

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

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

Dated 25 June,2018

To,

The Registrar General,
All High Courts.

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

Sir,

I am directed to say that the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court (CGIT-cum-LC)-I/National Industrial Tribunal (NIT) at Mumbai is to be filled up in accordance with the provisions contained in Sections 7B & 7C 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 person who is, or has been, a Judge of a High Court. The terms and conditions of appointment of a Judge to the post of Presiding Officer will be as per the Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal (Salaries, Allowances and other Terms and Conditions of Service) Rules, 2015 (**Annexure-II**).

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

3. It is requested that this Circular may be given wide publicity and names of judicial officers who are willing to be appointed as Presiding Officer of CGIT-cum-LC-I/NIT, Mumbai and who fulfill the eligibility conditions may please be furnished so as to reach this Ministry within a period of forty five(45) days from the date of issue of this letter. The Bio-Data of each officer may be furnished in the proforma placed at **Annexure-III** to be filled up by the concerned officer and attested by the concerned Registrar General.

4. It may be noted that the nominations with complete proforma (Annexure-III) received on or before the stipulated date will only be considered by the Ministry.

Yours faithfully,



(Ajay Malik)

Under Secretary to the Government of India

Encl: As above

Copy to: Ministry's website

"(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).

¹[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 Tribunal ²[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.]

¹[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.]

³[7D. Qualifications, terms and conditions of service of Presiding Officer.—Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation and removal and other terms and conditions of service of the Presiding Officer of the Industrial Tribunal appointed by the Central Government under sub-section (1)

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).

3. Ins. by the Finance Act, 2017 (7 of 2017), sec. 158(b) [w.e.f. 26-5-2017, vide S.O. 1696(E), dated 26th May, 2017].