

No.A-12023/2/2017-Ad.IV (ii)  
Government of India  
Ministry of Corporate Affairs

'A' Wing, 5<sup>th</sup> floor, Shastri Bhawan,  
New Delhi-110001  
Dated: 8<sup>th</sup> 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 14<sup>th</sup> 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.



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.

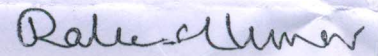
6. Every Member shall hold office for a period of five years from the date on which he/she enters upon his/her office, but shall be eligible for re-appointment for another term of 5 years. The term of appointment is, however, subject to the maximum age limit of sixty-five years.

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, 5<sup>th</sup> floor, Shastri Bhawan, New Delhi-110001 latest by 24<sup>th</sup> April, 2017. The application may also be downloaded from the Ministry's website at [www.mca.gov.in](http://www.mca.gov.in) or DoP&T's website [www.persmin.nic.in](http://www.persmin.nic.in) and National Company Law Tribunal's website at [www.nclt.gov.in](http://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.

