

D.O.No. A.11013/9/2007-AT
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi - 110001

Dated : February 21, 2007

As you may be aware, the administrative Tribunals Act, 1985 has recently been amended by the Administrative Tribunals (Amendment) Act, 2006 which has been brought into force from 19th February, 2007. One of the changes brought about by this Amendment is the elevation of the statutes of Members at par with the Judges of the High Court. Besides, there will no longer be appointments to the post of Vice-Chairman.

2. Six vacancies of Judicial Members in the Central Administrative Tribunal have been reported between 1st January, 2007 and 30th June, 2007.

3. Sub-section (2) and (3) of Section 8 of the Administrative Tribunals Act, 1985 as amended by the Administrative Tribunal (Amendment) Act, 2006 provide that -

"(2) A Member shall hold office as such for a term of five years from the date on which he enters upon his office extendable by one more term of five years :

Provided that no Member shall hold office as such after he has attained the age of sixty-five years.

(3.) The conditions of Service of Chairman and Members shall be the same as applicable to Judges of the High Court."

4. Sub-section 2(b) of Section 6 of the Administrative Tribunals act, 1985 as amended by the Administrative Tribunal (Amendment) Act, 2006 provides that -

"(2) A person shall not be qualified for appointment, -

(b) as a Judicial member unless he is or qualified to be a Judge of a High Court or he has for atleast two years held the post of a Secretary to the Government of India in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law commission of India or held a post of Additional Secretary to the Government of India in the Department of Legal Affairs and Legislative Department at least for a period of five years.

5. It is requested that the names of eligible and willing persons including retiring Judge of the High Court and the Members of the Bar who have special knowledge and experience of service laws and are willing to be considered for the post of Judicial Member in the Central Administrative Tribunal may be sent along wit their bio-data in the enclosed proforma. it is requested that these names be sent immediately so as to reach this Department not later than the 9th of April 2007. In the case of candidates other than Members of the Bench and Bar, their Confidential Reports/Certified copies of ACRs for the last ten years and vigilance clearance may also be forwarded, failing which it will not be possible to consider such officers.

Penalty, if any, imposed in any case in the past may also be indicated. It will not be possible to consider names received after the due date.

6. In the case of Members of Bar, column 98 of the proforma of bio-data should invariably be filled up, failing which their candidature are liable to be rejected summarily.

7. Section 10A of the Administrative Tribunals Act, 1985 as inserted by the Administrative Tribunals (Amendment) Act 2006 provides that -

"10A. The Chairman and Member of a Tribunal appointed before the commencement of the Administrative Tribunal (Amendment) Act, 2006 shall continue to be governed by the provisions of the Act, and the rules made thereunder as if the Administrative Tribunals (amendment) Act, 2006 had not come into force :

Provided that, however, such Chairman and the Members appointed before the coming into force of Administrative Tribunal (Amendment) Act, 2006, any on completion of their term or attainment of the age of 65 or 63 years, as the case may be, whichever is earlier may, if eligible in terms of Section 8 as amended by the Administrative Tribunals (Amendment) Act, 2006 be considered for a fresh appointment in accordance with the selection procedure laid down for such appointments subject to the condition that the total term in office of the Chairman shall not exceed five years and that of the Members, ten years."

The candidature of the eligible Members of the Central Administrative Tribunal willing to be considered for a fresh appointment may accordingly be recommended by the Chairman, Central Administrative Tribunal.

8. The aforesaid six vacancies have been identified at Bombay, Chandigarh, Jaipur, Jodhpur, Madras and Principal Benches of the Tribunal. However, the selected persons are liable to be posted to any place having a Bench of the Central Administrative Tribunal and the appointment shall carry an All India transfer liability. The number and places of vacancies indicated are subject to change.

9. Quite often, the persons recommended for such consideration insist upon a particular place of posting in the eventuality of selection. It is to be made clear to all prospective candidates that even though specified preferences are kept in view while offering appointments to candidates who are selected after due process, it cannot be presumed that appointments will be offered as per preferences.

10. It has also been our experience in the past that sometimes persons selected for appointment seek extension of time on one pretext or the other and quite often decline to join later without any cogent reason. This vitiates the entire exercise of these selections. It is, therefore, requested that particulars of only those persons may be forwarded who, if selected, are willing to join in any Bench of the Central Administrative Tribunal and whom the concerned authority will be in a position to relieve within three weeks by relaxing the requirement of the notice period for Voluntary retirement in the eventuality of their actual appointment.

11. Since selections have already been completed for the vacancies for which candidatures were sought earlier, the names of such persons whose names were

forwarded earlier and are still intended for consideration, should be sent afresh as no consideration will be given to previous nominations in the present selection exercise.

(Satyananda Mishra)

ANNEXURE

BIO DATA FOR THE POST OF JUDICIAL MEMBER IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

1. Name :

2. Date of birth :

3. Post applied for :

4. Whether belonging to Indian Legal Service, any judicial Service of a State or Member of the Bar. Year of joining service, since when in Grade I of II.S (in case of ILS officers) :

5. Date of superannuation (if applicable) :

6. Present posting with office and residential address and telephone number - Office/Residence :

7. Details of postings with dates/experience in the Bar, during last ten years :

8. In the case of Members of Bar -

(a) Details of income earned during the last 3

Financial years -

(i) Financial year 2003-2004

(ii) Financial year 2004-2005

(iii) Financial year 2005-2006

(b) Details of Registration with Bar

(c) Whether qualified for appointment as a High Court judge as per Article 217(2) of the Constitution.

9. Details of special knowledge and experience in dealing with establishment matters and service laws.

10. Preference(s) for places of posting (in serial order) :