

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

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	<p>NCLT</p> <table border="1" data-bbox="405 373 999 571"> <thead> <tr> <th>S. No.</th> <th>Post Name</th> <th>No. of post vacant</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>NCLAT</p> <table border="1" data-bbox="405 644 999 762"> <thead> <tr> <th>S. No.</th> <th>Post Name</th> <th>No. of post vacant</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Judicial Member</td> <td>01</td> </tr> </tbody> </table>	S. No.	Post Name	No. of post vacant	1	Judicial Member	13	2	Technical Member	11	Total		24	S. No.	Post Name	No. of post vacant	1	Judicial Member	01	<p>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.</p>	<p>NCLT (Sanctioned strength-01 President and 31 Technical Members)</p> <table border="1" data-bbox="1442 411 2036 799"> <thead> <tr> <th>Year</th> <th>Vacancies created (Members)</th> <th>Vacancies filled (Members)</th> <th>In position (at the end of year)</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>NCLAT (Sanctioned strength-01 Chairperson, 05 Judicial Members and 06 Technical Members)</p> <table border="1" data-bbox="1442 906 2036 1295"> <thead> <tr> <th>Year</th> <th>Vacancies created (Members)</th> <th>Vacancies filled (Members)</th> <th>In position (at the end of year)</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>0</td> <td>0</td> <td>3</td> </tr> <tr> <td>2019</td> <td>0</td> <td>5</td> <td>8</td> </tr> <tr> <td>2020</td> <td>0</td> <td>3</td> <td>11</td> </tr> <tr> <td>2021</td> <td>3</td> <td>-</td> <td>8</td> </tr> <tr> <td>2022</td> <td>3</td> <td>5</td> <td>10</td> </tr> </tbody> </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	Year	Vacancies created (Members)	Vacancies filled (Members)	In position (at the end of year)	2018	0	0	3	2019	0	5	8	2020	0	3	11	2021	3	-	8	2022	3	5	10
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Annexure-A

<p>Ministry of Environment, Forest & Climate Change</p>	<p>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.</p>	<table border="1"> <thead> <tr> <th data-bbox="1440 204 1666 352">Year</th> <th data-bbox="1666 204 1816 352">Vacancies filled up</th> <th data-bbox="1816 204 2024 352">No. of vacancies of Judicial Members</th> </tr> </thead> <tbody> <tr> <td data-bbox="1440 352 1666 427">2018 (as on 01.01.2018)</td> <td align="center" data-bbox="1666 352 1816 427">5</td> <td align="center" data-bbox="1816 352 2024 427">5</td> </tr> <tr> <td data-bbox="1440 427 1666 502">2019(as on 01.01.2019)</td> <td align="center" data-bbox="1666 427 1816 502">4</td> <td align="center" data-bbox="1816 427 2024 502">6</td> </tr> <tr> <td data-bbox="1440 502 1666 577">2020(as on 01.01.2020)</td> <td align="center" data-bbox="1666 502 1816 577">3</td> <td align="center" data-bbox="1816 502 2024 577">7</td> </tr> <tr> <td data-bbox="1440 577 1666 652">2021(as on 01.01.2021)</td> <td align="center" data-bbox="1666 577 1816 652">3</td> <td align="center" data-bbox="1816 577 2024 652">7</td> </tr> <tr> <td data-bbox="1440 652 1666 772">2022 (as on 01.01.2022)</td> <td align="center" data-bbox="1666 652 1816 772">6</td> <td align="center" data-bbox="1816 652 2024 772">4</td> </tr> </tbody> </table>			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
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<p>Ministry of Labour & Employment</p>	<p>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.</p>	<p>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.</p>	<p>A statement of occurred and filled up vacancies in the past 5 years is placed</p> <table border="1"> <thead> <tr> <th>S.No.</th> <th>Year</th> <th>Vacancy occurred</th> <th>Vacancy filed</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2018</td> <td>Asansol, Kanpur (02)</td> <td>Kolkata, Delhi-II, Chennai, Dhanbad-II, Chandigarh-II, Jaipur, Ernakulam, Dhanbad-I (08)</td> </tr> <tr> <td>2</td> <td>2019</td> <td>Delhi-I, Ahmedabad, Lucknow (03)</td> <td>Jabalpur, Bangalore, Mumbai-I (03)</td> </tr> <tr> <td>3</td> <td>2020</td> <td>Mumbai-II, Kolkata, Hyderabad, Bhubaneswar (04)</td> <td>Kanpur (01)</td> </tr> <tr> <td>4</td> <td>2021</td> <td>Bangalore, Chandigarh-II, Mumbai-I, Guwahati (04)</td> <td>-</td> </tr> <tr> <td>5</td> <td>2022</td> <td>Jaipur, Jabalpur, Ernakulam, Dhanbad-I, Nagpur (05)</td> <td>Bhubaneswar, Chandigarh-I, Asansol, Delhi-I, Ahmedabad, Lucknow, Kolkata, Hyderabad, Mumbai-II (09)</td> </tr> </tbody> </table>	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)
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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: - <i># 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.</i>									the details of the break-up of vacancies created and filled during the last five years																																																								
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<p>Ministry of Personnel, Public Grievance and Pension (DoPT)</p>	<p>In CAT, there are 09 vacancies of Judicial Members for the year 2022. 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.</p>	<p>Break-up of vacancies of Judicial Members in CAT that arose and filled up during the last five years is as under:-</p> <table border="1" data-bbox="1532 288 2116 560"> <thead> <tr> <th>S. No.</th> <th>Year</th> <th colspan="2">Vacancy of Judicial Member</th> <th>Filed up During year</th> </tr> </thead> <tbody> <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> </tbody> </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
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<p>Securities Appellate Tribunal (SAT)</p>	<p>There is no vacancy of Judicial Member</p>	<p>NIL</p>	<p>NIL</p>																														
<p>Income Tax Appellate Tribunal (ITAT)</p>	<p>Vacancy position as on 13/12/2022 in Income Tax Appellate Tribunal (ITAT)</p> <table border="1" data-bbox="405 1050 1003 1161"> <thead> <tr> <th>S.No.</th> <th>Name of Post</th> <th>Sanctioned Strength</th> <th>Filled</th> <th>Vacant</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Judicial Member</td> <td>63</td> <td>45</td> <td>18</td> </tr> </tbody> </table>	S.No.	Name of Post	Sanctioned Strength	Filled	Vacant	1.	Judicial Member	63	45	18	<p>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.</p>	<table border="1" data-bbox="1442 1050 1917 1294"> <thead> <tr> <th>Year</th> <th>Vacancy of Judicial Member</th> <th>Filed up</th> </tr> </thead> <tbody> <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> </tbody> </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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Annexure-A

Railway Claim Tribunal (RCT)	Vacancy position as on 13/12/2022 in Railway Claims Tribunal (RCT)				Filling up of vacancies in RCT is a continuous process and due to Court cases and other Administrative reasons the posts could not be filled up. Vacancy notices for two posts of Vice-Chairman (Judicial), two posts of Vice-Chairman (Technical), 16 posts of Judicial Member and seven posts of Technical Member against vacancies existing and expected in RCT up to 31.12.2022 were issued on 18.09.2021. The selection process has also been finalized by the Search-cum-Selection-Committee under the chairmanship of Hon'ble Mr. Justice B.R.Gavai, Judge, Supreme Court, in October, 2022 and its recommendations have been sent to DoP&T for approval of the ACC, which is awaited.													
	S.No.	Name of Post	Sanctioned Strength	Working		Vacant	S. N.	Name of Post	2018		2019		2020		2021		2022	
	1.	Vice Chairman (Judicial)	02	00		02	1.	Chairman	V	F	V	F	V	F	V	F	V	F
2.	Judicial Member	20	04	16	2.	Vice Chairman	0	0	0	0	0	0	2	0	2	0	2	
					3.	Vice chairman (Technical)	2	1	2 (1+1)	1	1	0	2	0	2	0	0	
					4.	Judicial Member	11	0	11	0	20 (11+9)	0	2	4	0	1	0	
					5.	Technical Member	2	0	12 (2+10)	0	16	13	7 (3+4)	0	7	0	0	

Annexure-A

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 border="1" data-bbox="1317 379 2036 603"> <thead> <tr> <th>Year</th> <th colspan="2">Vacancies created</th> <th colspan="2">Vacancies filled</th> </tr> </thead> <tbody> <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> </tbody> </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.	<p>At present, there is only 1 existing vacancy in the NCDRC (date of occurrence of vacancy - 10.05.2021).</p> <p>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.</p>																															
Appellate Tribunal for Electricity (APTEL)	<p>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 29th 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.</p> <p>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.</p>																																

Annexure-A

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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