

No. A-12030/03/2017-CLS-II
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110001.
Dated 05.09.2017

To,
The Registrar General,
All High Courts.

Sub: Filling up the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court/National Industrial Tribunal, Mumbai-I.

Sir,

I am directed to say that the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court (CGIT-cum-LC)/National Industrial Tribunal (NIT) at Mumbai-I is to be filled up shortly in accordance with the provisions contained in Sections 7 & 7B of the Industrial Disputes Act, 1947 (relevant extract of the Act placed at **Annexure-I**). According to these provisions, the post can be held by a judicial officer who is, or has been, a Judge of a High Court. A serving Judge can be appointed on transfer on deputation basis for a fixed term. A retired Judge can be appointed on re-employment basis. The terms and conditions of appointment of a Judge to the post of Presiding Officer will be as per **Annexure-II** [The Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal (Salaries, Allowances and other Terms and Conditions of Service) Rules, 2015].

2. The pay attached to the post of Presiding Officer of CGIT-cum-LC/NIT, Mumbai-I is Rs.80,000/- (fixed) per month.

3. It is requested that a panel of names of judicial officers who are willing to be appointed as Presiding Officer of CGIT-cum-LC/NIT, Mumbai-I and who fulfill the eligibility conditions may please be furnished so as to reach this Ministry within a period of one month from the date of issue of this letter i.e. by 04.10.2017 for selection of a suitable officer. The Bio-Data of each officer may be furnished in the proforma placed at **Annexure-III** to be filled by the concerned officer and to be attested by the concerned Registrar General.

4. It is requested that a panel of names of judicial officers who fulfill the requirements, as mentioned above and are willing to take up the assignment on terms and conditions mentioned in the enclosed rules (Annexure-II) may please be furnished to this Ministry along with Annexure-III.

5. It is urged that filling of details of each of the officers in each of the proformas and the last date of sending of applications may strictly be adhered to. It is informed that **only the nominations with complete proformas (Annexure-III) received on/before 04.10.2017 will be considered by the Ministry**. The matter may kindly be treated as urgent.

Continued on Page 2

6. It is further requested that this Circular may be given wide publicity including the Notice Board of the Court so that there is sufficiently large number of candidates applying for the post.

Yours faithfully,

(S. K. Singh)

Under Secretary to the Government of India

Tel. No. 011-23766903

Copy to:

1. Ministry of Law and Justice, Department of Legal Affairs, Shastri Bhawan, New Delhi with the request that a panel of names of Judicial Officers (retired or serving) who are willing to be appointed to the post of the Presiding Officer of the CGIT-cum-LC/NIT, Mumbai-I may kindly be forwarded to this Ministry.
2. All Deputy Chief Labour Commissioners (Central) with the request to take up the matter with the Registrars of the High Courts concerned for wide publicity of the circular.

Encl: Annexure-I, II, III.

(S. K. Singh)

Under Secretary to the Government of India

Annexure-I

(2) A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period.

5. **Boards of Conciliation.**—(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

(2) A Board shall consist of a chairman and two or four other members, as the appropriate Government thinks fit.

(3) The chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make a recommendation as aforesaid within the prescribed time, the appropriate Government shall appoint such persons as it thinks fit to represent that party.

(4) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that if the appropriate Government notifies the Board that the services of the chairman or of any other member have ceased to be available, the Board shall not act until a new chairman or member, as the case may be, has been appointed.

6. **Courts of Inquiry.**—(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Court of Inquiry for inquiring into any matter appearing to be connected with or relevant to an industrial dispute.

(2) A Court may consist of one independent person or of such number of independent persons as the appropriate Government may think fit and where a Court consists of two or more members, one of them shall be appointed as the chairman.

(3) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that, if the appropriate Government notifies the Court that the services of the chairman have ceased to be available, the Court shall not act until a new chairman has been appointed.

7. **Labour Courts.**—(1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Labour Courts for the adjudication of industrial disputes relating to any matter specified in the Second Schedule and for performing such other functions as may be assigned to them under this Act.

(2) A Labour Court shall consist of one person only to be appointed by the appropriate Government.

1. Subs. by Act 36 of 1956, sec. 4, for section 7 (w.e.f. 10-3-1957). Earlier section 7 was amended by Act 40 of 1951, sec. 3 (w.e.f. 26-6-1951).

(3) A person shall not be qualified for appointment as the presiding officer of a Labour Court, unless—

- ¹[(a)] he is, or has been, a Judge of a High Court; or
- (b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

²[***]

- ³[(d)] he has held any judicial office in India for not less than seven years; or

- ³[(e)] he has been the presiding officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years;]

- ⁴[(f)] he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the labour department including three years of experience as Conciliation Officer;

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or]

- ⁴[(g)] he is an officer of Indian Legal Service in Grade III with three years' experience in the grade;]

STATE AMENDMENTS

Andaman and Nicobar Islands.—In section 7, in sub-section (3), in clause (a) [now re-lettered as clause (d)], for the words "seven years", substitute the words "three years".

[Vide Regulation 6 of 1964, sec. 2 (w.e.f. 29-4-1964).]

Goa.—In section 7, in sub-section (3), after clause (d), insert the following clauses, namely:—

- "(d1) he has practised as an advocate or attorney for not less than seven years in a High Court or in two or more such Courts in succession, or any Court subordinate thereto, or any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force; or
- (d2) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Registrar of any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force for not less than five years; or
- (d3) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Commissioner of Labour under a State Government or a Union territory administration for not less than five years; or".

[Vide Goa Act 5 of 1987, sec. 2 (w.e.f. 21-10-1987).]

Gujarat.—In section 7, in sub-section (3),—

- (i) in clause (b), after the words "Additional District Judge", insert the words "or a Joint Judge or an Assistant Judge";
- (ii) in clause (d), for the words "seven years" substitute the words "five years";
- (iii) in clause (e), for the words "five years" substitute the words "three years" and at the end of the clause, insert the word "or";
- (iv) after clause (e), insert the following clause, namely:—
"(f) he has practised as an advocate or attorney for not less than seven years in a High Court or any Court subordinate thereto or in any Industrial Court or Industrial Tribunal or Labour Court constituted under any law for the time being in force."

1. Ins. by Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964).

2. Clause (c) omitted by Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

3. Clauses (a) and (b) relettered as clauses (d) and (e) respectively by Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964).

4. Ins. by Act 24 of 2010, sec. 4 (w.e.f. 15-9-2010).

[Vide Gujarat Act 28 of 1977, sec. 2.]

Haryana.—In section 7, in sub-section (3),—

- (i) for clause (b), substitute the following clause, namely:—
"(b) he is qualified for appointment as, is or has been, a District Judge or an Additional District Judge or; and"
- (ii) after clause (c), insert the following clause, namely:—
"(cc) he has been a Commissioner of a division or an Administrative Secretary to Government or an officer of the Labour Department not below the rank of a Joint Labour Commissioner for a period of not less than two years; or".

[Vide Haryana Act 39 of 1976, sec. 2 (w.e.f. 12-8-1976).]

Madhya Pradesh.—In section 7, after sub-section (1), insert the following sub-section, namely:—

- "(1A) In addition to the functions specified in sub-section (1), the Labour Court shall try offences punishable under this Act and the Acts specified in Part B of the Second Schedule."

[Vide Madhya Pradesh Act 43 of 1981, sec. 3 (w.e.f. 26-1-1982).]

In section 7, sub-section (1A), as inserted by Madhya Pradesh Act 43 of 1981, sec. 3 (quoted above), has been omitted.

[Vide Madhya Pradesh Labour Laws (Amendment) and Miscellaneous Provisions Act, 2003 (28 of 2003).]

Maharashtra.—In section 7, in sub-section (3), after clause (d), insert the following clauses, namely:—

- "(d1) he has practised as an advocate or attorney for not less than seven years in the High Court, or any court subordinate thereto, or any Industrial Court or Tribunal or Labour Court, constituted under any law for the time being in force; or
- (d2) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower in rank than of Deputy Registrar of any such Industrial Court or Tribunal for not less than five years; or"

[Vide Maharashtra Act 56 of 1974, sec. 2.]

After clause (d2), insert the following clause, namely:—

- "(d3) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower than that of Assistant Commissioner of Labour under the State Government for not less than five years; or".

[Vide Maharashtra Act 22 of 1976, sec. 2 (w.e.f. 27-5-1976).]

Punjab, Haryana, Chandigarh.—In section 7, in sub-section (3), after clause (b), insert the following clauses, namely:—

- "(c) he is or has been a District Judge; or
- (d) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, or of any Tribunal for a period not less than two years."

[Vide Punjab Act 8 of 1957, sec. 2 (w.e.f. 3-6-1957); Punjab Act 31 of 1956 (w.e.f. 1-11-1966).]

Ed. The above said amendments were made prior to the amendments made by the Central Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

Uttar Pradesh.—In section 7, after sub-section (3), insert the following sub-section, namely:—

- "(3A) In relation to industrial dispute other than that referred to in sub-clause (i) of clause (a) of section 2 or in section 4 of the Industrial Disputes (Banking and Insurance Companies) Act, 1949, the provisions of sub-section (3) shall have effect as if—

- (a) after clause (c) the following new clauses (d) and (e) had been added:—
"(d) is or has been a Magistrate of the first class for a period exceeding two years;
- (e) is a person possessing more than two years' practical experience of adjudicating or settling industrial disputes";
- (b) in the proviso after the words "clause (b)" the words "or clause (d) or clause (e)" had been added."

[Vide Uttar Pradesh Act 25 of 1951, sec. 2 (w.e.f. 26-6-1951).]

Ed.—The above said amendments were made prior to the amendments made by the Central Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964) and Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

West Bengal.—In section 7, in sub-section (3), for clause (b) substitute the following clause, namely:—

- "(b) he is, or has been, a District Judge or an Additional District Judge; or".

[Vide West Bengal Act 35 of 1989, sec. 3 (w.e.f. 22-1-1989).]

COMMENTS

Right of Labour Court

The Labour Court/Tribunal has an inherent right in the interest of justice to seek proper assistance and grant 'leave' to a party before it is represented by a legal practitioner; *T.K. Varghese v. Nichimen Corporation*, (2002) IV LJ (Supp) Bom 1018.

¹[7A.—Tribunals.—(1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule ²[and for performing such other functions as may be assigned to them under this Act].

(2) A Tribunal shall consist of one person only to be appointed by the appropriate Government.

(3) A person shall not be qualified for appointment as the presiding officer of a Tribunal unless—

(a) he is, or has been, a Judge of a High Court; or

³(aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; ⁴[***]

¹[(b) he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the labour department including three years' of experience as Conciliation Officer;

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or]

¹[(c) he is an officer of Indian Legal Service in Grade-III with three years' experience in the grade.]

(4) The appropriate Government may, if it so thinks fit, appoint two persons as assessors to advise the Tribunal in the proceeding before it.]

STATE AMENDMENTS

Assam.—In section 7A, in sub-section (3), after clause (a) insert the following clause, namely—

"(aa) he has worked as a District Judge or as an Additional District Judge or as both for a total period of not less than three years or is qualified for appointment as a Judge of a High Court;

Provided that the appointment to a Tribunal of any person qualified under this clause shall not be made without consultation with the Assam High Court; or".

[Vide Assam Act 8 of 1962, sec. 2 (w.e.f. 30-4-1962).]

Bihar.—In section 7A, in sub-section (3), after clause (a) insert the following clause, namely—

"(aa) he has worked as a District Judge or as an Additional District Judge or as both for a total period of not less than three years;

Provided that the appointment to a Tribunal of any person qualified under this clause shall be made in consultation with the High Court of the State in which the Tribunal has or is intended to have, its usual place of sitting; or".

[Vide Bihar Act 20 of 1959, sec. 2 (w.e.f. 7-7-1959).]

1. Ins. by Act 36 of 1956, sec. 4 (w.e.f. 10-3-1957).

2. Ins. by Act 46 of 1982, sec. 4(a) (w.e.f. 21-8-1984).

3. Ins. by Act 36 of 1964, sec. 4 (w.e.f. 15-12-1964).

4. The word "or" omitted by Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984).

5. Ins. by Act 24 of 2010, sec. 5 (w.e.f. 15-9-2010). Earlier clause (b) was omitted by Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984).

6. Ins. by Act 24 of 2010, sec. 5 (w.e.f. 15-9-2010).

Goa.—In section 7A, in sub-section (3), for clause (aa), substitute the following clauses, namely:—

"(b) he is, or has been, a District Judge; or

(c) he has, for a period of not less than three years, been an Additional District Judge or an Assistant Judge; or

(d) he is qualified for appointment as a Judge of the High Court".

[Vide Goa Act 5 of 1987, sec. 3 (w.e.f. 21-10-1987).]

Gujarat.—In section 7A, in sub-section (3),—

(i) in clause (aa), after the words "an Additional District Judge", insert the words "or a Joint Judge or an Assistant Judge";

(ii) in clause (b) [Ed. clause (b) has been omitted by Central Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984)], insert the word "or" at the end;

(iii) after clause (b), insert the following clause, namely:—

"(c) he has for not less than five years been the presiding officer of a Labour Court constituted under any law for the time being in force".

[Vide Gujarat Act 28 of 1977, sec. 3.]

In section 7A, in sub-section (3), after clause (c), insert the following clause, namely:—

"(d) he holds a degree in law of a University established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner of Labour under the State Government for not less than ten years".

[Vide Gujarat Act 22 of 1981, sec. 5 (w.e.f. 1-8-1981).]

Ed. The above said amendments were made prior to the amendments made by the Central Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984).

Haryana.—In section 7A, in sub-section (3),—

(i) for clause (aa), substitute the following clause, namely:—

"(aa) he is qualified for appointment as, is or has been, a District Judge or an Additional District Judge; or"; and

(ii) after clause (aa), insert the following clause, namely:—

"(aaa) he has been a Commissioner of a division or an Administrative Secretary to Government or an officer of the Labour Department not below the rank of a Joint Labour Commissioner for a period of not less than two years; or"

[Vide Haryana Act 39 of 1976, sec. 3 (w.e.f. 12-8-1976).]

Kerala.—In section 7A, in sub-section (3), for clause (a), substitute the following clause, namely:—

"(a) he is, or has been, a judicial officer not below the rank of a District Judge, or is qualified for appointment as a Judge of a High Court; or".

[Vide Kerala Act 28 of 1961, sec. 2 (w.e.f. 27-7-1961).]

Madhya Pradesh.—In section 7A, for sub-section (3), substitute the following sub-section, namely:—

"(3) A person shall not be qualified for appointment as the Presiding Officer of a Tribunal unless—

(a) he is, or has been, a Judge of a High Court; or

(b) he is eligible for being appointed a Judge of a High Court; or

(c) he has worked as President of the Board of Revenue; or

(d) he has worked as a member of the Board of Revenue for a period of not less than three years; or

(e) he has worked as Commissioner of Labour for a period of not less than three years; or

- (f) he has worked as a member of the Industrial Court constituted under section 9 of the Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960), for a period of not less than five years."

[Vide Madhya Pradesh Act 19 of 1988, sec. 3 (w.e.f. 15-1-1989).]

Maharashtra.—In section 7A, in sub-section (3), in clause (a), after the words "Judge of a High Court", insert the words "or a District Judge or a person qualified for appointment as a Judge of a High Court".

[Vide Maharashtra Act 2 of 1963, sec. 2 (w.e.f. 4-1-1963).]

In section 7A, in sub-section (3), in clause (aa), for the words "an Additional District Judge", substitute the words "an Additional District Judge or an Assistant Judge or".

After clause (b), [Ed. Clause (b) has been omitted by Central Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984)], insert the following clause, namely:—

"(c) he has for not less than five years been a presiding officer of a Labour Court, constituted under any law for the time being in force."

[Vide Maharashtra Act 56 of 1974, sec. 3.]

After clause (c) insert the following clause, namely:—

"(d) he holds degree in law of a University established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner of Labour under the State Government for not less than ten years."

[Vide Maharashtra Act 22 of 1976, sec. 3.]

Mysore (Karnataka).—(1) In section 7A, in sub-section (3), after clause (a), insert the following clause, namely:—

"(aa) he is, or has been, a District Judge, or".

[Vide Mysore Act 6 of 1963, sec. 2 (w.e.f. 31-1-1963).]

(2) In clause (aa) as inserted by Mysore Act 6 of 1963, after the words "District Judge", insert the words "for a period of not less than three years."

[Vide Mysore Act 25 of 1963, sec. 2 (w.e.f. 12-12-1963).]

Ed. The above said amendments were made prior to the amendments made by Central Act 46 of 1982, sec. 4 (w.e.f. 21-8-1984).

Orissa.—In section 7A, in sub-section (3), after clause (a), insert the following clause, namely:—

"(aa) he has been a member of the Orissa Superior Judicial Service for a period of not less than seven years."

[Vide Orissa Act 6 of 1960, sec. 2 (w.e.f. 17-3-1960).]

West Bengal.—In section 7A, in sub-section (3), in clause (a), after the words "High Court", insert the words "or a District Judge or an Additional District Judge".

[Vide West Bengal Act 17 of 1958, sec. 3 (w.e.f. 22-9-1958).]

In section 7A, in sub-section (3), for clause (aa), substituted the following clause, namely:—

"(aa) he is, or has been, a District Judge or an Additional District Judge; or".

[Vide West Bengal Act 35 of 1989, sec. 4.]

COMMENTS

Power to constitute Industrial Court/Tribunal

Section 7A empowers the appropriate Government to constitute one or more Industrial Tribunals for adjudication of the disputes relating to any matter specified in the Schedules. The Second Schedule enumerates the matters which fall within the jurisdiction of the Labour Court. The Third Schedule enumerates the matters which fall within the jurisdiction of the Industrial Tribunal; *Jagdish Narain Sharma v. Rajasthan Patrika Ltd.*, 1994 LLR 265 (Raj).

[7B. National Tribunals.]—(1) The Central Government may, by notification in the Official Gazette, constitute one or more National Industrial Tribunals for the adjudication of industrial disputes which, in the opinion of the Central Government, involve questions of national importance or are of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such disputes.

(2) A National Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the presiding officer of a National Tribunal¹ [unless he is, or has been, a Judge of a High Court].

(4) The Central Government may, if it so thinks fit, appoint two persons as assessors to advise the National Tribunal in the proceeding before it.]

[7C. Disqualifications for the presiding officers of Labour Courts, Tribunals and National Tribunals.]—No person shall be appointed to, or continue in, the office of the presiding officer of a Labour Court, Tribunal or National Tribunal, if—

(a) he is not an independent person; or

(b) he has attained the age of sixty-five years.]

STATE AMENDMENTS

Assam.—In section 7C, in clause (b), insert the following proviso, namely:—

"Provided that where such presiding officer of a Tribunal appointed by the State Government attains the age of sixty-five years before the completion of any proceedings pending before him, the State Government may, if in the opinion of such Government public interest so requires, order his continuance in office for a period not exceeding six months for completion of the proceedings."

[Vide Assam Act 3 of 1962, sec. 3 (w.e.f. 30-4-1962).]

Punjab, Haryana, Chandigarh.—In section 7C, for clause (b), substitute the following clause, namely:—

"(b) he has attained the age of sixty-seven years".

[Vide Punjab Act 8 of 1957, sec. 3 (w.e.f. 3-6-1957); and the Central Act 31 of 1966.]

West Bengal.—In section 7C, in clause (b), insert the following proviso, namely:—

"Provided that where such presiding officer of a Tribunal appointed by the State Government attains the age of sixty-five years before completion of any proceedings pending before him, the State Government may, if in the opinion of such Government public interest so requires, order his continuance in office for a period not exceeding six months for completion of the proceedings."

[Vide West Bengal Act 11 of 1959, sec. 3 (w.e.f. 27-10-1959).]

SECTION 7D

Gujarat.—After section 7C, insert the following section, namely:—

"7D. Certain District Judges qualified for appointments on Tribunal constituted by State Government.—Notwithstanding anything contained in sub-section (1) of section 7A,—

(1) The State Government may constitute an Industrial Tribunal under that sub-section for performing such other functions as may be assigned to it under this Act.

(2) Where the State Government constitutes a Tribunal under section 7A, the Tribunal may consist of a person who is, or has been, for a period of not less than

1. Ins. by Act 36 of 1956, sec. 4 (w.e.f. 10-3-1957).

2. Subs. by Act 46 of 1982, sec. 5, for certain words (w.e.f. 21-8-1984).

5 years, a District Judge or an Additional or Joint District Judge and notwithstanding anything contained in sub-section (3) of section 7A but subject to section 7C, such person shall be deemed to be qualified for appointment as the presiding officer of the Tribunal.

(3) The appointment of a person qualified under clause (2) shall be made after consultation with the High Court."

[Vide Gujarat Act 22 of 1962, sec. 2 (w.e.f. 9-8-1962).]

¹[8. **Filling of vacancies.**—If, for any reason a vacancy (other than a temporary absence) occurs in the office of the presiding officer of a Labour Court, Tribunal or National Tribunal or in the office of the Chairman or any other member of a Board or Court, then, in the case of a National Tribunal, the Central Government and in any other case, the appropriate Government, shall appoint another person in accordance with the provisions of this Act to fill the vacancy, and the proceeding may be continued before the Labour Court, Tribunal, National Tribunal, Board or Court, as the case may be, from the stage at which the vacancy is filled.]

²[9. **Finality of orders constituting Boards, etc.**—(1) No order of the appropriate Government or of the Central Government appointing any person as the Chairman or any other member of a Board or Court or as the presiding officer of a Labour Court, Tribunal or National Tribunal shall be called in question in any manner; and no act or proceeding before any Board or Court shall be called in question in any manner on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Board or Court.

(2) No settlement arrived at in the course of a conciliation proceeding shall be invalid by reason only of the fact that such settlement was arrived at after the expiry of the period referred to in sub-section (6) of section 12 or sub-section (5) of section 13, as the case may be.

(3) Where the report of any settlement arrived at in the course of conciliation proceeding before a Board is signed by the Chairman and all the other members of the Board, no such settlement shall be invalid by reason only of the casual or unforeseen absence of any of the members (including the Chairman) of the Board during any stage of the proceeding.]

³[CHAPTER IIA

NOTICE OF CHANGE

9A. Notice of change.—No, employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,—

- (a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice:

Provided that no notice shall be required for effecting any such change—

1. Subs. by Act 36 of 1956, sec. 5, for section 8 (w.e.f. 10-3-1957). Earlier section 8 was substituted by Act 40 of 1951, sec. 4 (w.e.f. 26-6-1951).
2. Subs. by Act 36 of 1956, sec. 5, for section 9 (w.e.f. 10-3-1957). Earlier section 9 was amended by Act 40 of 1951, sec. 5 (w.e.f. 26-5-1951).
3. Chapter IIA (containing sections 9A and 9B) ins. by Act 36 of 1956, sec. 6 (w.e.f. 10-3-1957).



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3 उप-खण्ड (i)

PART II—Section 3 Sub-section (i)

प्राधिकार से प्रकाशित

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श्रम और रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 6 अप्रैल, 2015

सा.का.नि. 336(अ).—केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 की धारा 38 की उप-धारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात्:—

1. **संक्षिप्त नाम और आरम्भ.**—(1) इन नियमों का संक्षिप्त नाम श्रम न्यायालय, औद्योगिक अधिकरण और राष्ट्रीय अधिकरण (वेतन, भत्ते और अन्य सेवा के निबन्धन और शर्तों) नियम, 2015 है।

(2) ये राजपत्र में उनके प्रकाशन के तारीख के प्रवृत्त होंगे।

2. **परिभाषाएँ.**—(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो:—

(क) "अधिनियम" से औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) अभिप्रेत है;

(ख) "पीठासीन अधिकारी" से अधिनियम की धारा 7, धारा 7क या धारा 7ख के अधीन पीठासीन अधिकारी के रूप में नियुक्त व्यक्ति अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं तथा परिभाषित नहीं हैं परंतु अधिनियम में परिभाषित हैं उनके वही अर्थ हैं जो उक्त अधिनियम में क्रमशः उनके हैं।

3. **कार्यकाल.**—किमी सेवारत न्यायधीश की पीठासीन अधिकारी के रूप में प्रतिनियुक्ति की दशा में, प्रतिनियुक्ति की अवधि साधारणतया तीन वर्ष की होगी और सेवानिवृत्त न्यायधीश की दशा में नियुक्ति पैंसठ वर्ष की आयु तक के लिए होगी।

4. **वेतन.**—(1) राष्ट्रीय अधिकरण के पीठासीन अधिकारी का वेतन 80,000 रु. (नियत) प्रतिमाह की नियत दर से होगा और जिसके अंतर्गत सेवारत न्यायधीशों की दशा में प्रतिनियुक्ति भत्ता और सेवानिवृत्त न्यायधीशों की दशा में सकल पेंशन भी है।

(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारी का वेतन निम्न होगा :—

(i) जिला न्यायधीश (प्रविष्टि स्तर) - 51,550-1230-58,930-1380-63,070 रु.

(ii) जिला न्यायाधीश (चयन श्रेणी) - 57,700-1230-58,930-1380-67,210 रु.

(iii) जिला न्यायधीश (अतिकाल वेतन) - 70,290-1540-76,450 रु.

प्रति माह के वेतन में सकल पेंशन, पेंशन समतुल्य या अन्य सेवानिवृत्ति के फायदे भी हैं, यदि कोई हो :

परंतु यह कि पीठासीन अधिकारी के रूप में ऐसे व्यक्ति की नियुक्ति की दशा में, जो न्यायिक सेवा या उप मुख्य श्रम आयुक्त (केन्द्रीय) या राज्य सरकार के संयुक्त आयुक्त के पद से सेवानिवृत्त हैं और जिसने पेंशन की रीति द्वारा किसी सेवानिवृत्ति के फायदे को प्राप्त किया है या प्राप्त कर रहा है या प्राप्त करने के लिए हकदार हो गया है, पीठासीन अधिकारी के लिए ऐसे नियत वेतन से सकल पेंशन के बराबर की रकम कम कर दिया जाएगा।

5. **मंहगाई भत्ता.**—राष्ट्रीय अधिकरण को पीठासीन अधिकारी मंहगाई भत्ता उस दर से प्राप्त करेंगे जो उच्च न्यायालय के सेवारत न्यायधीशों को देय है।

(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों को वह समतुल्य मंहगाई भत्ता प्राप्त करने के हकदार होंगे जो केन्द्रीय सरकार के समूह 'क' अधिकारियों द्वारा समय-समय पर आह्वित किया जा रहा है जो पुनर्नियोजन की अवधि के दौरान आह्वित उपलब्धियों में राहत पेंशन के कम कर दिए जाने के शर्त के अध्वधीन होगी।

6. **नगर प्रतिपूरक भत्ता.**—(1) राष्ट्रीय अधिकरण के पीठासीन अधिकारियों को वह नगर प्रतिपूरक भत्ता देय होगा जो उच्च न्यायालयों के न्यायाधीशों को देय है।

(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों के नगर प्रतिपूरक भत्ते केन्द्रीय सरकार के समूह 'क' अधिकारियों को यथा लागू नियमों के अधीन विनियमित होंगे।

7. **चिकित्सा रियायत.**—राष्ट्रीय अधिकरण के पीठासीन अधिकारियों के लिए, केन्द्रीय सरकार स्वास्थ्य योजना की सुविधाएं उनके तैनाती के स्थान पर उपलब्ध रहेंगी और जहां केन्द्रीय स्वास्थ्य योजना प्रचालन में नहीं है, वहां पर वे केन्द्रीय सेवा (चिकित्सा परिचर्या) नियम, 1944 में यथा उपबंधित सुविधाएं लेने के लिए हकदार होंगे।

(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों के लिए, चिकित्सा सुविधाएं केन्द्रीय सरकार के समूह 'क' अधिकारियों को यथा लागू नियमों के अधीन विनियमित होंगी।

8. **छुट्टी.**—राष्ट्रीय अधिकरण के पीठासीन अधिकारियों के लिए, छुट्टी से संबंधित मामले उच्च न्यायालयों से सेवारत न्यायधीशों को यथा ग्राह्य होंगे।

(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों के लिए, छुट्टी से संबंधित मामले केन्द्रीय सरकार के समूह 'क' अधिकारियों को यथा लागू नियमों के अधीन विनियमित होंगे।

9. **मकान किराया भत्ता.**—(1) राष्ट्रीय अधिकरण के पीठासीन अधिकारियों के लिए किराया भत्ता सुसज्जित वास-सुविधा या यथास्थिति मूल वेतन का तीस प्रतिशत की दर से मकान किराया भत्ता का प्रबंध किया जाएगा।

(2) श्रम न्यायालय और औद्योगिक अधिकरण के पीठासीन अधिकारियों के लिए केन्द्रीय सरकार के समूह 'क' कर्मचारियों के लिए यथा अनुज्ञेय मकान किराया भत्ता का प्रबंध किया जाएगा।

10. **यात्रा भत्ता.**—पीठासीन अधिकारियों को उनके पुनर्नियोजन के समय पर लागू दरों पर अपने हकदारी के अनुसार यात्रा भत्ता के हकदार होंगे।
11. **छुट्टी यात्रा रियायत.**—(1) राष्ट्रीय अधिकरण के पीठासीन अधिकारियों के लिए केन्द्रीय सरकार के उच्चतम श्रेणी के लिए यथा अनुज्ञेय स्वयं और कुटुम्ब के लिए छुट्टी यात्रा रियायत होगी।
(2) श्रम न्यायालय और औद्योगिक अधिकरण के पीठासीन अधिकारियों के लिए छुट्टी यात्रा रियायत पीठासीन अधिकारियों की पुनर्नियोजन के आधार पर नियुक्ति के बावत पुनर्नियोजित व्यक्ति को यथा लागू नियमों के अधीन विनियमित होगा।
12. **वाहन भत्ता.**—(1) राष्ट्रीय अधिकरण के पीठासीन अधिकारियों के लिए केन्द्रीय सरकार द्वारा समय समय पर विनिश्चित की गई नियत रकम के रूप में वाहन भत्ता का प्रबंध किया जाएगा।
(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों को यह विकल्प रहेगा कि या वे शासकीय कार्यों के प्रयोजन के लिए स्टाफ कार रखें या अपने वाहन का प्रयोग प्रतिमाह प्रदान किए गए पचहत्तर लिटर पेट्रोल द्वारा करें।
13. **स्थानांतरण यात्रा भत्ता.**—(1) उच्चतम श्रेणी के सरकारी सेवकों के लिए अनुज्ञेय स्थानांतरण भत्ता राष्ट्रीय औद्योगिक अधिकरण या श्रम न्यायालय का कार्यग्रहण करने के लिए गृहनगर से मुख्यालय तक और समनुदेशन के समाप्त होने पर मुख्यालय के गृह नगर तक का स्थानांतरण यात्रा भत्ता होगा।
(2) श्रम न्यायालय या औद्योगिक अधिकरण के पीठासीन अधिकारियों के लिए स्थानांतरण यात्रा भत्ता पुनर्नियोजन के आधार पर नियुक्ति के बावत पुनर्नियोजित व्यक्ति के लिए केन्द्रीय सरकार के यथा लागू नियमों के अनुसार होगा।
14. **अभिदायी भविष्य-निधि स्कीम.**—पीठासीन अधिकारियों को अभिदायी भविष्य-निधि स्कीम में नियमों के अनुसार पुनर्नियोजन की अवधि के दौरान जुड़ने का हक होगा।
15. **अन्य सेवा शर्तें.**—उन मामलों की बावत जिनके बारे में कोई अभिव्यक्त उपबंध नहीं बनाए गए हैं अध्यक्ष या अन्य सदस्यों की सेवा के निबन्धनों और शर्तों से संबंधित मामलों को केन्द्रीय सरकार के विनिश्चय के लिए श्रम न्यायालय, औद्योगिक अधिकरण या राष्ट्रीय अधिकरण द्वारा निर्देशित किए जाएंगे, और केन्द्रीय सरकार का उस पर विनिश्चय बाध्यकारी होगा।
16. **शिथिल करने की शक्ति.**—केन्द्रीय सरकार को इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बावत शिथिल करने की शक्ति होगी।

[सं. जेड-25025/05/2013-सीएनएम-2]

धीरज कुमार, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 6th April, 2015

G.S.R. 336(E).—In exercise of the powers conferred by clause (c) of sub-section(1) of Section 38 of the Industrial Disputes Act, 1947, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal (Salaries, Allowances and other Terms and Conditions of Service) Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Industrial Disputes Act, 1947 (14 of 1947);

(b) "Presiding Officer" means a person appointed as presiding officer under Sections 7, 7A or Section 7B of the Act.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have meanings respectively assigned to them in the Act.

3. **Duration.**—In case of appointment on deputation of serving judges as presiding officer, the normal period of appointment shall be for a period of three years and in case of retired judges, the appointment shall be till the age of 65 years.

4. **Salary.**—(1) The Pay of the Presiding Officer of National Tribunal shall be fixed @ Rs 80,000/- (fixed) per month and this shall include the deputation allowance in case of serving judges and gross pension in case of retired judges.

(2) The Salary of the Presiding Officer of the Labour Court or Industrial Tribunal shall be—

(i) the District Judge (Entry Level) — Rs. 51,550-1230-58,930-1380-63,070

(ii) the District Judge (Selection Grade) — Rs. 57,700-1230-58,930-1380-67,210

(iii) the District Judge (Super time Scale) — Rs. 70,290-1540-76,450

per month inclusive of gross pension, pension equivalent or other retirement benefits, if any;

Provided that in the case of an appointment of a person as a presiding officer, who has retired from Judicial Service or as Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Government and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, the pay of presiding officer shall be reduced by the gross amount of Pension from the Pay so fixed.

5. **Dearness Allowance.**—(1) The presiding officers of National Tribunal shall receive the dearness allowance at the rate as admissible to the serving judges of the High Court.

(2) The presiding officers of the Labour Court or Industrial Tribunal shall be entitled to dearness allowance as applicable to Group- "A" Officers of the Central Government drawing an equivalent pay from time to time subject to the condition that relief of pension is deducted from the emolument drawn during the period of re-employment.

6. **City Compensatory Allowance.**—(1) For presiding officers of National Tribunals, the city compensatory allowance shall be as admissible to the serving judges of High Courts.

(2) For presiding officers of Labour Court or Industrial Tribunal, the city compensatory allowance shall be regulated under the rules as applicable to the Group- "A" Officers of the Central Government.

7. **Medical Concession.**—(1) For presiding officers of the National Tribunal, the Central Government Health Scheme facilities shall be available at the station of posting and where the Central Government Health Scheme is not in operation, they shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944.

(2) For presiding officers of the Labour Court or Industrial Tribunal, the medical facilities shall be regulated under the rules as applicable to the Group- "A" Officers of the Central Government.

8. **Leave.**—(1) For presiding officers of the National Tribunal, the matters relating to leave shall be as admissible to the serving judges of the High Courts.

(2) For presiding officers of the Labour Court or Industrial Tribunal, the matters relating to leave shall be regulated under the rules as applicable to the Group- "A" Officers of the Central Government.

9. **House Rent Allowance.**—(1) For the presiding officers of the National Tribunal, there shall be provided rent free furnished accommodation or, as the case may be, the house rent allowance at the rate of thirty per cent of the basic pay.

(2) For the presiding officers of the Labour Court or Industrial Tribunal, there shall be provided the House Rent Allowance as admissible to the Group- "A" Officers of the Central Government.

10. **Travelling Allowances.**—The presiding officers shall be entitled the travelling allowance as per their entitlement on the rates at the time of their re-employment.

11. Leave Travel Concession.—(1) For the presiding officers of the National Tribunal, the leave travel concession for self and family shall be as admissible to the highest grade in the Central Government.

- (2) For the presiding officers of the Labour Court or Industrial Tribunal, the Leave Travel Concession shall be regulated under the rules as applicable to re-employed person in respect of Presiding Officers appointed on re-employed basis.

12. Conveyance Allowance.—(1) For the presiding officers of the National Tribunal, there shall be provided the conveyance allowance in the form of a fixed amount to be decided by the Central Government from time to time.

- (2) The presiding officers of the Labour Court or Industrial Tribunal may have an option either to have a staff car for official purposes or use of own vehicle with a grant of seventy five litres of petrol per month.

13. Transfer Travelling Allowance.—(1) The transfer travelling allowance shall be as admissible to a Government Servant of the highest grade from home town to headquarters for joining the National Industrial Tribunal or Labour Court and from headquarters to home town at the end of the assignment.

- (2) For the presiding officers of the Labour Court or Industrial Tribunal, the transfer travelling allowance shall be as per Central Government rules as applicable to re-employed person in respect of presiding officers appointed on re-employed basis.

14. Contributory Provident Fund Scheme.—The presiding officers shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of re-employment.

15. Other Conditions of Service.—Matters relating to the terms and conditions of service of the Chairperson or other Members with respect to which no express provisions has been made in these rules, shall be referred by the Labour Court, Industrial Tribunal or National Tribunal to the Central Government for its decision, and the decision of the Central Government thereon shall be binding.

16. Power to relax.—The Central Government have power to relax the provision of any of these rules in respect of any class or categories of persons.

[No. Z-25025/05/2013-CLS-II]

DIHFERAJ KUMAR, Jr. Secy.

Annexure-III**Proforma for Bio-data**

(to be filled by the judicial officer concerned)

1.	Name (in full)		
2.	Date of Birth		
3.	Educational Qualification		
4.	Particulars of Service in brief with dates of each appointment held from the level of High Court Judge <i>(In Chronological Order)</i> (Note: Experience with regard to Labour matters may be specifically mentioned)		
5.	Details in respect of last/current post held	Name of the last/current post	
Date of appointment to last/current post			
Date of retirement			
Scale of pay			
Last pay drawn			
6.	Address for communication		
7.	Phone no.	(Office) (Residential) (Mobile)	
8.	E-mail address		

Date:

Signature:

Place:

Name: