

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

Rajya Sabha
Unstarted Question No. 1060
TO BE ANSWERED ON THURSDAY, THE 15.12.2022
Vacancies in Tribunals

1060. **Smt. Priyanka Chaturvedi**

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) tribunal-wise data on the vacancies in the appointment of judicial members of tribunal;
- (b) the reasons for the continuance of vacancies/delay in appointment; and
- (c) the details of the break-up of vacancies created and filled during the last five years?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)

(a) to (c) : Yes sir. Information has been compiled and is as per Annexure-A

	(a) tribunal-wise data on the vacancies in the appointment of judicial members of tribunal	(b) the reasons for the continuance of vacancies/delay in appointment;	(c) the details of the break-up of vacancies created and filled during the last five years																																				
Ministry of Corporate Affairs	NCLT <table><tr><th>S. No.</th><th>Post Name</th><th>No. of post vacant</th></tr><tr><td>1</td><td>Judicial Member</td><td>13</td></tr><tr><td>2</td><td>Technical Member</td><td>11</td></tr><tr><td colspan="2">Total</td><td>24</td></tr></table>	S. No.	Post Name	No. of post vacant	1	Judicial Member	13	2	Technical Member	11	Total		24	Filling up of vacancies of Members is a continuous process and vacancies are filled from time to time. As far as NCLT is concerned, in 2021, 20 Members were appointed and in 2022, appointment of 15 Members was approved by the Government out of which, 11 have already joined. Process for rest of the vacancies has also been initiated. Similarly, in NCLAT, 05 Members have been appointed in 2022, and process for subsequent vacancies has been initiated.	NCLT (Sanctioned strength-01 President and 31 Technical Members) <table><tr><th>Year</th><th>Vacancies created (Members)</th><th>Vacancies filled (Members)</th><th>In position (at the end of year)</th></tr><tr><td>2018</td><td>0</td><td>5</td><td>27</td></tr><tr><td>2019</td><td>8</td><td>29</td><td>48</td></tr><tr><td>2020</td><td>7</td><td>--</td><td>41</td></tr><tr><td>2021</td><td>14</td><td>20</td><td>47</td></tr><tr><td>2022</td><td>20</td><td>11</td><td>38</td></tr></table>	Year	Vacancies created (Members)	Vacancies filled (Members)	In position (at the end of year)	2018	0	5	27	2019	8	29	48	2020	7	--	41	2021	14	20	47	2022	20	11	38
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Annexure-A

Ministry of Environment, Forest & Climate Change	As per Section 4(1) of the NGT Act, 2010, the Tribunal shall consist of not less than ten but subject to maximum of twenty full time Judicial Members. As on 12.12.2022, the sanctioned strength of Judicial Members in the National Green Tribunal (NGT) is ten (10). Out of the sanctioned strength of 10 Judicial Members, four (04) posts of Judicial Members are lying vacant.	Year	Vacancies filled up	No. of vacancies of Judicial Members
		2018 (as on 01.01.2018)	5	5
		2019(as on 01.01.2019)	4	6
		2020(as on 01.01.2020)	3	7
		2021(as on 01.01.2021)	3	7
		2022 (as on 01.01.2022)	6	4

Annexure-A

Ministry of Labour & Employment	Central Government Industrial Tribunal cum Labour Court/National Industrial Tribunal, Presiding Officers at Jaipur, Gauhati, Mumbai-I, NIT, Chandigarh-II, Dhanbad-I, Bengaluru, Nagpur, Jabalpur are vacant and the posts are being held by Additional Charge.	Due to litigation in the Hon'ble Supreme Court of India, the appointment of PO in CGIT-cum-LCs/NITs could not be filled up since 2019. After the notification of the Tribunal (Conditions of Service) Rules, 2021, process has been started and at present, out of 22 posts of PO in CGIT-cum-LCs/NITs, 13 posts are filled up. Additional charge arrangement exists for 8 CGIT-cum-LCs/NITs and a proposal for entrustment of additional charge has been sent to ACC for remaining 01 post, i.e, CGIT, Nagpur.	A statement of occurred and filled up vacancies in the past 5 years is placed			
			S.No.	Year	Vacancy occurred	Vacancy filed
			1	2018	Asansol, Kanpur (02)	Kolkata, Delhi-II, Chennai, Dhanbad-II, Chandigarh-II, Jaipur, Ernakulam, Dhanbad-I (08)
			2	2019	Delhi-I, Ahmedabad, Lucknow (03)	Jabalpur, Bangalore, Mumbai-I (03)
			3	2020	Mumbai-II, Kolkata, Hyderabad, Bhubaneswar (04)	Kanpur (01)
			4	2021	Bangalore, Chandigarh-II, Mumbai-I, Guwahati (04)	-
			5	2022	Jaipur, Jabalpur, Ernakulam, Dhanbad-I, Nagpur (05)	Bhubaneswar, Chandigarh-I, Asansol, Delhi-I, Ahmedabad, Lucknow, Kolkata, Hyderabad, Mumbai-II (09)

Annexure-A

Ministry of Finance (DRT)	As per Section (4) of RDB Act,1993 the Debts Recovery Tribunals (DRTs) consists of one person only termed as Presiding Officer (PO) and is appointed by the Central Government. The tribunal-wise data on the vacancies as on 13.12.2022 is as under: -					
	# There are four (04) vacant posts of Presiding Officer in DRTs at (i) DRT, Madurai, (ii) DRT-2, Delhi, (iii) DRT -3 Kolkata and (iv) DRT-2, Kolkata.					
	Sl No	Name Tribunal	Designation	Sanctioned Posts	In position	Vacant
	1.	Debts Recovery Tribunal (DRT)	Presiding Officer (PO)	39	35	4#

Sl. No.	Name of DRT	Date of Vacancy	Remarks by the Department
1.	DRT-2 Delhi	01.11.2022	Additional Charge for vacant posts of POs has been assigned in all four DRTs.
2.	DRT-2 Kolkata	02.08.2022	
3.	DRT-3 Kolkata	16.07.2022	
4.	DRT Madurai	21.10.	
1.	DRT-2 Delhi	01.11.2022	Additional Charge for vacant posts of POs has been assigned in all four DRTs.

the details of the break-up of vacancies created and filled during the last five years			
Year	Designation	Vacancy created during the year	Vacancy filled during the year
2018	Presiding Officer (PO)	3	3
2019		10	-
2020		9	13
2021		16	-
2022		3	23

Annexure-A

Ministry of Personnel, Public Grievance and Pension (DoPT)	In CAT, there are 09 vacancies of Judicial Members for the year2022. The process for filling up these vacancies has already been initiated and Chairman of Search-cum-search Committee (ScSC) has been nominated by the Hon’ble Chief Justice of India.	Break-up of vacancies of Judicial Members in CAT that arose and filled up during the last five years is as under:- <table><tr><th>S. No.</th><th>Year</th><th colspan="2">Vacancy of Judicial Member</th><th>Filed up During year</th></tr><tr><td>1</td><td>2018</td><td>15</td><td>06</td><td>10</td></tr><tr><td>2</td><td>2019</td><td>11</td><td>03</td><td>01</td></tr><tr><td>3</td><td>2020</td><td>13</td><td>03</td><td>00</td></tr><tr><td>4</td><td>2021</td><td>16</td><td>03+02*</td><td>02</td></tr><tr><td>5</td><td>2022</td><td>17</td><td>09</td><td>19</td></tr></table> <p>*02 posts of JM were created for newly Benches of CAT at Jammu and Srinagar.</p>			S. No.	Year	Vacancy of Judicial Member		Filed up During year	1	2018	15	06	10	2	2019	11	03	01	3	2020	13	03	00	4	2021	16	03+02*	02	5	2022	17	09	19
S. No.	Year	Vacancy of Judicial Member		Filed up During year																														
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3	2020	13	03	00																														
4	2021	16	03+02*	02																														
5	2022	17	09	19																														
Securities Appellate Tribunal (SAT)	There is no vacancy of Judicial Member	NIL	NIL																															
Income Tax Appellate Tribunal (ITAT)	Vacancy position as on 13/12/2022 in Income Tax Appellate Tribunal (ITAT) <table><tr><th>S.No.</th><th>Name of Post</th><th>Sanctioned Strength</th><th>Filled</th><th>Vacant</th></tr><tr><td>1.</td><td>Judicial Member</td><td>63</td><td>45</td><td>18</td></tr></table>	S.No.	Name of Post	Sanctioned Strength	Filled	Vacant	1.	Judicial Member	63	45	18	Occurring and filing up of vacancies in ITAT, like other Government organisation, is a continuous process. From time to time, the Government issues instructions for filing up the vacancies to all the Ministries/Departments/ Organisation and ITAT complies with the same.	<table><tr><th>Year</th><th>Vacancy of Judicial Member</th><th>Filed up</th></tr><tr><td>2018</td><td>3</td><td>1</td></tr><tr><td>2019</td><td>1</td><td>--</td></tr><tr><td>2020</td><td>1</td><td>--</td></tr><tr><td>2021</td><td>6</td><td>11</td></tr><tr><td>2022</td><td>2</td><td>1</td></tr></table>	Year	Vacancy of Judicial Member	Filed up	2018	3	1	2019	1	--	2020	1	--	2021	6	11	2022	2	1			
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Ministry of Communication, Telecom Disputes Settlement and Appellate Tribunal (TDSAT)	At present, there is no vacancy of Chairperson/ Members in TDSAT.	During last five years, two posts of member of TDSAT got vacant on 12.05.2018 & 19.10.2019 and filled up w.e.f. 13.09.2021 & 15.06.2022 respectively.																																		
Ministry of Defence, Arms Force Tribunal (AFT)	AFT has sanctioned strength of 34 Members (17 Judicial Members including Chairperson and 17 Administrative Members). Ministry has been making constant endeavours for appointment of Members in AFT. The process of filling up of 24 vacancies (12 Judicial Members & 12 Administrative Members) was initiated by this Ministry and subsequently, letters were issued on 01.12.2022 for appointment of 23 Members in AFT (11 Judicial Members & 12 Administrative Members) across various Benches of AFT.	<table><tr><th>Year</th><th colspan="2">Vacancies created</th><th colspan="2">Vacancies filled</th></tr><tr><td>2018</td><td>03</td><td>03</td><td>02</td><td>02</td></tr><tr><td>2019</td><td>06</td><td>04</td><td>01</td><td>Nil</td></tr><tr><td>2020</td><td>Nil</td><td>02</td><td>01</td><td>05</td></tr><tr><td>2021</td><td>Nil</td><td>01</td><td>03</td><td>Nil</td></tr><tr><td>2022</td><td>02</td><td>01</td><td>04</td><td>04</td></tr></table>					Year	Vacancies created		Vacancies filled		2018	03	03	02	02	2019	06	04	01	Nil	2020	Nil	02	01	05	2021	Nil	01	03	Nil	2022	02	01	04	04
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NCDRC, Deptt. of Consumer Affairs	Appointments in the NCDRC are regulated as per the provisions of the Tribunal Reforms Act, 2021 and the rules framed there under, namely the Tribunal (Conditions of Service) Rules, 2021. Similarly, the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020 made under the provisions of the Consumer Protection Act, 2019 provide for appointment of the Presidents and the Members in the State Commissions and District Commissions.	At present, there is only 1 existing vacancy in the NCDRC (date of occurrence of vacancy - 10.05.2021). Department of Consumer Affairs has already issued vacancy circular for filling up 1 existing vacancy and 4 anticipated vacancy of Members due to arise in June, 2023.																																		
Appellate Tribunal for Electricity (APTEL)	The post of Judicial Member, APTEL fell vacant on 4.12.2022 following the end of tenure of 3 years by last incumbent ie Justice R K Gauba. In context to this anticipated vacancy, the Vacancy Circular (VC) was issued on 29 th April, 2022 in accordance with the provisions of new Tribunal Reforms Act, 2021 and Rules framed thereunder. The Search-cum-Selection Committee has also been constituted vide notification dated 2.12.2022. The post is likely to be filled up soon. Earlier this post was vacant from 2.5.2019 to 3.12.2019 on completion of tenure of the then Judicial Member, Justice N.K.Patil. Sometimes the approval process takes time while appointing Members in Tribunal.																																			

CESTAT, Department of Revenue	Vacancy position as on 14/12/2022 in CESTAT, D/o Revenue			CESTAT	Appellate Tribunal under SAFEMA	For year 2022, one Member (Judicial) is vacant with respect to CESTAT and with respect to Appellate Tribunal under SAFEMA, four Members are vacant.
	Tribunal	CESTAT	Appellate Tribunal under SAFEMA Filled			
	Vacancies	07	NIL			
	<p>The Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other conditions of service of Members) Rules 2017 and later on the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other conditions of service of Members) Rules 2020 were quashed by Hon'ble Supreme Court. Thereafter, Tribunal (Condition of Service) Rules 2021 were notified in exercise of the powers conferred under Section 3 of the Tribunal Reforms Act, 2021.</p>					

		Thereafter, process for selection and appointment of judicial and technical members for filling of the existing and anticipated vacancies was initiated and final orders are to be issued.			
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