश्चात् की जाएगी।</p> <p>(आ) सशस्त्र बल अधिकरण के उपाध्यक्ष, न्यायिक सदस्य या प्रशासनिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति :--</p> <p>(i) उच्चतम न्यायालय का कोई आसीन न्यायाधीश है, जिसे भारत के मुख्य न्यायमूर्ति द्वारा नामनिर्दिष्ट किया जाए या भारतीय विधि आयोग का अध्यक्ष — अध्यक्ष ;</p> <p>(ii) अध्यक्ष, सशस्त्र बल अधिकरण - सदस्य ;</p> <p>(iii) भारत सरकार के दो सचिव, जिनमें रक्षा सचिव भी होगा -सदस्य।</p>	तीन वर्ष	अध्यक्ष-सत्तर वर्ष सदस्य-पैंसठ वर्ष

		<p>धारण किया है या कर रहा है ; या</p> <p>(ख) उसने सेना या नौसेना या वायु सेना में एक वर्ष से अन्यून अवधि के लिए जज एडवोकेट जनरल के रूप में सेवा की है और वह क्रमशः मेजर जनरल, कोमोडोर और एयर कोमोडोर की पंक्ति से निम्न का नहीं है ; या</p> <p>(ग) वह योग्य, ईमानदार और अनुभवी व्यक्ति है, जिसके पास अर्थशास्त्र, कारबार, वाणिज्य, विधि, वित्त, लेखाकर्म, प्रबंध, उद्योग, लोक कार्य, प्रशासन में या किसी ऐसे अन्य विषय में, जो केंद्रीय सरकार की राय में एएफटी के लिए उपयोगी है, विशेष ज्ञान और बीस वर्ष से अन्यून का वृत्तिक अनुभव है ।</p>			
19.	राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19)	<p>(1). कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,--</p> <p>(क) वह उच्चतम न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) किसी उच्च न्यायालय का मुख्य न्यायमूर्ति है या रहा है ; या</p> <p>(ग) उसने कम से कम तीन वर्ष की अवधि के लिए न्यायिक सदस्य या विशेषज्ञ सदस्य के रूप में पद धारण किया है ; या</p> <p>(घ) वह योग्य, ईमानदार और अनुभवी व्यक्ति है, जिसके पास विधि के क्षेत्र में विशेष ज्ञान और पच्चीस वर्ष से अन्यून का वृत्तिक अनुभव है, जिसमें पर्यावरण और वन के क्षेत्र में पांच वर्ष का व्यवहारिक अनुभव सम्मिलित हो ।</p> <p>(2). कोई व्यक्ति न्यायिक सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,--</p> <p>(क) वह किसी उच्च न्यायालय का न्यायाधीश है या रहा है या ऐसा न्यायाधीश होने के लिए अर्हित है ; या</p> <p>(ख) उसने भारत के राज्यक्षेत्र में कम से कम दस वर्ष के लिए कोई न्यायिक पद धारण किया है ।</p> <p>(3). कोई व्यक्ति विशेषज्ञ सदस्य के रूप में नियुक्ति के लिए तभी अर्हित होगा जब,--</p> <p>(क) उसके पास विज्ञान में स्नातक</p>	<p>(अ). राष्ट्रीय हरित अधिकरण के अध्यक्ष या न्यायिक सदस्य के पद के लिए खोजबीन-सह-चयन समिति :--</p> <p>(i) भारत के मुख्य न्यायमूर्ति या उनका नामनिर्देशित - अध्यक्ष ;</p> <p>(ii) सचिव, भारत सरकार पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला - सदस्य ;</p> <p>(iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ -सदस्य ।</p> <p>(आ). राष्ट्रीय हरित अधिकरण के विशेषज्ञ सदस्य के पद के लिए खोजबीन-सह-चयन समिति :--</p> <p>(i) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला कोई व्यक्ति - अध्यक्ष ;</p> <p>(ii) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य ;</p> <p>(iii) सचिव, भारत सरकार, केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाला - सदस्य ;</p> <p>(iv) केंद्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले दो विशेषज्ञ -सदस्य ।</p>	तीन वर्ष	<p>अध्यक्ष-सत्तर वर्ष</p> <p>सदस्य-सड़सठ वर्ष</p>

	<p>डिग्री/स्नातकोत्तर डिग्री/पीएचडी हो तथा सुसंगत क्षेत्र में बीस वर्ष का अनुभव 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 सम्मिलित हो ; या</p> <p>(ख) उसके पास पच्चीस वर्ष का प्रशासनिक अनुभव है, जिसमें पांच वर्ष का ऐसा अनुभव सम्मिलित हो, जिसके दौरान उसने केंद्रीय सरकार या किसी राज्य सरकार या सुविख्यात राष्ट्रीय या राज्य स्तर की संस्था में पर्यावरण संबंधी मामलों से संबंधित कार्यवाही की हो।</p>			
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[फा. सं. ए-50050/9/2016-एडी1सी (सीईएसटीएटी) पीटी. I]

उदय सिंह कुमावत, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 1st June, 2017

G.S.R. 514(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, 2017.

(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, -

- “Act” means an Act specified in column (3) of the Eighth Schedule of the Finance Act, 2017(7 of 2017);
- “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;
- “Appellate Tribunal”, “Authority” or “Tribunal” has the same meaning as assigned to it in the corresponding provisions of the Act;
- “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;
- “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 Debt 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 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 Secretary to the Government of India in the Ministry or Department under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established shall be the convener of the Search-cum-Selection Committee.

(3) The Search-cum-Selection Committee shall determine its procedure for making its recommendation.

(4) 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.

(5) 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 a 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 the earliest.

7. Removal of Member from office.—The Central Government may, on the recommendation of a Committee constituted by it in this behalf, remove from office any Member, who—

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, 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), the Member shall be informed of the charges against him and given an opportunity of being heard in respect of those charges:

Provided further that the Chairperson or member of the National Company Appellate Tribunal shall be removed from office in consultation with the Chief Justice of India.

8. Procedure for inquiry of misbehavior or incapacity of the Member.—

(1) If a written complaint is 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, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the Ministry or Department of the Government of India under which the Tribunal, Appellate Tribunal or, as the case may be, Authority is constituted or established, 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 Committee constituted under rule 7 to conduct the inquiry.

(3) The 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 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 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.—Save as otherwise provided in these rules, 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, as the case may be, Member shall hold office for a term as specified in column (5) of the said Schedule and shall hold the office up to such age as specified in column (6) in the said Schedule from the date on which he enters upon his office and shall be eligible for reappointment.

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 Debt 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, a High Court or a serving 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 Contribution Pension System.

(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 as are admissible to Group 'A' Officer of the Government of India of a corresponding status.

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 Group 'A' Officer of the Government of India of a corresponding status 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 Group 'A' Officer of the Government of India of a corresponding status.

(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. Oaths 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.

20. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

21. Interpretation.—If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

22. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

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

Sl. No.	Name of Tribunal, Appellate Tribunal or Authority.	Qualification for appointment of Chairperson, Chairman, President, Vice-Chairperson, Vice-President, Presiding Officer, Accountant Member, Administrative Member, Judicial Member, Expert Member or Technical Member or Member.	Composition of Search-cum- Selection Committee	Term of Office	Maximum age for holding Office (in years)
(1)	(2)	(3)	(4)	(5)	(6)
1.	Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947 (14 of 1947)	<p>A person shall not be qualified for appointment as Presiding Officer, unless he, -</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court; or</p> <p>(b) he has, for a period of not less than three-years, been a District Judge or an Additional District Judge; or</p> <p>(c) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, management, industry, public affairs, administration, labour relations, industrial disputes or any other matter which in the opinion of the Central Government is useful to the Industrial Tribunal.</p>	<p>Search-cum-Selection-Committee for the post of the Presiding Officer, -</p> <p>(i) a person to be nominated by the Central Government-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Labour and Employment- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government-member;</p> <p>(iv) two experts to be nominated by the Central Government- members.</p>	Three Years	Presiding Officer- Sixty- five years of age
2.	Income-tax Appellate Tribunal under the Income-tax Act, 1961 (43 of 1961)	<p>(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.</p> <p>(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.</p> <p>(3) A person shall not be qualified for appointment as a Judicial Member, unless, —</p> <p>(a) he has for at least ten years</p>	<p>(A) Search-cum-Selection Committee for the post of the President and Vice-President, -</p> <p>(i) a sitting Judge of Supreme Court to be nominated by the Chief Justice of India-chairperson;</p> <p>(ii) the President, Income-tax Appellate Tribunal-member; and</p> <p>(iii) the Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member.</p> <p>(B) Search-cum-Selection Committee for the Accountant Member and Judicial Member, —</p>	Three Years	<p>President- Sixty-five years</p> <p>Vice-President- Sixty-two years</p> <p>Member- Sixty-two years</p>

		<p>held a judicial office in the territory of India; or</p> <p>(b) he has been a member of the Indian Legal Service and has held a post in Grade II of the Service or any equivalent or higher post for at least three years; or</p> <p>(c) he has been an advocate for at least ten years;</p> <p>(4) A person shall not be qualified for appointment as an Accountant Member, unless, —</p> <p>(i) he has for at least ten 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 Additional Commissioner of Income-tax or any equivalent or higher post for at least three years.</p>	<p>(i) a nominee of the Minister of Law and Justice-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member;</p> <p>(iii) President of the Income-tax Appellate Tribunal – member; and</p> <p>(iv) such other persons, if any, not exceeding two, as the Minister of Law and Justice may appoint-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; 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 at least ten years held a judicial office in the territory of India; or</p> <p>(b) he has been a member of the Indian Legal Service and has held a post in Grade-I of that Service or any equivalent or higher post for at least three years; or</p> <p>(c) he has been an advocate for at least ten years.</p>	<p>(A) Search-cum- Selection Committee for the post of President, -</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India as chairperson;</p> <p>(ii) Secretary to the Government of India, Department of Revenue-member;</p> <p>(iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member;</p> <p>(iv) Secretary to the Government of India, Department of Personnel and Training-member.</p> <p>(B) Search- cum- Selection</p>	Three Years	<p>President – Sixty-seven years</p> <p>Member- Sixty-two 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 Commissioner of Customs or Central Excise or any equivalent or higher post for at least three years.</p>	<p>Committee for post of Judicial Member, -</p> <p>(i) a Judge of the Supreme Court as nominated by the Chief Justice of India-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)- member;</p> <p>(iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) -member;</p> <p>(iv) President of the Customs, Excise and Service Tax Appellate Tribunal- member; and</p> <p>(v) such other persons, not exceeding two, as the Central Government may nominate- member;</p> <p>(C). Search-cum-Selection Committee for the post of Technical member,-</p> <p>(i) Cabinet Secretary to the Government of India – chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Revenue)-member;</p> <p>(iii) Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) – member;</p> <p>(iv) Secretary to the Government of India, Ministry of Law (Department of Legal Affairs) – 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 or is qualified to be a Judge of a Supreme Court or a Judge of a High Court.</p> <p>(2) The Member of the Appellate Tribunal shall be a person not below the rank of Joint Secretary to the Government of India.</p>	<p>(A) Search-cum- Selection Committee for the post of Chairman, -</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India – chairperson;</p> <p>(ii) Secretary to the Government of India (Department of Revenue)-member;</p>	Three Years	<p>Chair-person Sixty-five years</p> <p>Member – Sixty-two years</p>

			<p>(iii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs)- member;</p> <p>(iv) Secretary to the Government of India, Department of Personnel and Training- member.</p> <p>(B) Search-cum-Selection Committee for the post of Member, -</p> <p>(i) Cabinet Secretary – chairperson;</p> <p>(ii) Secretary to the Government of India, Department of Personnel and Training- member;</p> <p>(iii) Secretary to the Government of India (Department of Revenue) - member;</p> <p>(iv) two Secretaries to the Government of India to be nominated by the Central Government - members.</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, or is qualified to be, 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>(c) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs or administration, or any other matter which in the opinion of the Central Government is useful to 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, or is</p>	<p>(A) Search-cum-Selection Committee for the post of Chairman and Judicial Member, –</p> <p>(i) Chief Justice of India or his nominee- chairperson;</p> <p>(ii) Chairman of the Central Administrative Tribunal, Principal Bench – member;</p> <p>(iii) Secretary to the Government of India, (Department of Personnel and Training)- member;</p> <p>(iv) Secretary to the Government of India, Ministry of Law and Justice -member;</p> <p>(e) one expert, to be nominated by the Central Government of India- member.</p> <p>(B) Search-cum-Selection Committee for the post of Administrative Member, –</p> <p>(a) a person to be nominated by the Central Government - chairperson;</p> <p>(b) Chairman of the, Central Administrative Tribunal – member;</p>	Three Years	<p>Chairman Sixty-eight years</p> <p>Member - Sixty-five years</p>

	<p>qualified to be, a Judge of a High Court; or</p> <p>(ii) has, for at least 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 at least 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 at least ten years, held a judicial office in the territory of India.</p> <p>(b) as an Administrative Member, unless he, -</p> <p>(i) has, for at least 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 not less than that of a Secretary to the Government of India for at least one year; or</p> <p>(ii) has, for at least 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 at least 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>	<p>(c) Secretary to the Government of India, (Department of Personnel and Training)- member;</p> <p>(d) Secretary to the Government of India, Ministry of Law and Justice -member;</p> <p>(e) one expert, to be nominated by the Government of India - member.</p>		
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6.	<p>Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987)</p>	<p>(1) A person shall not be qualified for appointment as the Chairman, unless he, –</p> <p>(a) is, or has been, or is qualified to be 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; or</p> <p>(c) is a person of ability, integrity and standing, and having a special knowledge of, and professional experience of not less than twenty-five years in claims and commercial matters relating to railways.</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, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years; or</p> <p>(c) has, for at least five years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint 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>(b) has, for at least five years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint 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>(A) Selection Committee consisting for the post of the Chairman, Vice-Chairman (Judicial) or Member (Judicial): -</p> <p>(i) Chief Justice of India or his nominee- chairperson;</p> <p>(ii) Chairman or Member (Traffic) of the Railway Board- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts who should have knowledge and experience of Claims and Commercial matters pertaining to Railways to be nominated by the Central Government- members.</p> <p>(B) Search-cum-Selection Committee for the post of the Vice-Chairman (Technical) or Member (Technical),-</p> <p>(i) a person to be nominated by the Central Government- chairperson;</p> <p>(ii) Chairman or Member (Traffic) of the Railway Board- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts with knowledge and experience of Claims and Commercial matters relating to Railways to be nominated by the Central Government - members.</p>	<p>Three Years</p>	<p>Chairman- Sixty-seven years</p> <p>Vice-Chairman- Sixty-five years</p> <p>Member – Sixty-two years</p>
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		<p>(4) A person shall not be qualified for appointment as a Judicial Member, unless he, –</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court;</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India.</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 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 a Judge of a High Court for at least seven years;</p> <p>(b) in the case of a Judicial Member, is, or has been, a Judge of a High Court for at least five years; or</p> <p>(c) in the case of a Technical Member, —</p> <p>(i) is, or has been, an Additional Secretary 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 fifteen 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</p>	<p>(A) The Presiding Officer and Judicial Member of the Tribunal shall be appointed by the Central Government in consultation with the Chief Justice of India or his nominee.</p> <p>(B) Search-cum-Selection Committee for the post of Technical Member, –</p> <p>(i) Presiding Officer, Securities Appellate Tribunal– chairperson;</p> <p>(ii) Secretary to the Government of India (Department of Economic Affairs) – member;</p> <p>(iii) Secretary to the Government of India, (Department of Financial Services) – member; and</p> <p>(iv) Secretary to the Government of India, in the Legislative Department or Department of Legal Affairs –member.</p>	Three Years	<p>Presiding Officer – Seventy years</p> <p>Member – Sixty-seven years</p>

		<p>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.</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 prejudicial 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)	<p>A person shall not be qualified for appointment as Presiding Officer of the Debts Recovery Tribunal, unless he,—</p> <p>(a) is, or has been, or is qualified to be, a District Judge; or</p> <p>(b) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, banking, debt recovery or any other matter, which in the opinion of the Central Government is useful to the Debt Recovery Tribunal.</p>	<p>Search-cum-Selection Committee for the post of Presiding Officer of the Debts Recovery Tribunal,—</p> <p>(i) Chief Justice of India or his nominee-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Economic Affairs)- member;</p> <p>(iii) Secretary to the Government of India, Ministry of Law and Justice-member;</p> <p>(iv) Governor of the Reserve Bank or the Deputy Governor of the Reserve Bank of India nominated by the Governor of the Reserve Bank of India-member; and</p> <p>(v) Secretary to the Government of India or Additional Secretary to the Government of India, Ministry of Finance, (Department of Financial Services)- member.</p>	Three Years	Presiding Officer – Sixty-five years
9.	Debts Recovery Appellate Tribunal under the Recovery of Debts Due to Banks and Financial	<p>A person shall not be qualified for appointment as Chairperson, unless he, —</p>	<p>Search-cum-Selection Committee for the Chairperson of the Debts Recovery Appellate Tribunal,—</p>	Three Years	Chairperson- Seventy years

	Institutions Act, 1993 (51 of 1993)	<p>(a) is, or has been, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has been a member of the Indian Legal Service and has held a post in Grade I of that service; or</p> <p>(c) has held office as the Presiding Officer of a Debts Recovery Tribunal for at least three years.</p>	<p>(i) Chief Justice of India or his nominee- chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Finance (Department of Economic Affairs)- member;</p> <p>(iii) Secretary to the Government of India, Ministry of Law and Justice- member;</p> <p>(iv) Governor of the Reserve Bank or the Deputy Governor of the Reserve Bank of India nominated by the Governor of the Reserve Bank of India - member; and (v) Secretary to the Government of India or Additional Secretary to the Government of India, Ministry of Finance, (Department of Financial Services)-member.</p>		
10.	Airport Appellate Tribunal under the Airport Authority of India Act, 1994(55 of 1994)	<p>A person shall not be eligible for appointment as Chairperson, unless he,—</p> <p>(a) is, or has been, or is qualified to be, a judge of a High Court; or</p> <p>(b) 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 in the opinion of the Central Government, is useful to the Appellate Tribunal.</p>	<p>Search-cum-Selection Committee for the post of Chairperson of Airport Appellate Tribunal,—</p> <p>(i) a person to be nominated by the Central Government- chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Civil Aviation- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts, to be nominated by the Central Government- members.</p>	Three Years	Chairperson- n-Sixty-two years
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, or is qualified to be, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period of not less than three years held office as Member; or</p> <p>(d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of</p>	<p>(A) Search-cum-Selection Committee for the post of the Chairperson, —</p> <p>(i) Chief Justice of India or his nominee-chairperson;</p> <p>(ii) Secretary to the Government of India, (Department of Telecommunications) - member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government - member;</p>	Three Years	Chairperson- Seventy years Member – Sixty-five years

		<p>not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which in opinion of the Central Government is useful to the Telecom Disputes Settlement and Appellate Tribunal.</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 years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which in opinion of the Central Government is useful to the Telecom Disputes Settlement and Appellate Tribunal.</p>	<p>(iv) two experts, to be nominated by the Central Government – members.</p> <p>(B) Search-cum-Selection Committee for the post of Member, —</p> <p>(i) a person to be nominated by the Central Government-chairperson;</p> <p>(ii) Secretary to the Government of India, (Department of Telecommunications)-member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts to be nominated by the Central Government- members.</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, or is qualified to be, 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, or is qualified to be, a Judge of High Court; or</p> <p>(b) has, for at least two years, held the office of Judicial Member or a Technical Member, and has a degree in law with at least 12 years' experience in a State Judicial Service.</p> <p>(3) A person shall not be qualified for appointment as</p>	<p>(A) Search-cum-Selection for the post of the Chairman, Vice-Chairman or Judicial Member of the Appellate Board, -</p> <p>(i) Chief Justice of India or his nominee- chairperson;</p> <p>(ii) Secretary to the Government of India, (Department of Industrial Policy and Promotion) - member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government-member;</p> <p>(iv) two experts, to be nominated by the Central Government- members.</p> <p>(B) Search-cum-Selection Committee for the post of Technical Member (Trade mark), Technical Member (Patent) and Technical Member (Copyright) of the Appellate Board,—</p> <p>(i) a person to be nominated by the Central Government -</p>	Three Years	<p>Chairman- Sixty-seven years</p> <p>Vice-Chairman - Sixty-five years</p> <p>Member – Sixty-five years</p>

	<p>Judicial Member, unless he, -</p> <p>(a) is, or has been, or is qualified to be a Judge of High Court; or</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India.</p> <p>(4) A person shall not be qualified for appointment as Technical Member (Trademark), unless he,—</p> <p>(a) has, for at least 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 Joint Registrar for at least five years and has a degree in law with at least twelve years of practice at bar or twelve years' experience in a State Judicial Service, or</p> <p>(b) has, for at least ten years, been an advocate of a proven specialized 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 at least 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 at least ten 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 in Grade I of that Service for at least three years; or</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India; or</p> <p>(c) is, or has been a member of a Tribunal or Civil Service not</p>	<p>chairperson;</p> <p>(ii) Secretary to the Government of India, (Department of Industrial Promotion and Policy) -member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government - member;</p> <p>(iv) two experts, to be nominated by the Central Government - members.</p>		
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		<p>below the rank of a Joint Secretary to the Government of India with three years' experience in the field of Copyright; or</p> <p>(d) has, for at least ten years, been an advocate of a proven specialized experience in Copyright Law:</p> <p>Provided that at least one member of the Appellate Board for purposes of the Copyright Act shall have qualification as in (a), (b) or (d) above.</p>			
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 in the opinion of the Central Government is useful to the National Company Law Appellate Tribunal.</p>	<p>(A) The Chairperson of the Appellate Tribunal shall be appointed after consultation with the Chief Justice of India.</p> <p>(B) Search-cum-Selection Committee for the post of the Judicial Member and Technical Member of the Appellate Tribunal, -</p> <p>(i) Chief Justice of India or his nominee -chairperson;</p> <p>(ii) a senior Judge of the Supreme Court or a Chief Justice of a High Court-member;</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 Law and Justice-member.</p>	Three Years	<p>Chair-Person- Seventy years</p> <p>Member – Sixty-seven years</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, or is qualified to be, a Judge of the Supreme Court; or</p> <p>(ii) is or has been a Chief Justice of a High Court; or</p> <p>(iii) has, for at least seven years, been a Judge of a High Court; or</p> <p>(iv) has, for at least three years, been a Vice-Chairman, Revenue Member or Law Member of the Authority for Advance Ruling; or</p>	<p>(A) Search-cum Selection Committee for the post of Chairman and Vice-Chairman, -</p> <p>(i) Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India – chairperson;</p> <p>(ii) Secretary to the Government of India (Department of Revenue) -member;</p> <p>(iii) Secretary to the Government of India (Department of Legal Affairs) - member;</p>	Three Years	<p>Chairman- Seventy years</p> <p>Vice-Chairman- Sixty-five years</p> <p>Member – Sixty-two years.</p>

		<p>(v) 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, taxation or any other matter which in the opinion of the Central Government is useful to the Authority.</p> <p>(b) Vice-chairman, who is, or has been, or is qualified to be, a Judge of a High Court;</p> <p>(c) Revenue Member from the Indian Revenue Service who is qualified to be a Member of the Central Board of Direct Taxes Board 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;</p> <p>(d) Law Member from the Indian Legal Service, who is an Additional Secretary to the Government of India.</p>	<p>(iv) Secretary to the Government of India (Department of Personnel and Training) -member.</p> <p>(B) Search-cum-Selection Committee for the post of Member, -</p> <p>(i) Cabinet Secretary – chairperson;</p> <p>(ii) Secretary to the Government of India, (Department of Personnel and Training) - member;</p> <p>(iii) Secretary to the Government of India, (Department of Revenue) - member;</p> <p>(iv) two Secretaries to the Government of India to be nominated by the Central Government - members.</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, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has, for a period of not less than three years, held office as member; or</p> <p>(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, law, management, industry, public affairs, administration, films or any other matter which in the opinion of the Central Government, is useful to the Appellate Tribunal.</p> <p>(2) The Central Government may appoint such persons, who, in its opinion, or qualified to judge the effect of films on the public, to be a member of the Appellate Tribunal.</p>	<p>Search-cum-Selection Committee for post of the Chairman and member of the Appellate Tribunal, —</p> <p>(i) a person to be nominated by the Central Government-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Information and Broadcasting-member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts to be nominated by the Central Government-members.</p>	Three Years	<p>Chairman – Sixty-seven years</p> <p>Member – Sixty-five years</p>

16.	National Consumer Disputes Redressal Commission under the Consumer Protection Act, 1986 (68 of 1986)	<p>(1) A person shall not be qualified for appointment as President, unless he, —</p> <p>(a) is, or has been, or is qualified to be, a Judge of the Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period not less than three years, held office of Member or Judicial Member; or</p> <p>(d) 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 in the opinion of the Central Government, is useful to the National Consumer Disputes Redressal Commission.</p> <p>(2) A person shall not be qualified for appointment as Member unless he is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or any other matter which in the opinion of the Central Government, is useful to the National Consumer Disputes Redressal Commission:</p> <p>Provided that a person shall not be appointed as a Judicial Member, unless he, —</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court;</p> <p>(b) has, for at least ten years, held a Judicial office in the territory of India.</p>	<p>(A) The President shall be appointed by the Central Government after consultation with the Chief Justice of India.</p> <p>(B) Search-cum-Selection Committee for the post of member, —</p> <p>(i) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India -chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) - member;</p> <p>(iii) Secretary to the Government of India, Ministry of Consumer Affairs - member;</p> <p>(iv) two experts to be nominated by the Central Government - members.</p>	Three Years	<p>President – Seventy years</p> <p>Member- Seventy years</p>
17.	Appellate Tribunal for Electricity under the Electricity Act, 2003 (36 of 2003).	<p>(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal, unless he, —</p>	<p>(A) Search-cum-Selection Committee for the post of Chairperson and Judicial Member of the Appellate</p>	Three Years	Chairperson- Seventy years

		<p>(a) is, or has been, or is qualified to be, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period of not less than three years, held office of Judicial Member, or Technical member; or</p> <p>(d) 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 in the opinion of the Central Government is useful to Appellate Tribunal.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless, he—</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India.</p> <p>(3) A person shall not be qualified for appointment as Technical Member unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty 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 in the opinion of the Central Government is useful to the Appellate Tribunal.</p>	<p>Tribunal, —</p> <p>(i) Chief Justice of India or his nominee-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Power- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts, to be nominated by the Central Government-members.</p> <p>(B) Search-cum-Selection Committee for the post of the Technical Member of the Appellate Tribunal, —</p> <p>(i) a person to be nominated by the Central Government-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Power- member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government- member;</p> <p>(iv) two experts to be nominated by the Central Government-members.</p>		Member-Sixty-five years
18.	Armed Force 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, or is qualified to be a Judge of Supreme Court or,</p>	<p>(A) The Chairperson of the Armed Forces Tribunal shall be appointed by the Central Government in consultation with Chief Justice of India.</p>	Three Years	<p>Chairperson-Seventy years</p> <p>Member-Sixty-five years</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) he has held or he has been holding the rank of Major General or above for a total period of at least three years in the Army or equivalent rank in the Navy or the Air Force; or</p> <p>(b) he 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) he is a person of ability, integrity and standing having special knowledge of, and professional experience of not less than twenty years in, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which in the opinion of the Central Government, is useful to the Armed Forces Tribunal.</p>	<p>(B) Search-cum-Selection Committee for the post of Vice- Chairperson, Judicial Member, or Administrative Member of Armed Forces Tribunal, -</p> <p>(i) a sitting Judge of Supreme Court to be nominated by Chief Justice of India or Chairman, Law Commission of India- chairperson;</p> <p>(ii) Chairperson, Armed Forces Tribunal – member;</p> <p>(iii) two Secretaries to Government of India including Defence Secretary-members.</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, or is qualified to be, a Judge of Supreme Court; or</p> <p>(b) is, or has been, Chief Justice of a High Court; or</p> <p>(c) has, for a period of not less than three years, held office as Judicial Member or Expert Member; or</p> <p>(d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in law including five years' practical experience in the</p>	<p>(A) Search-cum-Selection Committee for the post of the Chairperson or Judicial Member of the National Green Tribunal, —</p> <p>(i) Chief Justice of India or his nominee-chairperson;</p> <p>(ii) Secretary to the Government of India, Ministry of Environment, Forests and Climate Change-member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government-member;</p> <p>(iv) two experts, to be nominated by the Central Government-members.</p>	Three Years	<p>Chairperson- Seventy years</p> <p>Member- Sixty-seven years</p>

		<p>field of environment and forests.</p> <p>(2) A person shall not be qualified for appointment as Judicial Member, unless he, –</p> <p>(a) is, or has been, or is qualified to be, a Judge of a High Court; or</p> <p>(b) has, for at least ten years, held a judicial office in the territory of India.</p> <p>(3) A person shall not be qualified for appointment as Expert Member, unless he, –</p> <p>(a) has a degree/ Post-graduation degree/ Doctorate Degree in Science and has an experience of twenty 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) Search-cum-Selection Committee for the post of the Expert Member of the National Green Tribunal, —</p> <p>(i) a person to be nominated by the Central Government -chairperson;</p> <p>(ii) Secretary to the government of India, Ministry of Environment, Forests and Climate Change -member;</p> <p>(iii) Secretary to the Government of India to be nominated by the Central Government -member;</p> <p>(iv) two experts, to be nominated by the Central Government -members.</p>		
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[F. No. A.50050/9/2016-CESTAT Pt-1]

UDAI SINGH KUMAWAT, Jt. Secy.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).279/2017

KUDRAT SANDHU

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

[ITEM NO.7.1 - W.P.(C) No. 558/2017 (PIL-W)
(IA No.81648/2017-STAY APPLICATION and FOR ADMISSION)];
[ITEM NO.7.2 - W.P.(C) No. 561/2017 (PIL-W)
(IA No.86008/2017-STAY APPLICATION and)];
[ITEM NO.7.3 - W.P.(C) No. 640/2017 (X)
(FOR ADMISSION and IA No.68312/2017-STAY APPLICATION and IA
No.140712/2017-impleading party and IA No.140715/2017-PERMISSION TO
FILE APPLICATION FOR DIRECTION)];
[ITEM NO.7.4 - W.P.(C) No. 1016/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 107276/2017)
[ITEM NO.7.5 - W.P.(C) No. 788/2017 (X)];
[ITEM NO.7.6 - W.P.(C) No. 925/2017 (PIL-W)
(FOR ADMISSION)];
[ITEM NO.7.7 - W.P.(C) No. 1098/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 118155/2017)];
[ITEM NO.7.8 - W.P.(C) No. 1129/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 122573/2017)];
[ITEM NO.9 - T.P.(C)NO.1990/2017 - (FOR ADMISSION AND I.A.
NO.112338/2017 - STAY APPLICATION)]; AND
[ITEM NO.17 - W.P.(C)NO.33/2018 (FOR ADMISSION)]

Date : 09-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.
Mr. A.K. Behera, Adv.
Mr. V. K. Verma, AOR
Ms. Priya Hingorani, Adv.
Mr. Kripa Shanker Prasad, Adv.
Mr. Tarun Verma, Adv.

- 2 -

Mr. Siddharth Luthra, Sr. Adv.
Ms. Maneesha Dhir, Adv.
Mr. Karan Batura, Adv.
Mr. Karan Kanwal, Adv.
Mr. Anushree Prashit Kapadia, Adv.
Mr. Vivek Chib, Adv.
Ms. Ruchira Goel, AOR
Mr. Asif Ahmed, Adv.
Ms. Pracheta Kar, Adv.
Mr. Vikramaditya, Adv.
Mr. Rudrajit Ghosh, Adv.

Mr. Mohan Parasaran, Sr. Adv.
Mr. Muhammad Khan, Adv.
Mr. Omar Hooda, Adv.
Mr. Abhishek, Adv.
Mr. R.V. Prabhat, Adv.
Mr. Varun Sharma, Adv.
Ms. Prabha Swami, Adv.
Mr. Nikhil Swami, AOR
Ms. Divya Swami, Adv.

Mr. Arvind P. Datar, Sr. Adv.
Mr. Nikhil Nayyar, Adv.
Mr. M.V. Swaroop, Adv.
Mr. N. Sai Vinod, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.

Mr. Rupesh Kumar, AOR
Ms. Pankhuri Shrivastava, Adv.
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. Anand Varma, AOR
Ms. Shubhangi Jain, Adv.

Mr. Arun Monga, Adv.
Ms. Divya Sharma, Adv.
Ms. Marrellina, Adv.
Mr. Gopal Jha, Adv.
Ms. Mayuri Raghuvanshi, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. K. Krishna Kumar, AOR

- 3 -

Mr. Annam D. N. Rao, AOR
Mr. A. Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Rahul Mishra, Adv.
Ms. Tulika Chikker, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
Mr. A.R. Nandkarni, ASG
fMr. Harish V. Shanker, Adv.
Mr. S.S. Shamsbery, Adv.
Ms. Rukmani Bobde, Adv.
Ms. Sradha Deshmukh, Adv.
Mr. Sanjay Kumar Pathak, Adv.
Mr. Kumar Shashank, Adv.
Ms. Sumi P.S., Adv.
Mr. M.K. Maroria, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. G.S. Makker, Adv.

Ms. Shivani Kapoor, Adv.
Mr. Prakash Ranjan Nayak, AOR

Mr. Zoheb Hossain, AOR
Mr. Ashok Mathur, AOR
Mrs. Anil Katiyar, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the petitioners and Mr. K.K. Venugopal, learned Attorney General for India.

In the course of hearing, suggestions for an interim order in respect of Central Administrative Tribunal have been filed. The suggestions read as follows :

"1. Staying the composition of Search-cum-Selection Committee as prescribed in Column 4 of the Schedule to the Tribunal, Appellate Tribunal and Other Authorities (Qualification, experience and other conditions of service of members) Rules, 2017 both in respect of Chairman/Judicial Members and Administrative Members. A further direction to constitute an interim Search-cum-Selection Committee during the pendency of this W.P. in respect of both Judicial/Administrative members as under :

- 4 -

- a. Chief Justice of India or his nominee - Chairman
- b. Chairman of the Central Administrative Tribunal - Member
- c. Two Secretaries nominated by the Government of India - Members

2. Appointment to the post of Chairman shall be made by nomination by the Chief Justice of India.

3. Stay the terms of office of 3 years as prescribed in Column 5 of the Schedule to the Tribunal, Appellate Tribunal and other Authorities (Qualification, experience and other conditions of service of members) Rules, 2017. A further direction fixing the term of office of all selectees by the aforementioned interim Search-cum-Selection Committee and consequent appointees as 5 years.

4. All appointments to be made in pursuance to the selection made by the interim Search-cum-Selection Committee shall be with conditions of service as applicable to the Judges of High Court.

5. A further direction to the effect that all the selections made by the aforementioned interim selection committee and the consequential appointment of all the selectees as Chairman/Judicial/Administrative members for a term of 5 years with conditions of service as applicable to Judges of High Court shall not be affected by the final outcome of the Writ Petition."

Mr. Venugopal, learned Attorney General has submitted that he has no objection if the suggestions, barring suggestion nos.4 and 5, are presently followed as an interim measure. On a query being made whether the said suggestions shall be made applicable to all tribunals, learned Attorney General answered in the affirmative.

He would, however, suggest that suggestions nos.4 and 5 should be recast as follows :

"4. All appointments to be made in pursuance to the selection made by the interim Search-cum-Selection Committee shall abide by the conditions of service as per the old Acts and the Rules.

- 5 -

5. A further direction to the effect that all the selections made by the aforementioned interim selection committee and the consequential appointment of all the selectees as Chairman/Judicial/Administrative members shall be for a period as has been provided in the old Acts and the Rules.

In view of the aforesaid, we accept the suggestions and direct that the same shall be made applicable for selection of the Chairpersons and the Judicial/Administrative/Technical/Expert Members for all tribunals.

List after twelve weeks along with W.P.(C)Nos.120 of 2012; 267 of 2012.

T.P.(C)No.1990 of 2017 stands disposed of in terms of the signed order.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C)NO.1990 OF 2017

Union of India & Ors.

....Petitioners

Versus

Employees Provident Fund Appellate Tribunal
Bar Association

....Respondent

O R D E R

This is a petition seeking transfer of Writ Petition(C) No.6702 of 2017 titled "Employees Provident Fund Appellate Tribunal Bar Association v. Union of India" pending before the High Court of Delhi at New Delhi.

We have heard Mr. K.K. Venugopal, learned Attorney General for India and Ms. Shivani Kapoor, learned counsel appearing for the respondent-Bar Association.

Learned counsel for the respondent has no objection if the above petition is transferred to this Court.

In view of the aforesaid, it is directed that the abovementioned writ petition pending before the High Court of Delhi be transferred to this Court and registered as a Transferred Case. It shall be listed along with other connected cases.

The transfer petition stands disposed of accordingly.

.....CJI.
[DIPAK MISRA]

.....J.
[A.M. KHANWILKAR]

New Delhi.
February 09, 2018.

.....J.
[Dr. D.Y. CHANDRACHUD]

ITEM NO.7

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s).279/2017

KUDRAT SANDHU

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

([ONLY I.A.NO. 38839/2018 IN W.P. (C)NO.279/2017 ONLY TO BE LISTED
ON 20.03.2018])

Date : 20-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Sidharth Luthra, Sr.Adv.
Ms.Maneesha Dhir, Adv.
Mr.Karan Batura, Adv.
Ms.Anushree Prashit Kapadia, Adv.

Mr.Arun Monga, Adv.
Ms.Divya Sharma, Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr.Vyom Raghuvanshi, Adv.
Ms.Sanya Negi, Adv.

Mr.Ajay Bansal, Adv.
Mr.Gaurav Yadava, Adv.
Ms.Veena Bansal, Adv.

For Respondent(s) Mr.K.K.Venugopal, AG
Ms.Rukmani Bobde, Adv.
Mr.H.V.Sharma, Adv.
Mr.S.S.Shamsheri, Adv.
Ms.Shraddha Deshmukh, Adv.
Mr.Rohit Bhat, Adv.
Mr.Harish V.Shekhar, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Zoheb Hossain, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A.No.38839 of 2018 in W.P.(C)No.279/2017

This is an application for clarification of the order dated 09.02.2018.

Mr.K.K.Venugopal, learned Attorney General for India has highlighted various aspects.

Having heard Mr.K.K.Venugopal, learned Attorney General for India and Mr.Siddharth Luthra, learned senior counsel, Mr.Ajay Bansal and Mr.Arung Monga, learned counsel appearing on behalf of the petitioner/applicant(s), we think it appropriate to clarify the previous order on the following terms:

(i) The appointment of the Chairpersons of the Tribunals shall be made by the Central Government in consultation with the Chief Justice of India;

(ii) The Search-cum-Selection Committee for the appointment of Judicial Members of the Central Administrative Tribunal shall also proceed with the selection of Administrative Members;

(iii) The tenure of the Chairperson and the Judicial/Administrative/Expert/Technical Members of all the Tribunals shall be for a period of five years or the maximum age that was fixed/determined under the old Acts and Rules;

(iv) The Committee that has been constituted for selection of the Members of the Central Government Industrial Tribunal shall proceed as per our previous order as it has already proceeded with its work.

It is submitted by Mr.Siddharth Luthra, learned senior

counsel, Mr.Ajay Bansal and Mr.Arun Monga, learned counsel appearing on behalf of the petitioner/applicant(s) that the Members who are continuing in National Consumer Disputes Redressal Commission (NCDRC), and whose terms have been allowed to continue till 15th March, 2018, including the Chairperson, may continue till 31.05.2018. The prayer is accepted. We are sure the appointments shall take place, in the meantime.

It is hereby further reiterated that the selection process that has commenced shall continue and no litigation in that regard shall be entertained. Any other grievance, in this regard, shall be dealt with at the time of final hearing of the main case.

I.A. stands disposed of accordingly.

W.P. (C)No.279/2017

Counter affidavit be filed within four weeks hence. Rejoinder affidavit, if any, be filed within three weeks therefrom.

Let the writ petition be listed in the second week of July, 2018 for final disposal.

(Chetan Kumar)
Court Master

(H.S.Parasher)
Assistant Registrar

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 13th April, 2004

G.S.R. 259(E).—In exercise of the powers conferred by clause (r) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules, namely:

1. **Short title and commencement** — (1) These rules may be called the Appellate Tribunal for Electricity (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2004.

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

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

(a) “Act” means the Electricity Act, 2003;

(b) “Appellate Tribunal” means the Appellate Tribunal for Electricity established under section 110 of the Act;

(c) “Chairperson” means the Chairperson the Appellate Tribunal appointed under section 113 of the Act;

(d) “Member” means a Member of the Appellate Tribunal appointed under section 113 of the Act;

(e) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Salary, allowances, payable to the Chairperson.**— The Chairperson shall be entitled to a monthly salary and to such allowances and other benefits, as are admissible to a Judge of the Supreme Court:

Provided that in case a person appointed as the Chairperson is in receipt of any pension, the pay of such Chairperson shall be reduced by the gross amount of pension drawn by him:

Provided further that the Chairperson shall be entitled to draw allowances on the original basic pay before such fixation of pay.

4. Contribution to contributory provident fund.—The Chairperson shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules, (India), 1962.

5. Other conditions of service.— The other conditions of service of Chairperson shall be governed by the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made there under.

6. Salary and allowances payable to Member.— A Member of the Appellate Tribunal shall be entitled to a monthly salary, and such allowances and other benefits as are admissible to a serving Judge of the High Court of Delhi:

Provided that in case a person appointed as the Member is in receipt of any pension, the pay of such Member shall be reduced by the gross amount of pension drawn by him:

Provided further that the Member shall be entitled to draw allowances on the original basic pay before such fixation of pay.

7. Contribution to contributory provident fund.— The Member shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules (India), 1962.

8. Other conditions of service of Member.— The other conditions of service of a Member shall be governed by the High Court Judges (Salaries and conditions of Service) Act, 1954, and the rules made there under for a serving Judge of the High Court of Delhi.

9. Oath of office and secrecy.— Every person appointed as the Chairperson or a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy, before the Minister in charge of the Ministry of Power in Form I and Form II respectively annexed to these rules.

10. Declaration of financial or other interest. – Every person, on his appointment as the Chairperson or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

11. Residuary provision. – Matter relating to the terms and conditions of service of the Chairperson or Member with respect to which no express provision has been made in these rules, shall be referred by the Appellate Tribunal to the Central Government for its decision.

FORM-I
(See Rule 9)

Form of Oath of Office for the Chairperson/Members of the Appellate Tribunal for Electricity)

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) do solemnly affirm and do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (*cross out portion not applicable*), of the Appellate Tribunal for Electricity, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

Dated:

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-II
(See rule 9)

Form of Oath of Secrecy for the Chairperson/Members of the Appellate Tribunal for Electricity.

I, _____, having been appointed as the Chairperson/a Member (Cross out portion not applicable) do solemnly affirm and 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 the Chairperson/a Member (cross out portion not applicable) of the Appellate Tribunal for Electricity except as may be required for the due discharge of my duties as the Chairperson/a Member (cross out portion not applicable).

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

FORM-III
(See rule 10)

Declaration against acquisition of any adverse financial or other interest

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (*cross out portion not applicable*) of the Appellate Tribunal for Electricity.

Dated

(Name of the Chairperson/Member)
APPELLATE TRIBUNAL FOR ELECTRICITY

[F. No. 23/12/2003-R&R (Vol. III) (Pt. III)]
AJAY SHANKAR, Jt. Secy.

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (1)
PART II—Section 3—Sub-section (1)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 533]
No. 533]

नई दिल्ली, मंगलवार, सितम्बर 30, 2008/आश्विन 8, 1930
NEW DELHI, TUESDAY, SEPTEMBER 30, 2008/ASVINA 8, 1930

विद्युत मंत्रालय
अधिसूचना

नई दिल्ली, 29 सितम्बर, 2008

सा.का.नि. 700(अ).—केन्द्रीय सरकार, विद्युत अधिनियम, 2003 (2003 का 36) की धारा 176 की उप-धारा (2) के खंड (द) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विद्युत अपील अधिकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तें) नियम, 2004 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम विद्युत अपील अधिकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तें) संशोधन नियम, 2008 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. विद्युत अपील अधिकरण (अध्यक्ष और सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तें) नियम, 2004 के नियम 9 में, “विद्युत मंत्रालय के भारसाधक मंत्री के समक्ष” शब्दों का लोप किया जाएगा।

[फा. सं. 46/7/2007-आर एंड वार]

मलय-श्रीवास्तव, निदेशक

टिप्पण :—मूल नियम भारत के राजपत्र में, तारीख 13 अप्रैल, 2004 को सा.का.नि. 259(अ) तारीख 13 अप्रैल, 2004 द्वारा प्रकाशित किए गए थे।

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 29th September, 2008

G.S.R. 700(E).—In exercise of the powers conferred by clause (r) of sub-section (2) of Section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules to amend the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) Rules, 2004, namely :—

1. (1) These rules may be called the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) (Amendment) Rules, 2008.

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

2. In the Appellate Tribunal for Electricity (Salaries, Allowances and other conditions of service of Chairperson and Members) Rules, 2004, in Rule 9, the words “before the Minister in charge of the Ministry of Power” shall be omitted.

[F. No. 46/7/2007-R&R]

MALAY SHRIVASTAVA, Director

Note: The Principal Rules were published viz. G.S.R. 259(E), dated the 13th April, 2004 in the Gazette of India dated the 13th April, 2004.