

20-07-2022

No. A-12023/1/2021-Ad.IV
Government of India
Ministry of Corporate Affairs

'A' Wing, 5th floor, Shastri Bhawan,
Dr. R.P. Road, New Delhi-110001
Dated: 1 July, 2022

To,

1. Secretaries to Government of India, All Ministries/Departments of the Government of India.
2. All Chief Secretaries to the State Government/Union Territories.
3. Registrars General of All High Courts.
4. Chairperson, IBBI.
5. Registrar, National Company Law Appellate Tribunal.
6. Secretary, National Company Law Tribunal.
7. Secretary, CCI.
8. Secretary, NFRA,
9. Secretary, Institute of Chartered Accountants of India (ICAI), I.P. Estate, New Delhi-110002.
10. Secretary, Institute of Cost Accountants of India (ICoAI), Sudder Street, Kolkata.
11. Secretary, Institute of Company Secretaries of India (ICSI), Institutional Area, Lodhi Road, New Delhi-110003

Sub: Filling up of 08 (eight) posts of Judicial Member and 11 (eleven) posts of Technical Members in the National Company Law Tribunal (NCLT) - inviting online applications for.

Sir,

I am directed to state that online applications (available on portal <https://apptrbmembermca.gov.in>) are invited for the 08 (eight) post of Judicial Members and 11 (eleven) posts of Technical Members, National Company Law Tribunal (NCLT) constituted under Section 408 of the Companies Act, 2013. **The number of vacancies are tentative and may decrease or increase without prior notice.**

2. The selected candidates will be required to serve at any of the already constituted NCLT benches or benches to be constituted in future in different parts of the country in a phased manner with All India transfer liability as per availability of the vacancies/exigencies of work.

3. **Qualifications for Judicial Member:** As per the provisions of Section 409(2) of the Companies Act, 2013, a person shall not be qualified for appointment as Judicial Member unless he/she:-

- (a) is, or has been, a judge of a High Court, or
- (b) is, or has been, a District Judge for at least five years, or
- (c) has, for at least ten years been an advocate of a court.

Explanation - For the purposes of clause (c), in computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or

any part under the Union or a state, requiring special knowledge of law after he has become an advocate.

Qualifications for Technical Member: As per the provision of Section 409 (3) of the Companies Act, 2013 as amended by Companies (Amendment) Act, 2017, a person shall not be qualified for appointment as a Technical Member unless he/she:

- (a) has, for at least fifteen years been a member of the Indian Corporate Law Service or Indian Legal Service and has been holding the rank of Secretary or Additional Secretary to the Government of India; or
- (b) is or has been in practice as a chartered accountant for at least fifteen years; or
- (c) is or has been in practice as a cost accountant for at least fifteen years; or
- (d) is or has been in practice as a company secretary for at least fifteen years; or
- (e) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than fifteen years, in industrial finance, industrial management, industrial reconstruction, investment, accountancy, or
- (f) is or has been, for at least five years, a presiding officer of a Labour Court, Tribunal or National Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947).

4. A person shall not be eligible for appointment as Member unless he/she has completed the **age of 50 (fifty years) [Section 413(2) of Companies Act, 2013]** as on the last date of receipt of online application.

Terms of Appointment: The Member(s) will draw pay in the pay level of 15 as per 7th Central Pay Commission plus allowances as admissible. Pay protection is available for applicants serving or retired (Government officer or Chairman, Vice-chairman, President, Vice President, Presiding officer, Member of a Tribunal, Appellate Tribunal or an authority, or a Judge of High Court), who are/were in higher pay scale, including pay scale in Govt. of India. The pay scale and other service conditions would be governed by National Company Law Tribunal (Salaries and Allowances and other terms and conditions of service of the President and other Members) Rules, 2015. A copy of the rules is also available on the website of the Ministry of Corporate Affairs. A person selected, if already in Government Service, may retain his/her lien with his/her parent cadre or Ministry or Department, as the case may be, while holding office as such for a period not exceeding one year.

5. If the person is a Member in the Tribunal, if any Member wishes to apply for other assignments in any organization/part, his/her application will be considered for consideration to that assignment only after completion of two years of service as Member (Tribunal).

6. Every Member shall hold office for a period of five years from the date on which he/she enters upon his/her office, but shall be eligible for re-appointment for another term of 5 years. The term of appointment is, however, subject to the maximum age limit of sixty-five years.

8. Selected candidates will be required to produce a medical fitness certificate before joining.

9. Applications of persons working in Court/Government Service/Public Sector Undertaking/other organizations should be forwarded through proper channel within 10 days from the closing date of online application. The forwarding authorities should also certify (in the format given in Annexure of the online application) that the entries in the application have been verified from the records and found correct, and that no disciplinary/vigilance proceedings are either pending or contemplated against the applicant and that no major/minor penalties have been imposed on the officer during the last ten years. The forwarding authorities should enclose the up-to-date Confidential Report Dossiers of the applicant for the last five years.

10. Interested persons are advised to visit the portal <https://aptrbmembermca.gov.in>, in order to submit online application from 10.00 AM of 15.07.2022. The detailed instruction for filling up the application form online are available on the portal (under "Instruction for applying online" heading). All requisite and relevant documents need to be uploaded online while filling up of application. Last date for submitting online application is 12.08.2022 at 05:30 PM.

11. Print out of the applications after final submission on online portal duly completed, and signed alongwith copies of uploaded documents, and through proper channel (accompanied by a certificate by the present employer in Annexure), wherever applicable, should reach Shri Riazul Haque, Under Secretary, Ministry of Corporate Affairs, Room No 526, A Wing, 5th floor, Shastri Bhawan, New Delhi-110001 latest by 05:30 PM of 23.08.2022.

12. The process for appointment, however, be subject to orders/outcome of the WP (C) 180/2022 filed in the Supreme Court, or any other similar petition in any other Competent Court.

13. Wide publication may be given to this advertisement by addressee organizations and their filed offices, so as to facilitate early and optimum number of applications.

Yours faithfully,

(Amar Singh Meena)
Director

Copy to:

1. Under Secretary, Ad.II Section, MCA for circulation among eligible ICLS Officers
2. Technical Director, NIC, MCA with the request to upload the vacancy circular on the portal.
3. Technical Director, NIC, DoPT with the request to upload the vacancy circular on the DoPT's website.
4. E governance Cell, Ministry of Corporate Affairs with the request to upload the vacancy circular on the website of the Ministry.

(Certificate to be furnished by the Employer/Head of office/Forwarding authority)

Certified that the particulars furnished by _____ and application No. _____ are correct and he/she possesses educational qualifications and experience mentioned in vacancy circular. It is also certified that:-

- (i) There is no vigilance or disciplinary case pending/contemplated against the candidate.
- (ii) His/her integrity is certified.
- (iii) His/her ACR/APAR dossier in original is enclosed/photocopies of the ACRs/APAR for the last five years duly attested by an officer of the rank of Under Secretary to the Govt. of India or above, are enclosed.
- (iv) No major/minor penalty has been imposed on him/her during the last ten years.
- (v) A list of major/minor penalties imposed on him/her last ten years is enclosed.

Signature-----

Name and Designation-----

Tel. No.-----

Office Seal

Page

Date

Name of Underwriter

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(mark/cross which is not applicable)