

No. A-11016/04/2020-CLS-II  
Government of India  
Ministry of Labour & Employment

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

Dated 17.06.2020

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, Kolkata.**

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), Kolkata is to be filled up shortly 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 judicial officer 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, Kolkata 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/NIT, Kolkata 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 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** to be filled by the concerned officer and to be 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,



(Sanjeev Nanda)

Under Secretary to the Government of India

Encls: as above.

Contd..

Copy to:

1. Ministry of Law and Justice, Department of Justice, Jaisalmer House, New Delhi with the request to send the names of judicial officers who are eligible and willing to be appointed as Presiding Officer, CGIT-cum-LC/NIT, Kolkata. Department of Justice is also requested to upload the vacancy circular on their website to give it to wide publicity.
2. IT Cell, M/o Labour & Employment to upload the circular on Ministry's website.



(Sanjeev Nanda)

Under Secretary to the Government of India

"(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).

✓<sup>1</sup>**[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 <sup>2</sup>[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.]

<sup>1</sup>**[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.]

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).