

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

'A' Wing, 5th floor, Shastri Bhawan,
New Delhi-110001
Dated: 10th December, 2013.

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.

Sub: Filling up of 16 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 following posts of Members, National Company Law Tribunal to be constituted under Section 408 of the Companies Act, 2013:-

Judicial Member - 16 (Sixteen) posts (9 Unreserved, 2 reserved for SCs, 1 reserved for STs and 4 reserved for OBCs)

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

3. **Qualifications:** 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 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.
5. **Terms of Appointment:** The Member(s) will draw pay in the pay scale 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 uniform pay scales and other service conditions for Tribunals etc. are laid down by the Central Government. 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.
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. On notification of the same a copy of the rules shall also be displayed on website of the Ministry of Corporate Affairs.
8. Persons selected will have to be declared medically fit by a Medical Board to be constituted by the Central Government for the purpose, unless he/she has already been declared fit by the equivalent authority.
9. (1) 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.

(2) Applicants who are eligible for the post of Judicial Member under Section 409(2)(c) (refer para 3 above) should invariably submit their applications alongwith the duly filled Attestation Form as in Annexure-III and should also enclose a valid documentary proof of their date of birth. Those serving as Advocates are also required to submit particulars

of cases under the Companies Act, 1956 in which they appeared as Counsel giving details of the Forum/Court concerned.

10. Serving Members of the Company Law Board who are eligible for appointment as Member under the provisions of the Act and interested to be so appointed may apply by sending their CVs within 15 days of issue of this vacancy circular.

11. 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 13th January, 2014. 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,

ब.प्र. बिमल

(B.P.Bimal)

Under Secretary to the Govt. of India

Tel: 23073017

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 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 | | |
| 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 for Judicial Member para | | |

| | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------|-------------------|----------------------------|
| | 3 (a) to (c) 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. | 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, 1956 in which the applicant appeared as Counsel. (f) Field of specialisation, if any. (Attested copies of relevant supporting documents, along with those establishing eligibility, to be enclosed). | | | | |
| 14. | Period of notice required for joining the post | | | | |
| 15. | Names & Address of two referees in | | | | |

| | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|--|
| | responsible positions (Not being relatives) in case of candidates not in Government Service. | |
| 16. | Any other special qualifications or experience or publication to the applicant's credit (Attach separate sheet, if required) | |

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 posts and when framed by the Government.

Place:-

Date:-

Name: _____ (Signature)

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)

ATTESTATION FORM

WARNING : 1. THE FURNISHING OF FALSE INFORMATION OR SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTESTATION FORM WOULD BE A DISQUALIFICATION, AND IS LIKELY TO RENDER THE CANDIDATE UNFIT FOR EMPLOYMENT UNDER THE GOVT.

Affix signed passport size
(5 cm x 7 cm copy of
recent photograph)

2. If detained, arrested, prosecuted, bound down, fined, convicted, debarred, acquitted, etc. Subsequent to the completion and submission of this form,, the details of communicated immediately to the authorities to whom the attestation form has been sent earlier, failing which it will be deemed to be a suppression of factual information.

3. If the fact that false information has been furnished in the Attestation Form ,comes to notice at any time during the service of a person, his services would be liable to be terminated.

| | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | Name in full (in block capitals letters) with aliases, if any (Place indicate if you have added or dropped in any stage any part of your name or surname. | |
| 2. | Present address in full (i.e. Village, Thana and Distt. Or House No., Lane / Street Road and Town) | |
| 3. | (a) Home address in full (i.e. Vill., Thana and Distt. Or House No., Lane / Street / Road and Town have of Distt. Hqr. | |
| | (b) If originally a resident of Pakistan / Bangladesh (erstwhile East Pakistan), the address in that country and the date of migration to Indian Union. | |

4. Particulars of places (with period of residence) where you have resided for more than one year at a time during the preceding five years. In case of stay abroad (including Pakistan), particulars of all places where you have resided for more than one year after attaining the age of 21 years should be given.

| From | To | Residential address in full (i.e. Village, Thana & District or House No. & Street / Road and Town | Name of the District Hqtr., of the place mentioned in the preceding column |
|------|----|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| | | | |

| 5. | Name (in full & aliases, if any) | Nationality (by Birth & or by domicile) | Place of birth | Occupation (if employed give designation & official address.) | Present postal address (if dead, give last Address) | Permanent Home Address |
|----|-----------------------------------------------------------------------------------------------|-----------------------------------------|----------------|---------------------------------------------------------------|-----------------------------------------------------|------------------------|
| | | | | | | |
| | i) Father (Name in Full) ii) Mother iii) Wife/Husband iv) Brother(s) v) Sister(s) | | | | | |

5. (a) Information to be furnished with regard to sons and / or daughters in case they are studying / living in a foreign country.

| Name Nationality which (By Birth and / Or by Domicile) | Place of Birth | Country in which studying / studying / living with Full Address | Date from which Studying / Living in the country mentioned in the previous column |
|--------------------------------------------------------|----------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------|
| | | | |

6. Nationality :

7. (a) Date of Birth :
 (b) Present Age :
 (c) Age at matriculation :

8. (a) Place of Birth, Distt., and : State
 in which situated
 (b) Distt. And State to which :
 You belonged
 (c) Distt. And State to which : you
 Father originally belong

9. (a) Your religion :
 (b) Are you a member of a SC/ST ? Answer
 Yes or No :

10. Educational qualification showing place of education with years in schools and colleges since 15th years of age.

| Name of School/College with Full Address | Date of Entering | Date of leaving | Examination passed |
|------------------------------------------|------------------|-----------------|--------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------------------------------------------|------------------------|--------------------------------------|
| 11. (a) Are you holding or have any time held an appointment under the Central Govt. or State Govt. or a quasi-Govt. body or an Autonomous body or a public undertaking, or a private firm or institution? If so, give full particulars with dates of employment up to date | | | | |
| Period | | Designation, emoluments & Nature of employment | Full name / address of | Reasons for leaving previous service |
| From | To | | | |
| | | | | |

(b) If the previous employment was under the Govt. of India / State Govt./an undertaking owned or Controlled by the Govt. of India or a State Govt. an Autonomous Body / University / Local Body, if you had left service on giving one month's notice under Rule 5 of the Central Service (temporary service) Rules 1965 or any similar corresponding rules or where any disciplinary proceeding framed against you, or had you been called upon to explain you conduct in any matter at the time you give notice of termination of service or at a subsequent date (s) before your service.

12. (a) Have you ever been arrested ? Yes/No
- (b) Have you ever been prosecuted? Yes/No
- (c) Have you ever been kept under detention? Yes/No
- (d) Have you ever been bound down? Yes/No
- (e) Have you ever been fined by a Court of Law? Yes/No
- (f) Have you ever been convicted by a Court of law for any offence ? Yes/No
- (g) Have you ever been debarred from any Examination or restricted by any University or any other educational authority / institution ? Yes/No
- (h) Have you ever been debarred / disqualified by any Public Service Commission / Staff Selection Commission for any of its examination / selection? Yes/No
- (i) Is any case pending against you in any Court of Law at the time of filling up this Attestation Form ? Yes/No

(j) Is any case pending against you in any University or any other educational authority/institution at the time of filling up this Attestation Form ? Yes/No

(k) Whether discharged / expelled / withdrawn From any training / institution under the Government or otherwise ? Yes/No

(ii) If the answer to any of the above mentioned question is "Yes" (give full particulars of the case / arrest / detention / fine / conviction / punishment, etc. and /or the nature of the case pending in the Court / University / Educational Authority, etc. at the time of filling up this Attestation Form.

NOTE: i) Please also see the "Warning" at the top of this Attestation Form.
ii) Specific answers to each of the questions should be given by striking out "Yes" or "No" as the case may be.

13. Name of two responsible persons of your locality or two references to whom you are known.

1.

2.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of the Candidate

Place:

Date :

IDENTITY CERTIFICATE

(Certificate to be signed by any of the following)

- i. Gazetted Officer of Central Government or State Govt.
- ii. Members of Parliament or State Legislative belonging to the constituency where the candidate or his parent / guardians ordinarily resident.
- iii. Sub-Divisional Magistrate /Officers.
- iv. Tehsildars or Naib Deputy Tehsildars authorized to exercise magisterial power
- v. Principal / Headmaster of the recognized School/College/Institution where the candidate studied last.
- vi. Post Masters
- vii. Block Development Officer
- viii. Panchayat Inspectors.

Certified that I have known Shri / Smt./Kum. _____
_____ Son / Daughter of Shri _____
_____ for the last _____ Years _____ months
and that to the best of my knowledge and belief the particulars furnished by him / her are correct.

Signature
Designation or Status & Address

Place:

Date :

TO BE FILLED BY OFFICE

- i) Name, Designation and Full Address of the appointment authority
- ii) Post for which the candidate is being considered.