

No. J-1(5)/2016-CPU

Government of India

Ministry of Consumer Affairs, Food & Public Distribution

Department of Consumer Affairs

Krishi Bhavan, New Delhi

The 19th July, 2017

Be uploaded
on NCDRC
website
12/25/17

- To
1. The Registrar General, Supreme Court of India,
 2. The Registrars in the High Courts,
 3. The Registrar, National Consumer Disputes Redressal Commission,
 4. The Secretaries in the Central Ministries/Departments,
 5. The Chief Secretaries in all the States/UTs.

Subject: Filling up of seven posts of Member (both judicial and non-judicial) in the National Consumer Disputes Redressal Commission (National Commission), New Delhi.

Sir/Madam,

In terms of the Consumer Protection Act, 1986, the Central Government has established the National Consumer Disputes Redressal Commission (NCDRC) at national level. It adjudicates consumer complaints relating to defective goods, deficient services, including unfair/restrictive trade practices, where the value of the goods or services and the compensation claimed exceeds rupees one crore. It also hears appeals against the orders of the State Commissions besides having the revisionary jurisdiction over District Fora and State Commissions.

2. The National Commission presently consists of a President and eleven Members. It is now proposed to fill up seven posts of Members (four with judicial background and three non-judicial) in terms of the provisions of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience, and other conditions of service of Members) Rules, 2017. Accordingly, a note and an application form are enclosed for use by the potential candidates. This may kindly be circulated amongst persons suitable for the posts.

3. Applications of eligible candidates, willing to be considered for the posts of Member in the National Commission, in the prescribed proforma accompanied by administrative clearance, may be sent to the Deputy Secretary, Consumer Protection Unit, Department of Consumer Affairs, Room No. 461, Krishi Bhavan, New Delhi-110001, so as to reach the Department of Consumer Affairs **by 18th September, 2017**. Applications which are incomplete or which are received after the due date shall not be entertained.

4. Earlier for filling up of seven existing and anticipated vacancies of Member (both judicial and non-judicial), this Ministry had invited applications vide two vacancy circulars issued on 4th November, 2016 and 22nd December, 2016. Both these vacancy circulars have been cancelled. Those who had applied in response to the earlier vacancy circulars **need to apply afresh in response to this vacancy circular.**

Out

5. In case of serving government officers and persons working in Central/State Government Undertakings, administrative clearance of the Cadre Controlling Authority as well as vigilance clearance will be required. **In case of retired officers, date of superannuation and 'No Inquiry Certificate', will be necessary from the last employer.** ACR dossiers with **ACRs, of last 5 years** of officers found eligible for consideration after preliminary scrutiny, will also be called for. **These may kindly be made available within two weeks where requested otherwise it may not be possible to consider their applications.**
6. Candidates applying for the post of Member(Judicial) are required to furnish copies of their five best judgments/other judicial orders passed by them along with their application form.
7. While forwarding applications of serving officers it may be clearly stated that the officer is clear from vigilance angle. In case any penalty has been imposed in the past against the officers under relevant Service Rules, details of the same may also be furnished.
8. Persons who are selected for appointment would have to resign/take voluntary retirement from the post being held at that time, before taking up this appointment. The appointment of selected candidates shall be subject to his/her production of a certificate of medical fitness, duly signed by a Civil Surgeon or District Medical Officer in the prescribed proforma.
9. The Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) reserves the right to cancel the advertisement at any time without assigning any reasons.
10. This vacancy circular, application form and the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience, and other conditions of service of Members) Rules, 2017 are also placed on the Ministry's website: www.consumeraffairs.nic.in for easy accessibility.
11. **The appointment through this vacancy circular to the posts of Member in the National Consumer Disputes Redressal Commission shall be subject to the final outcome of the Writ Petitions No. 15147 and 15148 of 2017 (Madras Bar Association... Petitioner vs Union of India) pending before the Hon'ble High Court of Madras.**

Yours faithfully,



(G. C. Rout)

Deputy Secretary to the Govt. of India
Tel.: 011- 2338 9936/email: dscpu-ca@nic.in

**GOVERNMENT OF INDIA
MINISTRY OF CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION
DEPARTMENT OF CONSUMER AFFAIRS**

Applications are invited from suitable candidates for appointment as Member on whole time basis in the National Consumer Disputes Redressal Commission (NCDRC), New Delhi established under the Consumer Protection Act, 1986 for seven posts of Member, out of which **four posts are for Member with judicial background and three posts of Member (non-judicial)**.

2. The earlier two vacancy circulars issued on 4th November, 2016 and 22nd December, 2016 for filling up of seven posts of Member (both judicial and non-judicial) have been cancelled. Those who had applied in response to the earlier vacancy circulars **need to apply afresh in response to this vacancy circular**.

3. The applicants are required to submit their applications in the prescribed form, which is annexed, ensuring the following aspects:

3.1 In case of serving officials-

- (i) Applications should be sent through proper channel along with administrative clearance from the appropriate cadre controlling authority.
- (ii) In all cases, it may also be clearly stated that the officer is clear from vigilance angle.
- (iii) In case any penalty has been imposed in the past against the officer under relevant Service Rules, details of the same may be furnished.

3.2 In the case of retired officers, the date of superannuation and 'No Inquiry Certificate', will be necessary from the last employer.

3.3 ACR dossiers with ACRs of last 5 years of officers found eligible for consideration after preliminary scrutiny, will also be called for. These may kindly be made available within two weeks where requested otherwise it may not be possible to consider their applications.

3.4 Candidates who are applying for the post Member(Judicial) are required to furnish copies of their five best judgments/other judicial orders passed by them along with their application form.

4. **ELIGIBILITY CRITERIA:**

In terms of Rule 3 of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience, and other conditions of service of Members) Rules, 2017 made by Central Government in exercise of the powers conferred by section 184 of the Finance Act, 2017, read with item No. 16 in the schedule attached to the said rules, a person shall not be qualified for appointment as Member unless he is a person of ability, integrity and standing, and having special knowledge of, **and professional experience of not less than twenty years** in economics, business, commerce, law, finance, accountancy, management,



industry, public affairs, administration or any other matter which in the opinion of the Central Government, is useful to the National Consumer Disputes Redressal Commission:

Provided that a person shall not be appointed as a **Judicial Member**, unless he-

- (a) is, or has been, or is qualified to be, a Judge of a High Court;
- (b) has, for at least ten years, held a Judicial office in the territory of India.

5. **DISQUALIFICATIONS:**

A person shall be disqualified for appointment, if he-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (e) has in the opinion of the Central Government such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or
- (f) has such other disqualifications as may be prescribed by the Central Government.

6. **TENURE:**

The Member of the NCDRC shall hold office for a term of three years or up to the age of 70 years, whichever is earlier and shall be eligible for re-appointment.

7. **REMUNERATION:**

In terms of Rule 11 of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience, and other conditions of service of Members) Rules, 2017, a Member shall be paid a salary of Rs. 2,25,000/- and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

8. **OTHER TERMS AND CONDITIONS**

(A) Pension, Gratuity and Provident Fund: A Member shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and the Contribution Pension System. Additional pension and gratuity shall not be admissible for service rendered in the National Commission.

(B) Leave. —(1) A Member shall be entitled to thirty days of earned Leave for every year of service.

(2) Casual Leave not exceeding eight days in a calendar year.

(3) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(4) A Member shall be entitled to encashment of leave in respect of the earned Leave standing to his credit, subject to the condition that maximum leave encashment, including the

amount received at the time of retirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

(C) House rent allowance. —A Member shall be entitled to house rent allowance at the same rate as are admissible to Group 'A' Officer of the Government of India of a corresponding status.

(D) Transport allowance. —A Member shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities as are admissible to Group 'A' Officer of the Government of India of a corresponding status as per the provisions of Staff Car Rules.

(E) Declaration of Financial and other Interests.—A Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

(F) Other conditions of service. —(1) The terms and conditions of service of a Member with respect to which no express provision has been made in the rules, shall be such as are admissible to a Group 'A' Officer of the Government of India of a corresponding status.

(2) A Member shall not practice before the National Commission after retirement from the service of the National Commission.

(3) A Member shall not undertake any arbitration work while functioning in his capacity as Member in the National Commission.

(4) A Member of the National Commission shall not, for a period of two years from the date on which he/she ceases to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the National Commission:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

(G) Oaths of office and secrecy. —Every person appointed to be a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed.

9. In the event of selection of serving officials, they would have to resign/take voluntary retirement from the post being held at that time, before taking up an appointment as Member, NCDRC.

10. The appointment of selected candidates shall be subject to his/her production of a certificate of medical fitness, duly signed by a Civil Surgeon or District Medical Officer in the prescribed proforma.

11. Persons interested in applying for the post of Member, NCDRC may apply only in the format annexed to this circular, and attach all prescribed documents. Application may be sent to the Deputy Secretary, Consumer Protection Unit, Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Room No. 461, Krishi Bhavan, New Delhi-110001, so as to reach by **18th September, 2017**.

12. Applications which are incomplete or lacking in any details/documents as asked for and those received after the due date will be rejected summarily.

13. **The appointment through this vacancy circular to the posts of Member in the National Consumer Disputes Redressal Commission shall be subject to the final outcome of the Writ Petitions No. 15147 and 15148 of 2017 (Madras Bar Association .. Petitioner vs Union of India) pending before the Hon'ble High Court of Madras.**

A handwritten signature in black ink, appearing to be 'P. M. K.', is located in the lower right quadrant of the page.

FORMAT OF APPLICATION REQUIRED TO BE FURNISHED BY THE CANDIDATES:

Application for the post of Member in the National Consumer Disputes Redressal Commission.

Pl affix your recent
photograph

1	Post applied for (Member(judicial) or Member(non-judicial))			
2	Name in full			
3	Date of birth & age			
4	Office and Residential address with telephone number, fax, e-mail, if any,			
5	Educational & Professional Qualifications (graduation and onwards):			
	Examination	University	Year in which passed	Division
i				
ii				
iii				
iv				
6	Service to which the applicant			

mk

	belongs/belonged (with cadre, batch and name of Cadre Controlling Authority), if applicable	
7	In the case of serving officers	
i	Date of Joining service	
ii	Present Designation	
iii	Scale of Pay and Basic Pay	
iv	Date of Superannuation	
8	In the case of retired officers	
i	Date of superannuation	
ii	Last post held	
iii	Last pay scale	
9	Relevant experience [minimum 20 years in the areas of in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration (in descending order of chronology) in case of non-judicial Member and for 10 years in the case of Judicial Member]	

S1. No.	Position Held	Name & Address of Organization	Period (From-to)	Nature of Work handled
i.				
ii.				
iii.				
iv.				
v.				
vi.				
vii.				
viii.				
ix.				
x.				

Pink

10	Any other accomplishments/information, the candidate may like to furnish	
11	Does the candidate have more than one living spouse?	Yes/No
12	Does the candidate attract any of the disqualification criteria listed in the vacancy circular?	Yes/ No (If yes please give details)
13	State of health	
14	Are copies of best five judgements/other judicial orders passed by the candidate enclosed? [applicable in case of applicants for the post of Member (Judicial)].	Yes/No
15	Details of office in which the last five ACRs will be available including details of last employer (in case of retired officials):	

Place:
Date:



Signature.
(Name)

FORM I

Form of Oath of Office for President//Member of the National Consumer Disputes Redressal Commission

I....., having been appointed as President/ Member of the **National Consumer Disputes Redressal Commission** do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/ Member **National Consumer Disputes Redressal Commission** to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

(Signature)

Name:

Place:

Date:

FORM II

Form of Oath of Secrecy for President/Member of the National Consumer Disputes Redressal Commission

I, having been appointed as the President/ Member of the **National Consumer Disputes Redressal Commission**, do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/ Member of the said **National Consumer Disputes Redressal Commission** except as may be required for the due discharge of my duties as the President/ /Member.

(Signature)

Name:

Place:

Date:

