

MINISTRY OF FINANCE**(Department of Revenue)****NOTIFICATION**

New Delhi, the 15th September, 2021

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

CHAPTER I
PRELIMINARY

1. Short title, commencement and application.—

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

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

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

CHAPTER II
APPOINTMENT OF CHAIRPERSON AND MEMBER

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

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

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

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

(ii) he has been a member of the Indian Revenue Service (Income-tax Service Group 'A') and has held the post of Principal Commissioner of Income-tax or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.

(3) In case of Customs, Excise and Service Tax Appellate Tribunal under the Customs Act, 1962 (52 of 1962), a person shall not be qualified for appointment as,-

(a) *President* unless, —

(i) he is, or has been, a Judge of a High Court and who has completed not less than seven years of service as a Judge in a High Court; or

(ii) he is the member of the Appellate Tribunal;

(b) *Judicial Member*, unless, —

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

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

(iii) he has been an advocate for ten years with substantial experience in litigation under indirect tax laws in Customs, Excise and Service Tax Appellate Tribunal, High Court or Supreme Court;

(c) *Technical Member*, unless he has been a member of the Indian Revenue Service (Customs and Central Excise Service Group 'A') and has held the post of Principal Commissioner of Customs or Central Excise or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.

(4) In case of Appellate Tribunal under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976), a person shall not be qualified for appointment as,-

(a) *Chairman*, unless he is, or has been, a Judge of a Supreme Court or Chief Justice of a High Court;

(b) *Member*, unless he has held the post of Additional Secretary to the Government of India or any equivalent or higher post and has performed judicial, quasi-judicial or adjudicating function for three years.

(5) In case of Tribunals under the Administrative Tribunal Act, 1985 (13 of 1985), a person shall not be qualified for appointment as,-

(a) *Chairman*, unless he, —

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

(ii) has, for a period of not less than three years, held office as Administrative Member or Judicial Member in the Central Administrative Tribunal.

(b) *Judicial Member*, unless he,—

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

(ii) has held the post of Additional Secretary to the Government of India or any equivalent or higher post in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law Commission of India; or

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

(iv) has, for ten years, been an advocate with substantial experience in litigation in service matters in Central Administrative Tribunal, Armed Forces Tribunal, High Court or Supreme Court.

(c) *Administrative Member*, unless he has held the post of Additional Secretary to the Government of India or any other post under the Central Government or a State Government and carrying the scale of pay which is not less than that of an Additional Secretary to the Government of India:

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

- (6) In case of Railway Claims Tribunal under the Railway Claims Tribunal Act, 1987 (54 of 1987), a person shall not be qualified for appointment as,-
- (a) *Chairman*, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a period of not less than three years, held office as Vice-Chairman, Judicial Member or Technical Member, as the case may be.
 - (b) *Vice-Chairman (Judicial)*, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
 - (iii) has, for two years, held a civil judicial post carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India; or
 - (iv) has, for a period of not less than three years, held office as a Judicial Member.
 - (c) A person shall not be qualified for appointment as the Vice-Chairman (Technical), unless he, –
 - (i) has, for a period of not less than three years, held office as a Technical Member; or
 - (ii) has, for two years, held a post under a railway administration carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways.
 - (d) A person shall not be qualified for appointment as a Judicial Member, unless he, –
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in claim settlements pertaining to damage to life and property in Railway Claims Tribunal, High Court or Supreme Court.
 - (e) A person shall not be qualified for appointment as a Technical Member unless he is a person of ability, integrity and standing having special knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways of not less than twenty-five years.
- (7) In case of Securities Appellate Tribunal under the Securities Exchange Board of India Act, 1992 (15 of 1992), a person shall not be qualified for appointment as,-
- (a) *Presiding Officer* unless he is, or has been, a Judge of the Supreme Court or a Chief Justice of a High Court;
 - (b) *Judicial Member* unless, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has been an advocate for ten years with substantial experience in litigation in matters relating to financial sector before Securities Exchange Board of India, Securities Appellate Tribunal, High Court or Supreme Court.
 - (c) *Technical Member* unless, —
 - (i) has held the post of Additional Secretary in the Ministry or Department of the Central Government or any equivalent or higher post in the Central Government or a State Government; or
 - (ii) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in financial sectors including securities market or pension funds or commodity derivatives or insurance:
- Provided that a Member or Part time Member of the Board or the Insurance Regulatory and Development Authority or the Pension Fund Regulatory and Development Authority, or any person at senior management level equivalent to Executive Director in the Board or in such Authorities, shall not be appointed as Presiding Officer or Member of the Securities Appellate Tribunal, during his service or tenure

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

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

(8) In case of Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Presiding Officer* of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.

(9) In case of Debts Recovery Appellate Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), a person shall not be qualified for appointment as *Chairperson*, unless he, —

- (a) is, or has been, a Judge of a High Court; or
- (b) has been a member of the Indian Legal Service with ten years of experience in litigation and has held a post of Additional Secretary or any equivalent or any higher post; or
- (c) has held office as the Presiding Officer of a Debts Recovery Tribunal for three years.

(10) In case of Telecom Disputes Settlement and Appellate Tribunal under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), a person shall not be qualified for appointment as, -

- (a) *Chairperson*, unless he, —
 - (i) is, or has been, a Judge of Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Member* unless he is a person of ability, integrity and standing having special knowledge of, and professional experience of, not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration, telecommunications or any other matter which is useful to the Telecom Disputes Settlement and Appellate Tribunal.

(11) In case of National Company Law Appellate Tribunal under the Companies Act, 2013 (18 of 2013), a person shall not be qualified for appointment as, -

- (a) *Chairperson* unless he is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
- (b) *Judicial Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) is a Judicial Member of the National Company Law Tribunal for five years; or
 - (iii) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.
- (c) *Technical Member* unless he is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.

(12) In case of National Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 (35 of 2019), a person shall not be qualified for appointment as, -

- (a) *President*, unless he, —
 - (i) is, or has been, a Judge of the Supreme Court; or
 - (ii) is, or has been, Chief Justice of a High Court.
- (b) *Member* unless he, —
 - (i) is, or has been, a Judge of a High Court; or
 - (ii) has, for a combined period of ten years, been a District Judge and Additional District Judge; or
 - (iii) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER III RESIGNATION OR REMOVAL OF CHAIRPERSON OR MEMBER

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

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

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

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

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

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

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

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

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

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

CHAPTER IV SALARY AND ALLOWANCES

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

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

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

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

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

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

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

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

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

CHAPTER V PENSION, PROVIDENT FUND, GRATUITY AND LEAVE

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

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

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

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

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

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

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

(5) Leave sanctioning authority for the-

(a) Member, shall be Chairperson;

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

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

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

CHAPTER VI MISCELLANEOUS

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

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

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

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

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

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

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

FORM I

(See rule 4)

[Format for vacancy circular including the format for application]

F. No. _____.

Government of India

Ministry of _____.

Department of _____.

Room No. _____.

New Delhi-110001

Dated, the _____.

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

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

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

Post	Place	Date of Vacancy

3. **Qualification:-** The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunal (Conditions of Service) Rules, 2021,
4. **Procedure for selection:-** The Search-Cum-Section Committee constituted under the Tribunal Reforms Act 2021 for recommending names for appointment to the said post shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.
5. **Application Procedure:-** Applications of eligible and willing officers are requested through proper channel (wherever applicable) and are accompanied with (i) bio-data in the proforma at Annexure-I (ii) Certificate to be furnished by the employer/ head of office/ forwarding authority as in Annexure-II (iii) clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer (iv) cadre clearance (v) integrity certificate/clearance from vigilance and disciplinary angle as in Annexure-III (vi) statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years, to the following address, so as to reach this office latest by _____:-

[Name and Address]

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

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

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

(Name of the Signing Officer)

Under Secretary to the Govt. of India/Director

Annexure-I

PROFORMA

Space for
photograph
duly signed by
candidate

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

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

6. Cadre/Service [Wherever applicable] :

7. Educational qualification (in reverse chronological order):

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

8. Work Experience:

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

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

*Also indicate 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 : Details of Such cases
Cases before relevant Courts/Tribunals/ (Reported Cases/UnreportedCases)
[if applicable]
12. Proof of Experience, including
Enrolment/Registration No. As an Advocate/CA etc.
[For candidates other than Govt. or Judicial
officers] :
13. Annual Income along with copy of :
latest ITR [For Candidates other than
Govt. or Judicial Officers]
14. Write up on 05, major achievement :
(200 words each)
15. Awards/honours/Publications, if any :
16. Affiliation with the professional bodies/ :
Institutions/societies/or any other body
Including political party.
17. Additional information, if any, which :
You would like to mention in support
of the application for the post.

DECLARATION

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

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

Place :

Date:

Signature of the candidate

Annexure-II

CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF OFFICE/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. Father's 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 awards to :
the officer during the last 10 years and if
so, the date of imposition and details of
penalty (*)

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

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

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

Date:

(NAME AND SIGNATURE)

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

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

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

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

[F. No. A.50050/9/2016-Ad.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.

MINISTRY OF FINANCE**(Department of Revenue)****NOTIFICATION**

New Delhi, the 16th June, 2023

G.S.R. 444(E).— (No. 02/2023)-In exercise of the powers conferred by section 3 of the Tribunals Reforms Act, 2021 (33 of 2021), the Central Government hereby makes the following rules to amend the Tribunal (Conditions of Service) Rules, 2021, namely:-

1 Short title and commencement.- (1) These rules may be called the Tribunal (Conditions of Service) Amendment Rules, 2023.

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

2. In the Tribunal (Conditions of Service) Rules, 2021, in rule 5, after sub-rule (2), the following sub-rule shall be inserted, namely:-

“(3) Notwithstanding anything contained in rule 3, a person holding or has held the post of Chairperson or Member, as the case may be, of any Tribunal shall be eligible for re-appointment.”

[F. No. A-50050/33/2023-CESTAT-DOR]

RITVIK PANDEY, Jt. Secy.

Note : The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 15th September, 2021 vide notification number G.S.R. 635(E) dated 15th September, 2021.

सेवा का सेवारत सदस्य है, वह अधिकरण में पदग्रहण करने से पहले अपनी मूल सेवा से या तो त्यागपत्र देगा या स्वैच्छिक सेवानिवृत्ति अभिप्राप्त करेगा।”

3. उक्त नियमों के नियम 13 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:-

“13. पेंशन, भविष्य निधि और उपदान.- अधिकरण में की गई सेवा के लिए पेंशन, भविष्य निधि और उपदान अनुज्ञेय नहीं होगा।”

[फा. सं. ए-50050/33/2023-सीईएसटीएटी-डीओआर-भाग(1)]

मनोज कुमार सिंह, निदेशक

टिप्पण: मूल नियम अधिसूचना सं. सा.का.नि. 635(अ), तारीख 15 सितंबर, 2021 द्वारा अधिसूचित किए गए थे और अधिसूचना सं. सा.का.नि. 444(अ), तारीख 16 जून, 2023 द्वारा उनका अंतिम संशोधन किया गया था।

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 5th September, 2023

G.S.R. 655(E).—In exercise of the powers conferred under section 3 of the Tribunal Reforms Act, 2021 (33 of 2021), the Central Government hereby makes the following rules further to amend the Tribunal (Conditions of Service) Rules, 2021, namely:-

1. (1) These rules may be called the Tribunal (Conditions of Service) Second Amendment Rules, 2023.

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

2. In the Tribunal (Conditions of Service) Rules, 2021 (hereinafter referred to as the said rules), after Rule 7, the following rule shall be inserted, namely:-

“7A Retirement or resignation from parent service on appointment as Chairperson or Member.—

Where the person appointed as a Chairperson or a Member is a serving Judge of the Supreme Court or a High Court or a serving Member of an organised service, he shall either resign or obtain voluntary retirement from his parent service before joining the Tribunal.”

3. In the said rules, for rule 13, the following rule shall be substituted, namely:-

“13. Pension, Provident Fund and Gratuity.— Pension, Provident Fund and gratuity shall not be admissible for the service rendered in the Tribunal.”

[F. No. A-50050/33/2023-CESTAT-DOR-Part(1)]

MANOJ KUMAR SINGH, Director

Note: The Principal rules were notified vide notification number G.S.R. 635(E) dated the 15th September, 2021 and last amended vide notification number G.S.R. 444(E) dated the 16th June, 2023.