

eCR-2412

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No.A-12023/2/2017-Ad.IV (ii)

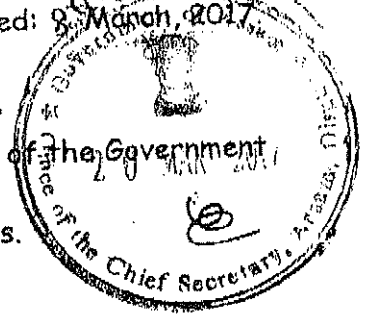
Government of India

Ministry of Corporate Affairs

(7)

Office of the Chief Secretary
Government of IndiaBy. No. 1227
Date 21.3.17

Comm. Secy. Judicial

A/Wing, 5th floor, Shastri Bhawan,
New Delhi-110001Dated: 8th March, 2017

To

1. Registrars General of All High Courts.
2. Secretaries to Government of India, All Ministries/Departments of the Government of India.
3. All Chief Secretaries to the State Government/Union Territories.
4. Registrar, National Company Law Appellate Tribunal.
5. Secretary, National Company Law Tribunal.
6. Registrar, Competition Appellate Tribunal.
7. All RDs/ROCs/OLs in the Ministry of Corporate Affairs

Sub: Filling up of 04 (four) posts of Judicial Member in the National Company Law Tribunal (NCLT) - inviting applications for.

Sir,

I am directed to state that applications are invited in the format given in Annexure-I for the four post of Judicial Members, National Company Law Tribunal constituted under Section 408 of the Companies Act, 2013:-

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:** As per the provisions of Section 409(2) of the Companies Act, 2013, read with judgment dated 14th May, 2015 of Supreme Court in WP(C) No. 1072/2013 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 post, under the Union or a State, requiring special knowledge of law after he become an advocate.

4. A person shall not be eligible for appointment as Judicial 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 application.

(8)

5. **Terms of Appointment:** The Member(s) will draw pay in the pay scale of Rs.67000-Rs.79000/-(annual increment @ 3%) (pre-revised) plus allowances as admissible. 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 displayed on the website of the Ministry of Corporate Affairs.

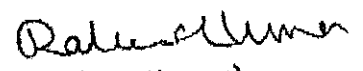
6. Every Member shall hold office for a period of five years from the date on which he/she enters upon his/her office, but shall be eligible for re-appointment for another term of 5 years. The term of appointment is, however, subject to the maximum age limit of sixty-five years.

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

8. Applications of persons already in Government Service should be forwarded through proper channel. The forwarding authorities should also certify (in the format given in Annexure-II) 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. 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.

9. Applications in the format given in Annexure-I duly completed should reach Shri Navneet Chouhan, Director, Ministry of Corporate Affairs, Room No 530, A 'Wing, 5th floor, Shastri Bhawan, New Delhi-110001 latest by 24th April, 2017. The application may also be downloaded from the Ministry's website at www.mca.gov.in or DoP&T's website www.persmin.nic.in and National Company Law Tribunal's website at www.nclt.gov.in.

Yours faithfully,


(Rakesh Kumar)

Under Secretary to the Govt. of India
Tele. No. 23387939

Copy to:

1. All officers at the Headquarters of the Ministry of Corporate Affairs, New Delhi.
2. Technical Director, NIC, DoPT with the request to upload the vacancy circular on the DoPT's website.
3. E governance Cell, Ministry of Corporate Affairs with the request to upload the vacancy circular on the website of the Ministry.

(9)

ANNEXURE-I

FORMAT OF APPLICATION FOR THE POST OF JUDICIAL MEMBER, NATIONAL COMPANY LAW TRIBUNAL

1.	Name in Full (IN BLOCK LETTERS)						Attested copy of passport size photograph to be pasted
2.	Post applied for:						
3.	Date of Birth (valid documentary proof to be enclosed)						
4.	Father's Name						
5.	Correspondence Address (Including Telephone Number/ Fax Number/ Email Id.) (Email Id. is mandatory)						
6.	Permanent Address (Including Telephone/Fax Number)						
7.	Present occupation/Profession/Service						
8.	Professional income/emoluments for the last three years (give year-wise details)						
09.	Educational Qualifications in the reverse chronological order: (Self-attested copies of Degree/Diploma to be attached)						
	Name of University/ Equivalent Institution	Degree	Year of Passing	Percentage of Marks Obtained	Academic Distinction	Subject/ Specialisation	
10.	State whether the relevant eligibility criteria satisfied for Judicial Member para 3 (a) to (c) and para 4. Also mention the relevant para of eligibility.						

(70)

11.	Details of present and previous employment in reverse chronological order in format given below:				
Name and address of employer	Designation, scale of pay including present pay.	Whether regular/ deputation/ adhoc	Period of service		Nature of duty/ experience
			From	To	
12.	<p>Details of professional career (As applicable):- Advocate: (a) Date of enrolment, (b) Actual number of years of practice (c) Places and/or the courts before whom practised and period, (d) Details of nature of practice - civil, criminal, constitutional, taxation, labour, company, service etc. (e) Particulars of important cases under the Companies Act, in which the applicant appeared as Counsel. (f) Field of specialisation, if any.</p> <p>(Copies of relevant supporting documents, along with those establishing eligibility, to be enclosed).</p>				
13.	Period of notice required for joining the post				
14.	Names & Address of two referees in responsible positions (Not being relatives) in case of candidates not in Government Service.				

(11)

15.	Any other special qualifications or experience or publication to the applicant's credit (Attach separate sheet, if required)	
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It is certified that the information furnished above is correct and true to the best of my knowledge. In the event of my selection I shall abide by the terms and conditions of services attached to the post as and when framed by the Government.

Place:-

Date:-

Name: _____ (Signature)

(12)

Annexure II

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

Certified that the particulars furnished by ----- 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 Sh. /Smt. -----.
- (ii) His/her integrity is certified.
- (iii) His/her CR/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

Place :

Date:

List of enclosures:

- 1.
- 2.
- 3.
- 4.
- 5.

(Strike out which is not applicable)