

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

**LOK SABHA**

**UNSTARRED QUESTION NO.5022**

**TO BE ANSWERED ON FRIDAY, THE 1<sup>ST</sup> APRIL, 2022**

**Vacancies in Tribunals**

5022. SHRI THIRUMAAVALAVAN THOL:

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

- a. whether vacancies in Tribunals/Appellate Tribunals have not been filled up;
- b. if so, the number of Tribunals and the number of vacancies along with the time from which these posts are lying vacant; and
- c. the reasons for not filling up the vacancies?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJIJU)**

(a) to (c): The filling up of vacancies in Tribunals/Appellate Tribunals is a continuous exercise. Information as received in respect of 12 Tribunals from 9 Ministries/Departments is placed as Annexures as per table below:

<b>Sl. No.</b>	<b>Name of Ministry/Department</b>	<b>Name of the Tribunal/Appellate Tribunal</b>	<b>Annexure</b>
1	Department of Legal Affairs, Ministry of Law & Justice	Income Tax Appellate Tribunal	<b>I</b>
2	Ministry of Corporate Affairs	National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT)	<b>II</b>
3	Department of Personnel & Training	Central Administrative Tribunal (CAT)	<b>III</b>
4	Ministry of Environment, Forest & Climate Change	National Green Tribunal (NGT)	<b>IV</b>
5	Ministry of Railways	Railway Claims Tribunal	<b>V</b>

6	Department of Revenue	Central Excise & Service Tax Appellate Tribunal (CESTAT) and Appellate Tribunal (SAFEMA)	<b>VI</b>
7	Department of Financial Services	Debt Recovery Tribunal (DRT) and Debt Recovery Appellate Tribunal (DRAT)	<b>VII</b>
8	Department of Defence, Ministry of Defence	Armed Forces Tribunal (AFT)	<b>VIII</b>
9	Department of Telecommunications	Telecom Disputes Settlement and Appellate Tribunal (TDSAT)	<b>IX</b>

**Department of Legal Affairs {Income Tax Appellate Tribunal}:**

(a)to (c):The ITAT consists of 63 Benches. For 63 Benches spread over 30 stations (including 02 Circuit Benches) throughout the country, present sanctioned strength of Members is 126 including one (01) President and ten (10) Zonal Vice-Presidents. Filling of vacancies is a continuous process. Recently, Government has filled 21 vacancies of Accountant/Judicial Members in the said Tribunal. The present position of sanctioned, filled up and vacant post as on date is as under:-

Sr.No.	Posts	Sanctioned	Filled up	Vacant
1	Accountant Member	63	43*	20
2	Judicial Member	63	47^	16
	TOTAL	126**	90	36

\* Including 01 President and 04 Vice Presidents.

^Including 04 Vice Presidents.

\*\* Includes 1 post of President and 10 Vice-Presidents.

The process of filling up of the post of President, ITAT on regular basis has been initiated. The said post fell vacant on retirement of regular President on 05.09.2021.

**Annexure-II**

**Ministry of Corporate Affairs (National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT):**

**(a) & (b):** Vacancy position of Members in NCLT and NCLAT, as on date, is as follows:

Name of Tribunal	Number of Vacancies	Posts vacant since	
NCLT	Total-15	Judicial Member	Technical member
	Judicial Member- 9	1. 02/10/2019	1. 04/03/2020
	Technical member- 6	2. 23/10/2019	2. 10/03/2020
		3. 01/01/2020	3. 05/05/2021
		4. 11/09/2020	4. 23/06/2021
		5. 20/01/2021	5. 26/06/2021
		6. 02/06/2021	6. 01/10/2021
		7. 10/06/2021	
		8. 01/07/2021	
		9. 01/09/2021	
NCLAT	Total- 5	Judicial Member	Technical member
	Judicial Member- 3	1. 19/04/2021	1. 01/07/2021
	Technical member- 2	2. 11/09/2021	2. 21/02/2022
		3. 23/01/2022	

**(c):** Filling up of vacancies is a continuous process and the vacant posts are being filled from time to time. Regarding the present vacancies in NCLT and NCLAT, the process of filling up of posts is under way and the applications have been obtained which are under consideration of the respective Selection Committee and Search-cum-Selection Committee.

**Department of Personnel & Training (Central Administrative Tribunal):**

**(a) & (b):** There are 19 regular benches of the Central Administrative Tribunal (CAT) across the country. The total sanctioned strength of Members including 01 post of Chairman is 70. As on date, out of 70 sanctioned posts, 33 posts are filled up and 37 posts are lying vacant. The details of vacancies in CAT as on date are as under:

<b>Sl.No.</b>	<b>Description</b>	<b>Judicial Member</b>	<b>Administrative Member</b>	<b>Total</b>
1	Sanctioned Strength of Members	34+01*	35	70
2	Total vacancies	18*	19	37

\*01 vacancy of Chairman: the post of Chairman is shown in the Judicial stream as the last incumbent was from the Judicial stream. It could be either a Judicial or an Administrative Member as per the Rules, 2021.

**(c):** The reason for these vacancies is that the vacancies for the years 2019, 2020, and 2021 could not be filled up due to the ongoing litigations in various High Courts and Supreme Court with regard to the rules governing the conditions of service of Chairman/ Members of Tribunals. However, now after the issuance of the Tribunal Reforms Act, 2021 and framing of Rules there-under, the process of making selection of Members of CAT has begun with the constitution of a high-powered Search-cum-Selection Committee with the nomination of a sitting Judge of the Supreme Court as its Chairman, and other members.

**Ministry of Environment, Forest & Climate Change (National Green Tribunal):**

**(a) to (c):** At present, there is no vacancy for Chairperson. Five (05) posts of Judicial Members are vacant in the NGT. However, DoPT, vide their Letter No. 9/5/2022-EO(SM.II) dated 10.03.2022 had communicated the approval of the ACC for appointment of five (05) candidates to the posts of Judicial Members. The Ministry has issued offer letters to all the five candidates on 21.03.2022. Further, four (04) posts of Expert Members are vacant in the National Green Tribunal (NGT). The Government is in the process for filling up the vacant posts of Expert Members. The vacancies of Judicial and Expert Members in the NGT are due to completion of tenure of the Hon'ble Members and resignation tendered by the Hon'ble Members. The Ministry endeavors to take necessary action well in advance to fill up the vacancies likely to arise for appointment of Judicial and Expert Members in the NGT.

**Ministry of Railways (Railway Claims Tribunal):**

a. Yes

b. The details of posts of Chairman, Vice-Chairman, Member (Judicial) and Member (Technical) lying vacant in the Benches of Railway Claims Tribunal (RCT):-

**Position of Vice-Chairman:**

S. No.	Name of the Bench	Name of the Post	Date from which post is vacant
1.	Allahabad	Vice-Chairman (Tech.)	13.09.2019
2.	Kolkata	Vice-Chairman (Tech.)	22.08.2021
3.	Mumbai	Vice-Chairman (Judl.)	28.04.2020
4.	Secunderabad	Vice-Chairman (Judl.)	05.06.2020

**Position of Member (Judl.)**

S. No.	Name of the Bench	Name of the Post	Date from which post is vacant
1.	Delhi	Member (Judl.)	16.06.2020
2.	Lucknow	Member (Judl.)	04.05.2020
3.	Gorakhpur	Member (Judl.)	01.05.2019
4.	Chandigarh*	Member (Judl.)	01.10.2021
5.	Kolkata	Member (Judl.)	10.06.2019
6.	Bhubaneswar	Member (Judl.)	27.10.2015
7.	Guwahati**	Member (Judl.)	01.01.2022
8.	Guwahati**	Member (Judl.)	31.03.2017
9.	Ranchi	Member (Judl.)	23.01.2018
10.	Mumbai	Member (Judl.)	23.08.2017
11.	Bhopal***	Member (Judl.)	26.06.2021
12.	Jaipur****	Member (Judl.)	18.09.2021
13.	Nagpur	Member (Judl.)	07.04.2018
14.	Bangalore	Member (Judl.)	01.06.2019
15.	Chennai	Member (Judl.)	29.08.2018
16.	Ernakulam	Member (Judl.)	12.07.2019

**Position of Member (Tech.)**

S. No.	Name of the Bench	Name of the Post	Date from which post is vacant
1.	Ranchi	Member (Tech.)	18.09.2021
2.	Ahmedabad	Member (Tech.)	16.12.2020
3.	Nagpur	Member (Tech.)	19.02.2021
4.	Bangalore	Member (Tech.)	10.09.2021
5.	Chennai	Member (Tech.)	09.09.2021
6.	Ernakulam	Member (Tech.)	11.12.2014
7.	Amravati	Member (Tech.)	07.09.2020

Name of the Post	Sanctioned Strength	Working	Vacant
Chairman	1	1	0
Vice- Chairman (Judl.)	2	0	2
Vice- Chairman (Tech.)	2	0	2
Member (Judl.)	20	4	16
Member (Tech.)	21	14	7
Total	46	19	27

**NOTE:-**

\*The post was vacant at RCT, Chandigarh from 20.04.2020. Sh. Labh Singh, Member (J) joined on 27.09.2021 at RCT, Chandigarh and further transferred to RCT, Guwahati.

\*\*One post of Member (J) is vacant at RCT, Guwahati since creation of second Bench. Another post was vacant since 22.04.2020. Sh. Labh Singh, Member (J) joined on 11.10.2021 at RCT, Guwahati and he was further transferred to RCT, Allahabad.

\*\*\* The post of Member (J) was vacant at Bhopal from 05.11.2018. Sh. Vijayant Singh, Member (J) joined at RCT, Bhopal on 24.06.2021 and further transferred to RCT, Ahmedabad.

\*\*\*\*The post of Member (J) was vacant at RCT, Jaipur from 07.10.2018. Sh. Umesh Kumar Sharma, Member (J) joined at RCT, Jaipur on 09.07.2021 and further transferred to RCT, Patna.

**c. Reasons for not filling up of vacancies in Railway Claims Tribunal (RCT):-**

The vacancy notices for various posts of Vice-Chairmen (Judicial as well as Technical) and Members (Judicial as well as Technical) arising up to December, 2020 were issued in May, 2020. However, the Madras Bar Association again challenged the provisions of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020. Hon'ble Supreme Court, in its judgement dated 27<sup>th</sup> November, 2020 in the matter of Madras Bar Association vs. Union of India & Anrs. (2020) SC online SC 962 {WP (C) No. 804/2020} upheld the validity of Rules 2020 with certain modifications in eligibility criteria and service conditions due to which the vacancy notices issued for various posts of Vice-Chairmen & Members became infructuous.

The Tribunal Reforms Act, 2021 replacing 2021 Ordinance came into effect on 13/08/2021. On the basis of it, *Tribunal (Conditions of Service) Rules, 2021* was notified on 15/09/2021 detailing eligibility criteria and service conditions.

In view of this, vacancy notices for 02 posts each of Vice-Chairman (Judicial) & Vice-Chairman (Technical), 16 posts of Judicial Member and 07 posts of Technical Member were notified on 18/09/2021. The Search-cum-Selection Committee has also been constituted to conduct selection for these vacancies.



**Department of Revenue {Central Excise & Service Tax Appellate Tribunal (CESTAT) and Appellate Tribunal (SAFEMA)}:**

- a. Yes
- b. Details of vacancies of Chairman/Members is as under:

<b>CESTAT</b>			
Sl. No.	Name of the Bench	Vacant posts of Members	Date from which posts are lying vacant
1	CESTAT, New Delhi	4	M(J)-29.09.2017 M(T)-07.07.2015 M(T)-10.01.2020 M(T)-28.11.2020
2	CESTAT, Mumbai	2	M(J)-15.12.2017 M(J)-07.05.2021
3	CESTAT, Kolkata	1	M(T)-13.05.2019
4	CESTAT, Chennai	2	M(T)-02.05.2019 M(J)-01.03.2016
5	CESTAT, Bangalore	4	M(J)-26.08.2021
6	CESTAT, Ahmedabad	1	M(T)-17.07.2015
7	CESTAT, Chandigarh	1	M(T)-01.10.2019
8	CESTAT, Allahabad	2	M(T)-17.08.2020 M(J)-19.12.2020
	Total	17	
<b>Appellate Tribunal (SAFEMA)</b>			
Sl. No.	Name of the posts	Vacant posts	Date from which posts are lying vacant
1	Chairman	1	22.09.2019
2	Member	4	01.09.2017 28.05.2018 26.08.2019 03.04.2021
	Total	5	

- c. The rules governing the terms & Service conditions of Chairman & Members were under challenge before the Hon'ble Supreme Court. Presently, the Selection process of the Chairman & Members have been initiated consequent to the enactment of Tribunal Reforms Act, 2021 & Notification of new Tribunal Rules.

**Annexure-VII**

**Department of Financial Services {Debt Recovery Tribunal and Debt Recovery Appellate Tribunal}:**

(a) to (c): At present, out of the 5 sanctioned posts of Chairperson, all 5 posts are filled up. Further, out of 39 sanctioned posts of Presiding officer, 26 posts are filled up and remaining 13 are lying vacant. However, offer of appointments have already been issued for all 13 vacant posts to the selected candidates. The incumbency position of Presiding officers in 39 DRTs and Chairpersons in 5 DRATs is as under:

<b>Incumbency Position of Presiding officers in 39 DRTs and Chairpersons in 5 DRATs</b>		
<b>S. No.</b>	<b>Name of DRT</b>	<b>Presiding officer</b>
1	DRT-1, Ahmedabad	<i>vacant since 10.08.2021- offer issued</i>
2	DRT-2, Ahmedabad	Filled
3	DRT Allahabad	Filled
4	DRT Aurangabad	Filled
5	DRT-1, Bengaluru	Filled
6	DRT-2, Bengaluru	Filled
7	DRT-I, Chandigarh	Filled
8	DRT-2, Chandigarh	Filled
9	DRT-3, Chandigarh	<i>vacant since 23.02.2021-offer issued</i>
10	DRT-1, Chennai	<i>vacant since 24.02.2021-offer issued</i>
11	DRT-2, Chennai	Filled
12	DRT-3, Chennai	Filled
13	DRT Coimbatore	Filled
14	DRT, Cuttack	Filled
15	DRT-1, Delhi	<i>vacant since 07.01.2020-offer issued</i>
16	DRT-2, Delhi	<i>vacant since 03.03.2021-offer issued</i>
17	DRT-3, Delhi	<i>vacant since 01.01.2021-offer issued</i>
18	DRT, Dehradun	<i>vacant since 19.02.2021-offer issued</i>
19	DRT-1, Ernakulam	Filled
20	DRT-2, Ernakulam	Filled
21	DRT, Guwahati	Filled
22	DRT-1, Hyderabad	Filled
23	DRT-2, Hyderabad	<i>vacant since 20.10.2021-offer issued</i>
24	DRT, Jabalpur	Filled
25	DRT Jaipur	Filled
26	DRT-1, Kolkata	<i>vacant since 12.12.2020-offer issued</i>
27	DRT-2, Kolkata	Filled
28	DRT-3, Kolkata	Filled
29	DRT Lucknow	Filled

30	DRT, Madurai	<i>vacant since 20.10.2021-offer issued</i>
31	DRT-1, Mumbai	Filled
32	DRT-2, Mumbai	Filled
33	DRT-3, Mumbai	Filled
34	DRT, Nagpur	<i>vacant since 13.02.2020-offer issued</i>
35	DRT, Patna	<i>vacant since 06.01.2020-offer issued</i>
36	DRT Pune	Filled
37	DRT, Ranchi	Filled
38	DRT, Siliguri	<i>vacant since 30.10.2021-offer issued</i>
39	DRT Vishakhapatnam	Filled
	<b>Name of DRAT</b>	<b>Chairperson</b>
1	Allahabad DRAT	Filled
2	Chennai DRAT	Filled
3	Delhi DRAT	Filled
4	Kolkata DRAT	Filled
5	Mumbai DRAT	Filled

**Department of Defence, Ministry of Defence(Armed Forces Tribunal):**

(a) & (b): Out of the sanctioned strength of 34 Members (17 Judicial Members including Chairperson and 17 Administrative Members), 22 posts [10 posts of Judicial Member and 12 posts of Administrative Member] are lying vacant in AFT. Two Judicial Members are continuing by virtue of interim order passed by the Hon'ble Supreme Court on 09.12.2019. Further, Out of 559 sanctioned strength of officers/staff, 248 are lying vacant.

**Vacancy position of Judicial Members in the Armed Forces Tribunal as on 22.03.2022**

Post	Date of vacancy
Judicial Member	12.11.2018
Judicial Member	20.01.2018
Judicial Member	16.08.2019
Judicial Member	07.07.2016
Judicial Member	18.08.2019
Judicial Member	09.06.2018
Judicial Member	30.07.2016
Judicial Member	20.05.2019
Judicial Member	22.03.2018
Judicial Member	17.10.2017
Judicial Member*	-
Judicial Member*	-

\* Hon'ble Mr. Justice (Retd.) Mohammad Tahir & Hon'ble Ms. Justice (Retd.)Sunita Gupta, Judicial Members are holding the post by virtue of interim order passed by the Hon'ble Supreme Court, vide order dated 09.12.2019

**Vacancy position of Administrative Members in the Armed Forces Tribunal as on 22.03.2022**

Post	Date of vacancy
Administrative Member	01.01.2021
Administrative Member	01.09.2021
Administrative Member	03.02.2018
Administrative Member	20.11.2019
Administrative Member	23.03.2018

Administrative Member	23.08.2019
Administrative Member	18.05.2019
Administrative Member	30.12.2017
Administrative Member	09.01.2021
Administrative Member	26.06.2019
Administrative Member	19.01.2019
Administrative Member	14.02.2022

(c):The Ministry has been making constant endeavours in appointing Members in AFT. Recently, in September 2021, three new Judicial Members have taken charge in AFT.As regards appointment of officers and staff in AFT is concerned, the vacancies have been advertised as per existing RRs. Efforts are also being made to fill the same.

**Department of Telecommunications (Telecom Disputes Settlement and Appellate Tribunal (TDSAT):**

**(a)to (c):** As per Section 14B of the TRAI Act, TDSAT consists of one Chairperson and two Members. Post of Chairperson and one Member are already filled up. One post of Member is vacant since 19.10.2019. Recommendations of the Search-cum-Selection Committee (SCSC) for the said post are under finalization.