

F. No.15-04/2021-Restg.
Government of India
Ministry of Communications
Department of Telecommunications
Restructuring Section

Room No.510, Sanchar Bhawan,
20 Ashoka Road, New Delhi-110001
Dated, the 09th November, 2021

Vacancy Circular

Subject: - Selection for the post of Member in Telecom Disputes Settlement and Appellate Tribunal-reg.

- Tribunal:** - The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) is an Appellate authority established under the Telecom Regulatory Authority of India Act, 1997 to hear various appeals under the Telecom Regulatory Authority of India Act, 1997. The Tribunal exercises jurisdiction over Telecom, Broadcasting, IT, Airport tariff matters and the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 under the TRAI Act, 1997 (as amended), the Information Technology Act, 2008, the Airport Economic Regulatory Authority of India Act, 2008 and the Aadhaar and Other Laws (Amendment) Act, 2019. Headquarter of TDSAT is situated at New Delhi.
- Vacancy:** - Applications are being invited for the following existing vacancy:

Post	Place
Member	TDSAT, HQ, New Delhi

- 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 (annexed).
- 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.
- Application Procedure:-** Applications of eligible and willing officers are requested through proper channel (wherever applicable) 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 15/12/2021 till 05:30 P.M.:-

Shri Rajnandan Kumar,
Under Secretary (Restructuring),
Room No.512, Sanchar Bhawan,
20 Ashoka Road, New Delhi-110001.
Ph. 011-2303 6178

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. Any application received after due date without necessary Annexure as mentioned above will not be entertained.


(Naveen Kumar)

Director

Annexure-I

PROFORMA

1. Name:

Space for
photograph
duly signed by
candidate

2. Date of Birth:

3. Category(SC/ST/OBC/UR):

4. Designation/Profession:

5. Contact Details:

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

6. Cadre/Service [Wherever applicable]:

7. Educational qualification (in reverse chronological order):

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

8. Work Experience:

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

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

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

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

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

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

9. Date from which drawing the pay scale :
in the grade of Additional Secretary/
District Judge/Additional District Judge/
Major General to the Government of India
or any equivalent rank (wherever applicable).
10. Write up on adjudicating experience :
of the applicant (200 words)
[Wherever applicable]
11. Experience alongwith brief write up in handling : Details of Such cases
Cases before relevant Courts/Tribunals/ (Reported Cases/Unreported Cases)
[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 am 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 particular furnished by Shri/Smt/Kum -----are correct and he/she possesses educational qualifications and experience mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being contemplated against him/her and vigilance clearance issued by CVO in the enclosed Annexure (II).
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-----is 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 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)

फा.सं.15-04/2021-पुर्नगठन

भारत सरकार
संचार मंत्रालय
दूरसंचार विभाग
पुर्नगठन अनुभाग

कमरा नं. 510, संचार भवन
20, अशोक रोड, नई दिल्ली-110001
दिनांक: 09 नवंबर, 2021

रिक्ति परिपत्र

विषय: दूरसंचार विवाद समाधान एवं अपील अधिकरण में सदस्य के पद के लिए चयन-संबंधी।

1. **अधिकरण:-** दूरसंचार विवाद समाधान एवं अपील अधिकरण (टी.डी.एस.ए.टी.) भारतीय दूरसंचार विनियामक प्राधिकरण अधिनियम, 1997 के तहत स्थापित एक अपीलीय अधिकरण है जो भारतीय दूरसंचार विनियामक प्राधिकरण
2. अधिनियम, 1997 के तहत विभिन्न अपीलों की सुनवाई करता है। अधिकरण का ट्राई अधिनियम, 1997 (यथा-संशोधित), सूचना प्रौद्योगिकी अधिनियम, 2008, भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण, 2008 तथा आधार एवं अन्य विधि (संशोधित) अधिनियम, 2019 के तहत दूरसंचार, प्रसारण, सूचना प्रौद्योगिकी, विमानपत्तन प्रभार से संबंधित मामले तथा आधार (वित्तीय तथा अन्य राज-सहायता, लाभ एवं सेवा की लक्षित प्रदायगी) अधिनियम, 2016 पर क्षेत्राधिकार है। टी.डी.एस.ए.टी. का मुख्यालय नई दिल्ली में स्थित है।

2. **रिक्ति:-** निम्नलिखित विद्यमान रिक्ति के लिए आवेदन आमंत्रित किए जा रहे हैं।

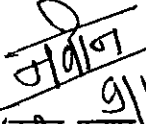
पद	स्थान
सदस्य	टी.डी.एस.ए.टी., मुख्यालय, नई दिल्ली

3. **योग्यता:-** अभ्यर्थी की नियुक्ति के लिए योग्यताएं, पात्रता, वेतन और अन्य निबंधन व शर्तें, अधिकरण (सेवा की शर्तें) नियम, 2021 के प्रावधानों के अधीन होंगी (संलग्न है)
4. **चयन की प्रक्रिया:-** उक्त पद पर नियुक्ति के लिए नामों की सिफारिश करने के लिए अधिकरण सुधार अधिनियम, 2021 के तहत गठित खोज सह-चयन समिति, अभ्यर्थियों की योग्यता और अनुभव को समुचित महत्त्व देते हुए पदों के लिए आवेदन की उपयुक्तता के संबंध में आवेदों की छानबीन करेगी और वैयक्तिक परस्पर विचार-विमर्श करने के लिए अभ्यर्थियों को चुनेगी। योग्यता, अनुभव और वैयक्तिक विचार-विमर्श के आधार पर समिति द्वारा व्यापक मूल्यांकन के आधार पर अंतिम चयन किया जाएगा।
5. **आवेदन की प्रक्रिया:-** योग्य और इच्छुक अधिकारियों के आवेदन उचित माध्यम (जहां कहीं लागू हो) द्वारा आमंत्रित किए जाते हैं और जिसके साथ (i) अनुबंध-1 पर दिए प्रपत्र में जीवन वृत्त (ii) अनुबंध-11 में दिए गए नियोक्ता/कार्यालयध्यक्ष/अग्रेषण प्राधिकारी द्वारा दिए जाने वाला प्रमाण-पत्र (iii) अधिकारी के

अद्यतन सीआर/एपीएआर की स्पष्ट प्रतिलिपियां जिनमें किसी समूह 'क' अधिकारी द्वारा विधिवत प्रमाणित पिछले प्रमाणित पिछले पांच वर्षों की सीआर/एपीएआर शामिल हों (iV) संवर्ग सतर्कता (V) अनुबंध-III में सतर्कता एवं अनुशासनिक दृष्टि से सत्यनिष्ठा प्रमाण-पत्र/निकासी (Vi) विगत दस वर्षों के दौरान अधिकारी पर लगाई गई छोटी या बड़ी शास्तियों यदि कोई हैं, का विस्तृत विवरण, निम्नलिखित पते पर भेज दिया जाए, ताकि इस कार्यालय में 15/12/2021 को 5.30 बजे अपराह्न तक पहुँच जाए।

श्री राजनंदन कुमार,
अवर सचिव (पुर्नगठन)
कमरा सं. 512, संचार भवन,
20, अशोक रोड, नई दिल्ली-110001
दूरभाष: 011-23036178

6. साक्षात्कार/परस्पर विचार-विमर्श के लिए बुलाए गए अभ्यर्थियों को कोई यात्रा/महँगाई भत्ता देय नहीं होगा। अभ्यर्थियों को अपनी व्यवस्था स्वयं करनी होगी।
7. अंतिम तारीख के बाद प्राप्त और उपर्युक्त उल्लिखित आवश्यक अनुबंध के बिना प्राप्त आवेदन पर विचार नहीं किया जाएगा।


9/11/2021
(नवीन कुमार)
निदेशक

अनुलग्नक-1

प्रपत्र

उम्मीदवार
द्वारा विधिवत
हस्ताक्षर हेतु
स्थान

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

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

6. संवर्ग/सेवा [जहां कहीं लागू हो]

7. शैक्षिक योग्यता (उत्क्रम कालानुक्रम में)

क्र.सं.	विश्वविद्यालय/समकक्ष संस्थान का नाम	डिग्री	उत्तीर्ण करने का वर्ष	प्राप्त अंकों का प्रतिशत (%)	शैक्षणिक योग्यता	विषय/विशेषज्ञता

8. कार्य का अनुभव:

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

क्र.सं.	नियोक्ता का नाम एवं पता (सरकार/पीएसयू/मंत्रालय/वि भाग/कोई अन्य	पदनाम/वेतन या वेतनमान (वेतन मैट्रिक्स में वेतन)*	सेवा की अवधि		कार्य की प्रकृति/अनुभ व
			दिनांक से	तक	

*साथ ही ऊपर क्रम सं. दर्शाएं जो अपर सचिव/जिला न्यायाधीश/अपर जिला न्यायाधीश/मेजर जनरल (अर्हता के तहत जैसा भी लागू हो) अथवा उससे ऊपर के समकक्ष हो।

8ख) वर्तमान वचनबद्धता से शुरू करते हुए कालानुक्रम में पेशेवर अनुभव का रिकॉर्ड, उत्क्रम में बताएं

क्र.सं.	व्यवसाय का विवरण	सेवा की अवधि		कार्य की प्रकृति/अनुभव
		दिनांक से	तक	

*जैसे प्रशासन/सेवा मामले/न्यायिक अथवा अर्ध-न्यायिक/दांडिक/सिविल/कर-निर्धारण/कंपनी मामले/पर्यावरण संबंधी मामले/वित्त/लेखा/अर्थशास्त्र/व्यवसाय/वाणिज्य/प्रबंधन/सार्वजनिक मामले अथवा कोई अन्य, जैसा भी लागू हो/सरकार के साथ नियोजन, यदि कोई हो, को दर्शाया जाए।

9. भारत सरकार के अपर सचिव/
जिला न्यायाधीश/अपर जिला न्यायाधीश/
मेजर जनरल अथवा कोई अन्य समकक्ष
रैंक (जहां कहीं लागू हो) के ग्रेड में वेतनमान
प्राप्त करने की तिथि

10. आवेदक के न्याय निर्णयन अनुभव पर :
आलेख (200 शब्दों में)
(जहां कहीं पर लागू हो)

11. संबंधित न्यायालयों/न्यायाधिकरणों के :
समक्ष मामलों के संचालन में संक्षिप्त अनुभव
(यदि लागू हो)

ऐसे मामलों का विरण
(रिपोर्ट किए गए मामले/मामले
जिनकी रिपोर्ट नहीं हुई)

12. अनुभव का प्रमाण, जिसमें अधिवक्ता/
चार्टर्ड अकाउंटेंट आदि के रूप में
नामांकन सं./पंजीकृत सं. शामिल हो।
[सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों के लिए]

13. वार्षिक आय, जिसके साथ अद्यतन आयकर विवरणिका हो [सरकारी या न्यायिक अधिकारी के अलावा अन्य अभ्यर्थियों के लिए] :
14. मुख्य उपलब्धियों पर 05 आलेख [200 शब्द प्रत्येक] :
15. पुरस्कार/सम्मान/प्रकाशन, यदि कोई हो, :
16. राजनैतिक दल सहित व्यावसायिक निकायों/संस्थानों/सोसायटियों/किसी अन्य निकाय के साथ संबंधन। :
17. कोई अतिरिक्त जानकारी, यदि कोई हो, जिसका पद के लिए :
किए गए आवेदन के समर्थन में उल्लेख करना चाहे।

घोषणा

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

स्थान:

दिनांक:

अभ्यर्थी के हस्ताक्षर

अनुग्नक-11

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

1. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी.....द्वारा दिया गया विवरण सही है तथा उनके पास अनुबंध-1 में उल्लिखित शैक्षणिक योग्यताएं और अनुभव हैं।
2. यह भी प्रमाणित किया जाता है कि उनके विरुद्ध कोई सतर्कता/अनुशासनात्मक मामला लंबित या विचाराधीन नहीं है और सीवीओ द्वारा संलग्न अनुलग्नक (iii) में सतर्कता मंजूरी जारी की गई है।
3. उनका/उनकी सत्यनिष्ठा प्रमाणित की गई है।
4. पिछले 10 वर्षों की अवधि के दौरान श्री/श्रीमती/कुमारी.....पर कोई गंभीर या मामूली जुर्माना नहीं लगाया गया।
5. पिछले वर्षों के एसीआर/एपीएआर के नवीनतम साक्ष्यांकित फोटोस्टेट प्रतियां (एसीआर/एपीएआर की प्रत्येक फोटोस्टेट प्रति साक्ष्यांकित होनी चाहिए) श्री/श्रीमती/कुमारी.....के संबंध में इसके साथ संलग्न है।

संवर्ग नियंत्रण प्राधिकारी की मुहर एवं हस्ताक्षर

अनुसूचक-III

**उस अधिकारी का विवरण जिसके लिए सतर्कता निकासी मांगी जा रही है।
(मुख्य सतर्कता अधिकारी अथवा विभाग के प्रमुख द्वारा हस्ताक्षर सहित दिया जाना)**

1. अधिकारी का नाम (पूरा नाम) :
2. पिता का नाम :
3. जन्म तिथि :
4. सेवा निवृत्ति की तारीख :
5. सेवा में प्रवेश की तारीख :
6. अधिकारी किस सेवा से संबंधित है, (जिसमें बैच/वर्ष/संवर्ग आदि जहां कहीं लागू हो, बताया जाए) :
7. धारित पद (पूर्ववर्ती दस वर्षों के दौरान) :

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

8. क्या अधिकारी को संदिग्ध सत्यनिष्ठा की सहमत सूची या अधिकारी सूची में रखा गया है। (यदि हां, तो विवरण दिया जाए) :
9. क्या अधिकारी के विरुद्ध पिछले 10 वर्षों के दौरान सतर्कता दृष्टि सहित किसी कदाचार के आरोप की जांच की गई है। यदि हां तो फैसला क्या था (*) :
10. क्या अधिकारी को पिछले 10 वर्षों के दौरान कोई सजा दी गई: यदि हां तो उसकी तारीख तथा दंड(*) का विवरण
11. क्या अधिकारी के विरुद्ध आज की तारीख में कोई अनुशासनात्मक: /दांडिक कार्रवाई या चार्टशीट लंबित है। (यदि हां, तो संदर्भ संख्या, यदि किसी भी आयोग के, सहित विवरण दें)

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

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

तारीख:

(नाम और हस्ताक्षर)

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 (c) 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.