

No. A-11016/03/2019-CLS-II
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi, Dated 17.09.2019

To,
The Registrar General,
All High Courts.

Sub: Filling up the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai

Sir,

I am directed to say that it is proposed to fill up the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai in accordance with the provisions contained in Sections 7 & 7A of the Industrial Disputes Act, 1947 (relevant extract of the Act placed at **Annexure-I**). According to these provisions, the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court is to be filled by a judicial officer:-

- (i) who is, or has been, a Judge of a High Court; or
- (ii) who has, for a period of not less than three years, been a District Judge or an Additional District Judge.

2. The term of office of the Presiding Officer shall be for a period of 5 years or up to the age of 65 years, whichever is earlier. The other terms and conditions of appointment to the post of Presiding Officer will be as prescribed in "The Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal (Salaries, Allowances and other Terms and Conditions of Service) Rule, 2015" (**Annexure-II**).

3. The scales of pay attached to the post of Presiding Officer of CGIT-cum-LC are as follows:

- (i) Distt. Judge(Entry Level) - Rs. 51,550-1230-58,930-1380-63,070/-
- (ii) Distt. Judge(Selection Grade)- Rs.57,700-1230-58,930-1380-67,210-1540-70,290/-
- (iii) Distt. Judge(Super time Scale)- Rs. 70,290-1540-76,450/-

4. The terms & conditions of service of the Presiding Officers as per above provisions will be subject to outcome of WP(C) No. 279/2017 pending before Hon'ble Supreme Court of India.

Contd..

5. It is requested that this Circular may be given wide publicity and names of judicial officers, who fulfill the eligibility conditions and are willing to be appointed as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai may please be furnished so as to reach this Ministry by last date of receiving the application in the Ministry i.e. 31.10.2019. The applications should be addressed to Shri Devendra Singh, Economic Advisor, Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi. The Bio-Data of each officer may be furnished in the proforma placed at **Annexure-III, IV & V** to be filled by the concerned officer and to be attested by the concerned Registrar General.

6. It may be noted that the applications with complete proforma (Annexure-III, IV & V) received on or before the stipulated date will only be considered.

Yours faithfully,



(Raj Kumar)

Deputy Secretary to the Government of India

Copy to:

1. Ministry of Law and Justice, Department of Justice, Jaisalmer House, New Delhi with the request names of Judicial Officers who are eligible and willing to be appointed to the post of the Presiding Officer of the CGIT-cum-LC No.2, Mumbai may kindly be forwarded to this Ministry.
2. Director, NIC with the request to upload the circular on Ministry's website

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.

(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

⁴[(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.

⁵[(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

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

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 ⁶[and for performing such other functions as may be assigned to them under this Act].

⁷[(1A) The Industrial Tribunal constituted by the Central Government under sub-section (1) shall also exercise, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017 (7 of 2017), the jurisdiction, powers and authority conferred on the Tribunal referred to in section 7D of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).]

(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

⁸[(aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; ⁹****]

⁹[(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

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

1. Ins. by Act 36 of 1964, s. 3 (w.e.f. 19-12-1964).

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

3. Clauses (a) and (b) re-lettered as (d) and (e) respectively by Act 36 of 1964, s. 3 (w.e.f. 19-12-1964).

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

5. Ins. by Act 46 of 1982, s. 4 (w.e.f. 21-8-1984).

6. Ins. by Act 7 of 2017, s. 158 (w.e.f. 26-5-2017).

7. Ins. by Act 36 of 1964, s. 4 (w.e.f. 19-12-1964).

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

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