

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

To

The Incharge NIC,
High Court of Jammu & Kashmir,
Srinagar.

No: 23923/G.S Dated: 20-09-2017

Subject: Filling up of the post of President in the National Consumer
Disputes Redressal Commission (National commission),
New Delhi.

Sir,

On the subject cited above, I am directed to forward herewith a copy of communication alongwith its enclosures received from Deputy Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, with the request to upload the same on the official website of Jammu & Kashmir High Court for information of all concerned.

Yours faithfully,


(Mohammad Yasin Beigh)
Joint Registrar(G.S.)

19-09-2017

18/9/17

No. J-1(4)/2017-CPU
Government of India

Ministry of Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs

Krishi Bhavan, New Delhi
The 8th September, 2017

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 the post of President in the National Consumer Disputes Redressal Commission (National Commission), New Delhi.

Sir/Madam,

Applications are invited from suitable candidates for appointment to the post of President in the National Consumer Disputes Redressal Commission (NCDRC), New Delhi established under the Consumer Protection Act, 1986, on whole time basis.

2. 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. The National Commission consists of a President and eleven Members.

3. It is now proposed to fill up the post of President of the NCDRC in terms of the provisions of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience, and other conditions of service of Members) Rules, 2017.

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 President, unless he, –

- (a) is, or has been, or is qualified to be, a Judge of the Supreme Court; or
 - (b) is, or has been, Chief Justice of a High Court; or
 - (c) has, for a period not less than three years, held office of Member or Judicial Member;
- or
- (d) is a person of ability, integrity and standing, and having special knowledge of, and professional experience of not less than twenty-five years in economics, business,

But

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.

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 President 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, the President, NCDRC shall be paid a salary of Rs. 2,50,000/- (fixed) and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay.

8. OTHER TERMS AND CONDITIONS

- (A) **Leave.** —(1) The President, NCDRC 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) The President, NCDRC 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.

(B). **House rent allowance.** —The President, NCDRC 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.

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(C) Transport allowance. —The President, NCDRC 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.

(D) Declaration of Financial and other Interests.—The President, NCDRC shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

(E) Other conditions of service. —(1) The terms and conditions of service of the President, NCDRC 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) President, NCDRC shall not practice before the National Commission after retirement from the service of the National Commission.

(3) President, NCDRC shall not undertake any arbitration work while functioning in his capacity as President in the National Commission.

(4) President, NCDRC 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. —A person appointed as President, NCDRC shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed.

9. Applications of eligible candidates, willing to be considered for the post of President in the National Commission, in the attached proforma 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 7th November, 2017**. Applications which are incomplete or lacking in any details/documents as asked for or which are received after the due date shall not be entertained and will be rejected summarily.

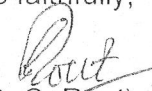
10. In the case of serving Government officers and persons working in Central/State Government Undertakings, while forwarding the applications, the following points may be kept in mind:

- (i) It should be ensured and stated that the applicant(s) is/are clear from vigilance angle. In case any penalty had been imposed in the past against any applicant under the relevant Service Rules, the details of the same may also be furnished.

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- (ii) The Cadre Controlling Authority/ Registrar of the High Court/Supreme Court while forwarding the applications may clearly indicate (with dates) that the officer/applicant fulfills the eligibility criteria mentioned in para 4.
- (iii) Interested applicants may also send advance copies of their applications. Advance copies of the applications would be considered only if the actual applications are later received with all the above necessary requirements from the Cadre Controlling Authorities.
11. In case of retired officers, date of superannuation and 'No Inquiry Certificate', will be necessary from the last employer.
12. In case of persons who are or were in the service of the Government, 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.
13. 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.
14. The persons selected for appointment will have to join within 30 days from the date of issue of appointment order, failing which selection will be liable to be cancelled and the candidate will be liable to be debarred for a period of three years.
15. 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.
16. 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.
17. **The appointment through this vacancy circular to the post of President 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... 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
Tele: 23389936/email: dscpu-ca@nic.in

FORMAT OF APPLICATION REQUIRED TO BE FURNISHED BY THE CANDIDATES

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

Pl affix your recent
photograph

APPLICATION FOR THE POST OF PRESIDENT, NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION				
1	Name in full			
2	Date of birth & age			
3	Office and Residential address with telephone number, fax, e-mail, if any,			
4	Educational & Professional Qualifications (graduation and onwards):			
	Examination	University	Year in which passed	Division
i				
ii				
iii				
iv				

Post

5	Prior Experience	
A	A person who is or has been Supreme Court Judge:	
	i) Date of Joining: ii) Date of Superannuation (If applicable):	
B	A person who is or has been a Chief Justice of High Court :	
	i) Name of the High Court: ii) Date of Joining as Chief Justice: iii) Date of Superannuation (If applicable):	
C	A person who is qualified to be a judge of the Supreme Court- I. For persons having judicial experience (i) Date of appointment as High Court Judge (ii) Name of the High Court(s) (iii) Post held from----- to----- (iv) date of superannuation (if applicable) II. For advocates (i) Date of registration as advocate (ii) Name of the High Court(s) in which practicing/practiced (iii) Date from which practicing/practiced in the above said High Court(s); from----- to ----- -----	
D	A person who has, for a period not less than three years, held office of Member or Judicial Member of NCDRC:	

Out

	i) Judicial/Non Judicial ii) Date of joining NCDRC as member: iii) Date of Completion of tenure (If applicable): iv) Total tenure as a Member as on the last date for receipt of applications:	
E	For a person covered under para 4(d) of the vacancy circular(who is or has been a Government servant):	
	Service to which the applicant belongs/belonged (with cadre, batch and name of Cadre Controlling Authority or office holding/held), if applicable	
	i) Date of Joining service ii) Present Designation /Last designation held iii) Scale of Pay and Basic Pay/Last pay drawn iv) Date of Superannuation(If applicable)	
	v)Relevant experience (minimum 25 years)	

	Position Held	Name & Address of Organization	Period (From-to)	Nature of Work handled

Post

F	For a person covered under para 4(d) of the vacancy circular(other than a person who is or has been a Government servant): relevant experience			
	Position Held	Name & Address of Organization	Period (From-to)	Nature of Work handled

9	Any other accomplishments/information, the candidate may like to furnish	
10	Does the candidate have more than one living spouse?	Yes/No
11	Does the candidate attract any of the disqualification criteria listed in the vacancy circular?	Yes/ No (If yes please give details)

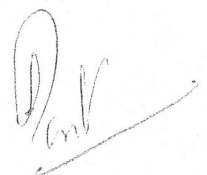
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12	State of health	
13	Details of office in which the last five ACRs will be available including details of last employer (in case of retired officials):	

Place:

Date:

Signature.
(Name)

A handwritten signature in dark ink, appearing to be 'D. V.' followed by a long horizontal stroke.

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:

