

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,

**SECTION 3, SUB-SECTION(i)]**

**Ministry of Corporate Affairs**

**Notification**

New Delhi, the January, 2020

**G.S.R. (E).....-** In exercise of the powers conferred by sub-section (3) of section 418 and section 469 read with section 466 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement:-** (1) These rules may be called the National Company Law Appellate Tribunal (Recruitment, Salary and other Terms and Conditions of Service of Staff Car Drivers) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions:-**(1) In these rules, unless the context otherwise requires, -

a) "Act" means the Companies Act, 2013 (18 of 2013);

b) "Appointing Authority" means the Central Government or the Authority to whom the powers are delegated by the Central Government for making appointments of officers and employees in the Appellate Tribunal by a notification;

c) " Appellate Tribunal" means the National Company Law Appellate Tribunal constituted under section 410;

d) "Chairperson" means the Chairperson of the Appellate Tribunal.

e) "Schedule" means the Schedules annexed to these rules.

(2) All the words and expressions used and not defined in these rules, but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**3. Application.-** These rules shall apply to the posts specified in column (1) of Schedule-I annexed to these rules.

**4. Initial Constitution.-** The incumbent of the post shown in the column 1 of the said Schedule-I, who is holding such post on regular basis by becoming employee/ officer of the Appellate Tribunal on and from dissolution of Company Law Board /Competition Appellate Tribunal shall deemed to have been duly appointed under the Provisions of these rules and service rendered by him/her in said post before the said commencement shall be taken into account for the purpose of rights and privileges as to pension, gratuity and other like benefits.

**5. Number of post, classification and level in pay matrix .-** The number of post of officers and employees, their classification and level in pay matrix attached thereto shall be as specified in columns (2) to (4) of Schedule-I.

**6. Method of recruitment, age-limit, qualifications, etc.-** The method of recruitment, age limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of Schedule-I.

**7. Appointment.-** Appointment of Officers and other employees of Appellate Tribunal shall be made by Appointing Authority, provided that the appointments to the posts in Level 11 or above in Pay Matrix of Seventh Central Pay Commission shall be made with the approval of Central Government.

**8. Procedure for appointment by direct recruitment.-** Appellate Tribunal shall invite applications by advertisement on all India basis, for the posts of officers and employees in the Appellate Tribunal and shall process for making appointments by the Appointing Authority, through a recognized professional agency having adequate experience in making recruitment in Central Government, Public Sector Undertakings, Tribunals and the like as decided by the Appellate Tribunal.

**9. Procedure for appointment on deputation basis.-** The Appellate Tribunal shall invite applications for the posts through wide advertisement including publishing invariably in Employment News. Selection shall be made on the basis of recommendation of the Selection Committee prescribed in Schedule-I for the respective posts.

**10. Absorption of employees on appointment on deputation.- (1)** Notwithstanding anything contained in the provisions of these rules, the persons appointed on deputation basis, who fulfill the qualifications and experience laid down in these rules and who are considered suitable by Departmental Promotion Committee, shall be eligible for absorption, in respective grade subject to the condition that such persons exercise their option for the absorption.

(2) Such absorption shall also be subject to the condition that their parent departments or cadre controlling authorities do not have any objection to their being absorbed in the Appellate Tribunal.

(3) Seniority of officer or employees mentioned in sub rule (1) shall be determined with reference to the date of their absorption to the post concerned.

**11. Conditions of service.- (1)** The conditions of service of the officers and employees of the Appellate Tribunal in matters of pay, allowances, leave and other conditions of service shall be regulated in accordance with such rules and regulations as are for the time being

applicable to officers and employees of the corresponding scale of pay of the Central Government.

(2) In matters relating to Provident Fund Scheme, Group Insurance or any other Insurance Scheme, age of superannuation, pension and retirement benefits, the officers and employees of the Tribunal working on deputation basis shall continue to be governed by the relevant rules as applicable to them in their parent Ministry or department or organisation.

(3) The Appellate Tribunal shall recover contributions toward such schemes from their salary and remit the amount immediately to the lending Ministry or department or organisation and any loss of interest on account of late remittance shall be borne by the Appellate Tribunal.

(4) The officers and employees of the Tribunal shall have the option to avail medical facilities as per their entitlement in the parent organisation or as specified in Schedule-II annexed to these rules.

**12. Accommodation.-** The officers and employees of the Appellate Tribunal shall have the option of claiming House Rent Allowance in accordance with the rate prescribed by the Central Government as applicable to officers and employees of the corresponding scales of pay of the Central Government.

Provided that they shall not be eligible for House Rent Allowance in case they are declared eligible for general pool residential accommodation and occupies such a Government accommodation allotted to them.

**13. Disciplinary Proceedings.-** The officers and employees of the Appellate Tribunal shall be subject to disciplinary proceedings as per rules and regulations applicable to officers and employees of the corresponding level in pay matrix of the Central Government.

**14. Disqualification.-** No person,-

- (i) who has entered into or contracted a marriage with a person, having a spouse living; or
- (ii) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to any post in the Appellate Tribunal:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**15. Other conditions of service.-** Other conditions of service of the officers and other employees of the Appellate Tribunal, for which no specific provision or insufficient provision has been provided in these rules, shall be regulated in accordance with such rules and orders, as are, from time to time, applicable to officers and employees of the corresponding level in pay matrix of pay of the Central Government stationed at those places.

**16. Power to relax.-** Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, in consultation with the Chairperson of the Appellate Tribunal by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**17. Saving.-** Nothing in these rules shall affect reservation, relaxation of age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, economically weaker section, ex-servicemen and other special categories of persons in accordance with the rules and orders issued by the Central Government from time to time in this regard.

**Schedule-I**  
[see Rules 4, 5, and 6]

Name of post.	Number of post.	Classification.	Level in Pay Matrix.	Whether selection post or non-selection post.	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Staff Car Driver.	5* (2020)  * subject to variation dependant upon workload.	Not applicable.	Level-2 (Rs. 19900 - 63200).	Not applicable.	Between 18 and 27 years of age.  Note 1: Relaxable for Government Servant upto five years in accordance with the instructions or orders issued by the Central Government.  Note 2: The crucial date for determining the age limit shall be closing date for receipt of applications except for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Sikkim, Union Territory of Ladakh, Lahual & Spiti Division and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman & Nicobar Island and Lakshadweep.	Essential: 1. A pass in the 10 <sup>th</sup> standard. 2. Possessing a valid driving licence for motor cars. 3. Knowledge of motor mechanism and be capable of removing minor defects in motor vehicle. 4. Experience of driving of a motor car for at least three years.  Desirable:  3 years' service as Home Guard or Civil Volunteer.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment whether by direct recruitment or by promotion or by deputation/ absorption and percentage of vacancies to be filled by various methods.	In case of recruitment by promotion or by deputation or absorption, grade from which promotion or deputation or absorption to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(8)	(9)	(10)	(11)	(12)	(13)
Not applicable.	Two years for Direct Recruitment.	Deputation/ absorption failing which by Direct Recruitment on the basis of objective type test and skill test in driving motor car.	Deputation/ Absorption: From amongst the regular Despatch Rider/ Multi-Tasking Staff in level-1 in pay matrix of Seventh Central Pay Commission employees of the Central or State Governments or Union Territories or Courts or Tribunals who fulfil the qualification and experience mentioned in column no. 7.	Department Committee (for considering confirmation and selection for deputation) consisting of: 1. Registrar of the Appellate Tribunal - Chairperson; 2. Nominee of the Secretary, Ministry of Corporate Affairs (not below the rank of Under Secretary)- Member; 3. Deputy Registrar of the Appellate Tribunal (to be nominated by the Chairperson) - Member.	Not applicable.

## **Schedule-II**

[See rule 11 (4)]

### **MEDICAL FACILITIES**

1. Outdoor Medical expenses- (1) Officers and employees shall be eligible to get medical reimbursement for self and declared members of family.

Explanation.- For the purpose of this clause, the expression "family" has the same meaning as assigned to it in the Central Services (Medical Attendance) Rules, 1944.

(2) The reimbursement of outdoor medical expenses during the year shall be limited to the actual expenses or one month's pay on the 1<sup>st</sup> January of the year (Basic pay + Dearness Allowance) whichever is less.

(3) The claim should be supported by doctor's prescription and the original cash memos or bills for treatment by the doctor and purchase of medicines and the release of increment or promotion during the year shall not affect the reimbursement limit as on the 1<sup>st</sup> January.

(4) For the officers and employees joining during the year, the annual entitlement shall be restricted on pro-rata basis.

(5) The outdoor treatment shall be taken from the authorised medical attendants from the panel to be maintained by the Appellate Tribunal.

2. Indoor treatment.-

(1) For the purpose of indoor treatment, the officers and employees of the Appellate Tribunal shall be entitled for medical treatment at hospitals authorised by the Appellate Tribunal in this behalf, and for this purpose, the cost of treatment including hospital accommodation, nursing home facility shall be as per the provisions of the Central Services (Medical Attendance) Rules, 1944 as applicable to the Central Government employees drawing equivalent pay.

(2) The authorised hospitals for the purpose of clause (1) above shall be the same as are available to the Central Government employees regulated by Central Services (Medical Attendance) Rules, 1944.

(3) Treatment at authorised hospitals may be taken on the advice of the authorised medical attendants only in emergency.