

FORM I

(see rule 4)

[Format for the vacancy circular including the format for application]

F. No. MAT 2024/314/C.R.92/2024/MAT

Government of Maharashtra
General Administrative Department,
Mantralaya, Mumbai.

Room No.307

Mantralay, Mumbai-400 032.

Dated : nd December, 2024.

E-mail id : so.gad38@maharashtra.gov.in

Tel. No. : 022-22028707.

Vacancy Circular**Subject :- Selection for the post of Chairperson in Maharashtra Administrative Tribunal, Mumbai.**

1. Tribunal :- The Maharashtra Administrative Tribunal is an Authority established under Administrative Tribunal Act, 1985 to hear various administrative matters under the Maharashtra Civil Services Rules. Its headquarter is situated at Mumbai and its Regional Benches are situated at Nagpur and Aurangabad.

2. Vacancy :- Applications are being invited for the following anticipated vacancies :

Post	Place	Date of Vacancy
Chairperson	Maharashtra Administrative Tribunal, Mumbai	07.04.2025

3. Qualification :- The qualification, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunal Reforms Act, 2021 and Tribunal (Conditions of Service) Rules, 2021. They are as follows :-

1.	Pay Scale	Rs.2,50,000/- plus allowances and other facilities as per rules. In case of person appointment as Chairperson is in receipt of any pension the pay of such person shall be reduced by the gross amount of pension drawn by him.
2.	Tenure of Appointment	The tenure of appointment shall be 4 years or up to the completion of 70 years of age, whichever is earlier.
3.	Qualification Criteria	The person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson. The candidate is or has been, a Judge of a High Court, or has for a period of not less than 3 years held office as Administrative Member or Judicial Member in the Central Administrative Tribunal.

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

5. Application Procedure :- Applications of eligible and willing officers are requested through proper channel (wherever applicable) and are accompanied with (i) Bio-data in the Proforma at Annexure-I (ii) Certificate to be furnished by the Employer / Head of office / Forwarding Authority as in Annexure-II

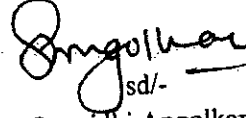
(iii) Clear photocopies of the up-to-date CR /APAR dossier of the officer containing CR /APARs of at least last five years duly attested by a Group A officer (iv) Cadre Clearance (v) Integrity Certificate / Clearance from vigilance and disciplinary angle as in Annexure-III (vi) Statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years, to the following address, by personally / courier / speed post or registered post so as to reach this office latest by 16th January, 2025 :-

Desk Officer (MAT), General Administration Department, 3rd floor, Mantralaya (Main Building), Hutatma Rajguru Chowk, Madam Cama Road, Mumbai 400 032.

6. No TA / DA will be admissible to the candidates to be called for interview / interaction. The candidates are required to make own arrangements.

7. Advertisement and Prescribed application form can be downloaded from Maharashtra Government's Website. www.maharashtra.gov.in (Under heading "What's New")

8. Any application received after due date as mentioned above will not be entertained.



(Samridhi Angolkar)

Deputy Secretary to the Government of Maharashtra

प्रारूप I

(नियम ४ पहा)

[अर्जाच्या नमुन्यासह रिक्त पदाच्या परिपत्रकाचा नमुना]

नस्ती क्रमांक : मप्रन्या २०२४/३१४/प्र.क्र.९२/२०२४/मप्रन्या,

महाराष्ट्र शासन,

सामान्य प्रशासन विभाग,

मंत्रालय, मुंबई.

खोली क्र.३०७

मंत्रालय, मुंबई-४०० ०३२.

दिनांक : डिसेंबर, २०२४

E-mail id : so.gad38@maharashtra.gov.in

दूरध्वनी क्र. : ०२२-२२०२८७०७.

रिक्त पदांचे परिपत्रक

विषय :- महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई कार्यालयातील अध्यक्ष या पदासाठी निवड.

१. न्यायाधिकरण :- महाराष्ट्र प्रशासकीय न्यायाधिकरण हे प्रशासकीय न्यायाधिकरण अधिनियम, १९८५ या अधिनियमातर्गतचे प्राधिकरण आहे. या न्यायाधिकरणामार्फत महाराष्ट्र नागरी सेवा नियमांखाली विविध प्रशासकीय बाबींवर सुनावणी घेण्यात येते. याचे मुख्यालय मुंबई येथे असून नागपूर व औरंगाबाद येथे त्याची प्रादेशिक खंडपीठे आहेत.

२. रिक्तता :- खालील रिक्त होणाऱ्या जागेसाठी अर्ज मागविण्यात येत आहेत.

पदे	ठिकाण	रिक्त पदाची तारीख
अध्यक्ष महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई	मुंबई	दिनांक ०७.०४.२०२५

३. अर्हता :- उमेदवारांची नियुक्ती, योग्यता, पात्रता, वेतन आणि इतर अटी व शर्ती या न्यायाधिकरण सुधारणा अधिनियम, २०२१ व न्यायाधिकरण (सेवेच्या शर्ती) नियम, २०२१ मधील तरतूदीनुसार असतील. त्या खालीलप्रमाणे आहेत :-

१.	वेतनश्रेणी	रुपये २,५०,०००/- अधिक भत्ते व इतर सोयीसुविधा नियमाप्रमाणे. अध्यक्ष म्हणून नियुक्त होणाऱ्या व्यक्तीस कोणत्याही निवृत्ती वेतनाची प्राप्ती होत असल्यास अशा व्यक्तीचे एकूण वेतन त्याला मिळणाऱ्या निवृत्तीवेतनाच्या रक्कमेने कमी केले जाईल.
२.	नियुक्तीची मुदत	नियुक्तीची मुदत ४ वर्षे किंवा वयाची ७० वर्षे पूर्ण होईपर्यंत ह्यापैकी जे आधी होईल तोपर्यंत असेल.
३.	अर्हता	ज्या व्यक्तीने वयाची ५० वर्षे पूर्ण केलेली नाहीत, अशी व्यक्ती अध्यक्ष म्हणून नियुक्तीसाठी पात्र असणार नाही. उच्च न्यायालयाचे न्यायाधीश असणे किंवा केंद्रीय प्रशासकीय न्यायाधिकरण (CAT) येथे किमान ३ वर्षे प्रशासकीय सदस्य किंवा न्यायिक सदस्य म्हणून कार्यरत असेल.

४. निवड प्रक्रिया :- या पदावर नियुक्तीसाठी नावांची शिफारस करण्याकरिता न्यायाधिकरण सुधारणा अधिनियम, २०२१ अंतर्गत स्थापन करण्यात आलेली शोध-नि-निवड समिती, अर्जाची योग्यता आणि पदासाठीची अर्हता व अर्जदाराचा अनुभव या

आधारे अर्जाची छाननी करेल व परस्पर संवादासाठी उमेदवार निवडेल. उमेदवाराची अर्हता, अनुभव आणि परस्पर संवाद या एकत्रित मूल्यमापनाच्या आधारे समितीकडून उमेदवारांची अंतिम निवड करण्यात येईल.

५. अर्ज करण्याची प्रक्रिया :- पात्र आणि इच्छुक उमेदवाऱ्यांचे अर्ज उचित माध्यमाद्वारे (जेथे लागू असेल तेथे) मागविले जातात आणि त्यासोबत (i) परिशिष्ट- I मधील प्रपत्रानुसार बायो-डेटा (ii) नियुक्ती प्राधिकारी / कार्यालय प्रमुख / फॉरवर्डिंग ऑथॉरिटी यांनी सादर केलेले परिशिष्ट-II मधील प्रपत्रानुसार प्रमाणपत्र (iii) गट-अ अधिकाऱ्याने साक्षांकित केलेल्या मागील किमान पाच वर्षातील अद्ययावत सीआर / एपीआर डॉसियरच्या स्पष्ट छायाप्रती (iv) संवर्ग मंजूरी (v) परिशिष्ट- III मधील प्रपत्रानुसार सचोटी प्रमाणपत्र / दक्षता आणि शिस्तभंगाच्या दृष्टीकोनातून मंजूरी (vi) गेल्या दहा वर्षांत अधिकाऱ्यावर लादण्यात आलेल्या मोठ्या किंवा किरकोळ दंडाचा तपशील.

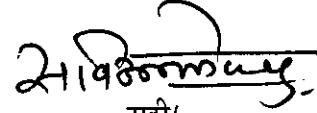
खालील पत्त्यावर दिनांक १६ जानेवारी, २०२५ पर्यंत अर्ज प्रत्यक्ष / कुरिअरद्वारे / स्पीड पोस्ट ने किंवा नोंदणीकृत डाकेने देण्यात यावेत :-

कक्ष अधिकारी कार्यासन (मप्रन्या), ३ रा मजला, मुख्य इमारत, सामान्य प्रशासन विभाग, मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई-४०० ०३२.

६. मुलाखती / संवादासाठी बोलविलेल्या उमेदवारांना कोणताही TA / DA अनुज्ञेय असणार नाही. उमेदवारांनी स्वतःची व्यवस्था करणे आवश्यक आहे.

७. जाहिरात व विहित अर्ज महाराष्ट्र शासनाच्या संकेतस्थळावरून (वेबसाईट) (www.maharashtra.gov.in) मधील "नवीन संदेश" या मथळ्याखाली उपलब्ध आहेत. तेथून डाऊनलोड केले जाऊ शकतात.

८. वर नमूद केल्याप्रमाणे विहित तारखेनंतर प्राप्त झालेला कोणताही अर्ज विचारात घेतला जाणार नाही.



सही/-

(समृद्धी अनगोळकर)

उप सचिव, महाराष्ट्र शासन

Annexure-I

PERFORMA

Space for
photograph
duly signed
by candidate

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

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

6. Cadre/Service (Wherever applicable) :
7. Educational qualification (in reverse chronological order) :

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

8. Work Experience :

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

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

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

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

SI.No.	Details of Profession	Period of Service		nature of work done*
		From	To	

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

9. Date from which drawing the pay scale in the grade of Additional Secretary/ District Judge/ Additional District Judge/ Major General to the rank Government of India or any equivalent (wherever applicable)

10. Write up on adjudicating experience of the applicant (200 rds) [Wherever applicable]

11. Experience alongwith brief write up in handling Cases before relevant Courts/Tribunals/ [if applicable]

: Details of such cases
(Reported Cases/Unreported Cases)

12. Proof of Experience, including Enrolment/Registration No. As an Advocate/CA etc. [For candidates other than Govt. or Judicial officers]

13. Annual Income along with copy of latest ITR [For Candidates other than Govt. or Judicial Officers]

14. Write up on 05, major achievement (200 words each)

15. Awards/honours/Publications, if any
16. Affiliation with the professionals bodies/
Institutions/societies/or any other body
Including political party.
17. Additional information, if any, which
You would like to mention in support
of the application for the post.

DECLARATION

1. I certify that the foregoing information is correct and complete to the best of knowledge and belief and nothing has been concealed/distorted. If at any time I found to have concealed/distorted any material information: my appointment shall be liable to summary termination without notice.
2. I shall not withdraw my candidature after the meeting of the Selection Committee.
3. I shall not decline the appointment, if selected for appointment by ACC.
4. I shall join within 30 days from the date of issue of order of appointment.
5. I am aware that in case I violate any of the condition mentioned at SI.No.2 to 4, the Government of India is likely to debar me for a period of three years for consideration for appointment outside the cadre and in any Autonomous Body/Statutory Body/Regulatory Body.

Place :

Date :

(Signature of the candidate)

Annexure-II

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

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

Seal & Signature of the cadre controlling Authority.

Annexure-III

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT

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

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

7. Position held (During ten preceding year) :

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

8. Whether the officer has been placed on the agreed list of list of Officer of Doubtful Integrity(if yes, details to be given) :
9. Whether any allegation of misconduct Involving vigilance angle was examined against the officer during the last 10 Years and If so with what result (*) :

10. Whether any punishment was award to the officer during the 10 years and if so, the date of imposition and details of penalty (*) :

11. Is any disciplinary / criminal proceedings or charge sheet pending against the officer as on date (if so, details to be furnished, including reference number, if any of the Commission) :

12. Is any action contemplated against the Officer as on date (if so, details to be furnished (*) :

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

Date :

(NAME AND SIGNATURE)



भारत का राजपत्र The Gazette of India

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

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45]

नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)

No. 45]

NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

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

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

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

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

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

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

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

CHAPTER I

PRELIMINARY

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

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

Short title and commencement.

Definitions.

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

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

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

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

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

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

CHAPTER II

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNAL

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

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

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

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

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

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

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

(c) one Member, who—

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

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

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

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

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

14 of 1947.

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

51 of 1993.

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

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

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

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

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

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

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

(d) one Member, who—

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

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

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

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

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

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

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

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

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

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

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

(a) has been adjudged as an insolvent; or

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

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

Removal of
Chairperson or
Member of
Tribunal.

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

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

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

Term of office of Chairperson and Member of Tribunal.

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

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

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

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

Eligibility for re-appointment.

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

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

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

Salary and allowances.

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

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

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

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

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

CHAPTER IV

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

9. In the Cinematograph Act, 1952,—

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

(b) in section 5C,—

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

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

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

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

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

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

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

Amendment
of Act 37 of
1952.

CHAPTER V

AMENDMENTS TO THE COPYRIGHT ACT, 1957

10. In the Copyright Act, 1957,—

(a) in section 2,—

(i) clause (aa) shall be omitted;

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

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

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

(u) "prescribed" means,—

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

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

(b) in section 6,—

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

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

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

(d) sections 11 and 12 shall be omitted;

Amendment
of Act 14 of
1957.

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

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

(g) in section 53A,—

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

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

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

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

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

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

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

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

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

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

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

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

(i) clauses (cA) and (cCB) shall be omitted;

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

CHAPTER VI

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment
of Act 43 of
1961.

11. In section 252A of the Income-tax Act, 1961, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER VII

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment
of Act 52 of
1962.

12. In the Customs Act, 1962,—

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

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

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

(d) in section 28KA,—

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

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

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

(f) in section 28M,—

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

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

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

CHAPTER VII

AMENDMENTS TO THE PATENTS ACT, 1970

13. In the Patents Act, 1970,—

Amendment
of Act 39 of
1970

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

(i) clause (a) shall be omitted;

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

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

(c) in section 58,—

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

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

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

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

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

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

(h) in section 113,—

(i) in sub-section (1),—

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

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

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

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

(g) sections 116 and 117 shall be omitted;

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

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

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

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

(o) in section 151,—

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

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

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

CHAPTER IX

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

Amendment
of Act 13 of
1976.

14. In section 12A of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER X

AMENDMENT TO THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Amendment
of Act 13 of
1985.

15. In section 10B of the Administrative Tribunals Act, 1985, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XI

AMENDMENT TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment
of Act 54 of
1987.

16. In section 9A of the Railway Claims Tribunal Act, 1987, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XII

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

Amendment
of Act 15 of
1992.

17. In section 15QA of the Securities and Exchange Board of India Act, 1992, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

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

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

Amendment
of Act 51 of
1993.

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

CHAPTER XIV

AMENDMENTS TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

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

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

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

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

(d) in section 28K,—

(i) in sub-section (1),—

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

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

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

(e) section 28L shall be omitted;

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

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

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

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

Amendment
of Act 55 of
1994.

CHAPTER XV

AMENDMENT TO THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

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

Amendment
of Act 24 of
1997.

CHAPTER XVI

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment
of Act 47 of
1999.

21. In the Trade Marks Act, 1999,—

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

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

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

'(s) "prescribed" means,—

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

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

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

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

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

(e) in section 47,—

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

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

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

(g) in section 57,—

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

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

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

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

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

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

(l) sections 92 and 93 shall be omitted;

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

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

(n) sections 95 and 96 shall be omitted;

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

Bar to
appear before
Registrar.

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

(q) sections 99 and 100 shall be omitted;

(r) in section 113,—

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

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

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

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

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

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

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

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

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

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

CHAPTER XVII

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

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

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

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

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

(d) in section 27,—

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

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

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

(f) in section 31,—

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

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

(g) sections 32 and 33 shall be omitted;

Amendment
of Act 48 of
1999.

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

(i) section 36 shall be omitted;

(j) in section 48,—

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

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

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

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

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

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

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

CHAPTER XVIII

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

Amendment
of Act 53 of
2001.

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

(a) in section 2,—

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

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

(g) "prescribed" means,—

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

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

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

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

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

(d) sections 54 and 55 shall be omitted;

(e) in section 56,—

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

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

(f) in section 57,—

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

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

(g) sections 58 and 59 shall be omitted;

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

CHAPTER XIX

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

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

(a) in section 2,—

(i) clause (a) shall be omitted;

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

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

(iii) clause (f) shall be omitted;

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

(c) section 5 shall be omitted;

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

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

(e) sections 15 and 16 shall be omitted;

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

(g) section 18 shall be omitted;

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

(i) section 40 shall be omitted;

(j) in section 41,—

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

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

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

CHAPTER XX

AMENDMENT TO THE ELECTRICITY ACT, 2003

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

Amendment
of Act 36 of
2003.

7 of 2017.

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

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

Amendment
of Act 55 of
2007.

7 of 2017.

section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XXII

AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

27. In section 10A of the National Green Tribunal Act, 2010, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIII

AMENDMENT TO THE COMPANIES ACT, 2013

Amendment
of Act 18 of
2013.

28. In section 417A of the Companies Act, 2013, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIV

AMENDMENT TO THE FINANCE ACT, 2017

Amendment
of Act 7 of
2017.

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

CHAPTER XXV

AMENDMENT TO THE CONSUMER PROTECTION ACT, 2019

Amendment
of Act 35 of
2019.

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

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

CHAPTER XXVI

MISCELLANEOUS

Power to
amend the
Schedule.

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

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

Rules to be
laid before
Parliament.

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

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

Transitional provisions.

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

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

43 of 1961.

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

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

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

Power to remove difficulties.

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

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

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

Repeal and saving.

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

Ord. 2 of 2021.

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

THE FIRST SCHEDULE

[See section 2(e)]

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

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THE SECOND SCHEDULE

(See section 33)

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

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

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 15th September, 2021

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

CHAPTER I
PRELIMINARY

1. Short title, commencement and application.—

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

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

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

CHAPTER II
APPOINTMENT OF CHAIRPERSON AND MEMBER

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

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

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

(a) *President* unless he is a sitting or retired Judge of a High Court and ~~who has completed not less than seven years of service as a Judge in a High Court or a Vice-President of the Income-tax Appellate Tribunal~~

(b) *Vice-President*, unless he has been a Member; and

(c) *Judicial Member*, unless,—

(i) he has, for a combined period of ten years, been a District Judge and Additional District Judge; or

(ii) he has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or higher post for two years; or

(iii) he has been an advocate for ten years with substantial experience in litigation under Income-tax laws in Income-tax Appellate Tribunal, High Court or Supreme Court;

(d) *Accountant Member*, unless,—

(i) he has for twenty-five years been in the practice of accountancy,—

(A) as a chartered accountant under the Chartered Accountants Act, 1949 (38 of 1949); or

(B) as a registered accountant under any law formerly in force; or partly as such registered accountant and partly as a chartered accountant; or

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

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

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

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

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

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

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

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

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

- (8) In case of Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Presiding Officer* of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.
- (9) In case of Debts Recovery Appellate Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Chairperson*, unless he, —
- (a) is, or has been, a Judge of a High Court; or
 - (b) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
 - (c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.
- (10) In case of Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), a person shall not be qualified for appointment as, —
- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
 - (b) *Member* unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal.
- (11) In case of National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013), a person shall not be qualified for appointment as, —
- (a) *Chairperson* unless he is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
 - (b) *Judicial Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) is a Judicial Member of the National Company Law Tribunal for five years; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.
 - (c) *Technical Member* unless he is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.
- (12) In case of National Consumer Disputes Redressal Commission under the Consumer Protection Act, 1930 (35 of 1930), a person shall not be qualified for appointment as, —
- (a) *President*, unless he, —
 - (i) is, or has been, a Judge of the Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
 - (b) *Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law,

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

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

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

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

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

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

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

(iii) has, for ten years, been an advocate with substantial experience in litigation in matters relating to environment and forest in National Green Tribunal, High Court or Supreme Court.

(c) *Expert Member*, unless he, -

(i) has a degree or Post-graduation degree or Doctorate Degree in Science and has an experience of twenty-five years in the relevant field including five years' practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or

(ii) has administrative experience of twenty years including experience of five years in dealing with environmental matters in the Central Government or a State Government or in a reputed National or State level institution.

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

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

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

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

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

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

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

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

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

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

(a) the Chairperson, ~~Central Government may appoint one of the Vice-Chairpersons or Vice-Chairman, Vice-Presidents or in their absence, one of the Members of the Tribunal, to officiate as Chairperson;~~

(b) the Chairperson of the Debts Recovery Appellate Tribunal, the Central Government may appoint the Chairperson of another Debts Recovery Appellate Tribunal to officiate as Chairperson;

(c) the Presiding Officer of the Debts Recovery Tribunal, the Chairperson of the Debts Recovery Appellate Tribunal may appoint the Presiding Officer of another Debts Recovery Tribunal to officiate as Presiding Officer;

(d) ~~the Chairperson of the State Administrative Tribunals, the respective State Government may appoint one of the Members to officiate as Chairperson.~~

CHAPTER III
RESIGNATION OR REMOVAL OF CHAIRPERSON OR MEMBER

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

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

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

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

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

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

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

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

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

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

CHAPTER IV
SALARY AND ALLOWANCES

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

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

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

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

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

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

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

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

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

CHAPTER V PENSION, PROVIDENT FUND, GRATUITY AND LEAVE

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

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

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

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

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

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

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

(5) Leave sanctioning authority for the—

(a) Member, shall be Chairperson;

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

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

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

CHAPTER VI MISCELLANEOUS

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

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

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

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

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

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

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

FORM I

(See rule 4)

[Format for vacancy circular including the format for application]

F. No. _____

Government of India

Ministry of _____

Department of _____

Room No. _____

New Delhi-110001

Dated, the _____

Vacancy Circular

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

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

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

Post	Place	Date of Vacancy

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

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

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

[Name and Address]

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

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

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

(Name of the Signing Officer)

Under Secretary to the Govt. of India/Director

Annexure-I

PROFORMA

Space for
photograph
duly signed by
candidate

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

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

6. Cadre/Service [Wherever applicable]

7. Educational qualification (in reverse chronological order):

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

8. Work Experience:

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

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

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

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

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

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

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

DECLARATION

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

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

Place :

Date:

Signature of the candidate

Annexure-II

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

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

Seal & Signature of the cadre controlling Authority

Annexure-III

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT

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

1. Name of the Officer (in full)

2. Fathers name

3. Date of Birth

4. Date of Retirement

5. Date of entry into service

6. Service to which the officer belongs
including batch /year/ cadre etc. ,
wherever applicable

7. Positions held (During ten preceding years):

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

8. Whether the officer has been placed on
the agreed list or list of Officer of
Doubtful Integrity (if yes, details to be given)

9. Whether any allegation of misconduct
involving vigilance angle was examined
against the officer during the last 10
Years and if so with what result (*)

10. Whether any punishment was awarded to
the officer during the last 10 years and if
so, the date of imposition and details of
penalty (*)

11. Is any disciplinary/ criminal proceedings
or charge sheet pending against the
officer as on date (if so, details to be
furnished, including reference number, if
any of the Commission).

12. Is any action contemplated against the
Officer as on date (if so, details to be
furnished (*)

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

Date:

(NAME AND SIGNATURE)

FORM II

(See rule 17)

Form of Oath of Office for Chairperson/ Member of the (Name of the Tribunal)

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

FORM III

(See rule 17)

Form of Oath of Secrecy for Chairperson/ Member of the (Name of Tribunal)

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

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

RITVIK PANDEY, Jt. Secy.

Explanatory Memorandum

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