

No.A-12023/3/2013-Ad.IV
Government of India
Ministry of Corporate Affairs

'A' Wing, 5th floor, Shastri Bhawan,
New Delhi-110001
Dated the 10th August, 2015.

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. All RDs/ROCs/OLs in the Ministry of Corporate Affairs.
5. Secretary, Company Law Board, BIFR and AAIFR.
6. Registrar, Competition Appellate Tribunal.
7. Secretary, Institute of Chartered Accountants of India (ICAI), I.P. Estate, New Delhi-110002.
8. Secretary, Institute of Cost Accountants of India (ICoAI), Sudder Street, Kolkata.
9. Secretary, Institute of Company Secretaries of India (ICSI), Institutional Area, Lodhi Road, New Delhi-110003.

Sub: Filling up of 10 posts of Technical 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 following posts of Member, National Company Law Tribunal to be constituted under Section 408 of the Companies Act, 2013:-

Technical Member - 10 (Ten) posts (7Unreserved, 1 reserved for SC sand 2 reserved for OBCs)

2. The selected candidates will be required to serve at any of the NCLT benches which are to be constituted at different parts of the country in a phased manner. The appointment of Member in the NCLT shall carry All India transfer commitment. The selected persons are liable to be posted to any place having a Bench of the NCLT as per vacancies/exigencies of work.

3. **Qualifications:** The qualifications for the post are as per the provision of Section 409(3) of the Companies Act, read with judgment dated 14th May, 2015 of Supreme Court in WP (C) No. 1072/2013. Accordingly, 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 Technical 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.

5. **Terms of Appointment:** The Member(s) will draw pay in the pay scale of Rs.67000-Rs.79000/- (annual increment @ 3%) plus allowances as admissible. The pay scale and other service conditions are subject to revision in the event of uniform pay scales and other service conditions for Tribunals etc. are laid down by the Central Government.

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. Rules relating to service conditions of Members, NCLT are being notified shortly and the same shall be applicable to the appointed candidates. A copy of the rules shall also be displayed on website of the Ministry of Corporate Affairs.

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

9. 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.

10. Serving Members of the Company Law Board who are eligible for appointment as Members under the provisions of the Act and interested to be so appointed may apply.

11. Applicants who had applied earlier in response to circular dated 10th December, 2013 need to apply afresh with reference to the eligibility criteria set out in the present advertisement.

12. 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 1st September, 2015. The application may also be downloaded from the Ministry's website at www.mca.gov.in and Company Law Board's website at www.clb.gov.in

Yours faithfully,



(Ashutosh Anand)

Under Secretary to the Govt. of India

Tele. No. 23389782

Copy to:

1. All officers at the Headquarters of the Ministry of Corporate Affairs, New Delhi.
2. E governance Cell, Ministry of Corporate Affairs with the request to upload the vacancy circular on the website of the Ministry.

ANNEXURE-I

FORMAT OF APPLICATION FOR THE POST OF TECHNICAL 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.	Whether SC/ST/OBC (Attested copy of the relevant certificate to be attached)					
6.	Correspondence Address (Including Telephone Number/ Fax Number/ Email Id.) (Email Id. is mandatory)					
7.	Permanent Address (Including Telephone/Fax Number)					
8.	Present occupation/Profession/Service					
9.	Professional income/emoluments for the last three years (give year-wise details)					
10.	Educational Qualifications in the reverse chronological order: (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

11.	State whether the relevant eligibility criteria satisfied as specified in para 3(a) to (f) and para 4. Also mention the relevant para of eligibility.									
12.	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					
13.	<p>Details of professional career (As applicable):- Chartered Accountant/ Cost Accountant/Company Secretary (a) Date of registration, (b) Actual number of years of practice (c) Places and/or the courts before whom practised and period. (d) Details of nature of practice. (e) Field of specialisation, if any</p> <p>Eligibility under qualifications mentioned in para 3(e): (f) Number of years of experience, (g) Relevant field of experience, (h) Details of such experience along with period. (i) Field of specialisation, if any</p> <p>(Attested copies of relevant supporting documents, along with those establishing eligibility, to be enclosed).</p>									
14.	Any other special qualifications or									

	experience or publication to the applicant's credit including experience in dealing with matters as specified in the qualifications. (Attach separate sheet, if required)	
15.	Period of notice required for joining the post	
16.	Names & Address of two referees in responsible positions (Not being relatives) in case of candidates not in Government Service	

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:-

(Signature)

Name: _____

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)