

**2017**  
**IN THE HIGH COURT AT CALCUTTA**  
**APPELLATE SIDE**

**No. 1456 - A**

**Dated, Calcutta, the 30<sup>th</sup> March, 2017**

**From : Subhasis Dasgupta,  
Registrar (Judicial Service),  
High Court, Appellate Side,  
Calcutta.**

**To :**

- 1) **The District Judge of all Districts  
including Andaman & Nicobar Islands**
- 2) **The Chief Judge, City Civil Court, Calcutta**
- 3) **The Chief Judge, City Sessions Court, Calcutta**
- 4) **The Chief Judge, Presidency Small Causes Court, Calcutta**
- 5) **The Secretary, Judicial Department, Govt. of West Bengal**
- 6) **Director, West Bengal Judicial Academy**

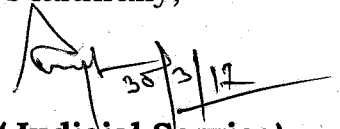
**Sub. : Filling up of the post of Presiding Officer in CGIT-cum-Labour  
Court, Dhanbad-I, under Ministry of Labour & Employment,  
Government of India.**

*Sir,*

With reference to the subject captioned above, I am directed to inform that a Vacancy circular bearing No.A-11016/1/2017-CLS-II dated 08.03.2017 as received from the Ministry of Labour & Employment, Government of India, inviting application for the post of Presiding Officer at Central Government Industrial Tribunal (CGIT)-cum-Labour Court, Dhanbad-I, alongwith its enclosures, has been **uploaded** in the website of the Hon'ble Court at Calcutta ([www.calcuttahighcourt.nic.in](http://www.calcuttahighcourt.nic.in)) for information of the officers of West Bengal Judicial Service, fulfilling the eligibility criteria as mentioned in the said circular.

As such, I am to request you to inform the eligible and willing judicial officers to visit the said website and download the content and forward the filled in application (in prescribed proforma) and a 'Certificate of authentication' so as to reach the Office of the undersigned on or before **21.04.2017** for consideration of the Hon'ble Court and onward transmission of the application to the appropriate authority.

Yours faithfully,

  
30/3/17

**Registrar (Judicial Service)**

No. A-11016/1/2017-CLS-II  
Government of India  
Ministry of Labour & Employment  
\*\*\*\*\*

Shram Shakti Bhawan, Rafi Marg,  
New Delhi – 110001.  
Dated 08.03.2017

To,  
The Registrar General,  
All High Courts.

**Sub: Filling up the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I.**

Sir,

I am directed to say that the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court (CGIT-cum-LC) at Dhanbad-I is to be filled up shortly in accordance with the provisions contained in Sections 7 & 7A of the Industrial Disputes Act, 1947 (relevant extract of the Act placed at **Annexure-I**). According to these provisions, the post can be held by a judicial officer who is, or has been, a Judge of a High Court or who has rendered not less than three years' service as an Additional District Judge or a District Judge. A serving Judge can be appointed on transfer on deputation basis for a fixed term. A retired Judge can be appointed on re-employment basis. The terms and conditions of appointment of a Judge to the post of Presiding Officer will be as per **Annexure-II** [The Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal (Salaries, Allowances and other Terms and Conditions of Service) Rules, 2015].

2. The scales of pay attached to the post of Presiding Officer of CGIT-cum-LC are as follows:

(i) Distt. Judge (Entry Level) -	Rs.51,550-1230-58,930-1380-63,070/-
(ii) Distt. Judge (Selection Grade) -	Rs.57,700-1230-58,930-1380-67,210-1540-70,290/-
(iii) Distt. Judge (Super time Scale) -	Rs.70,290-1540-76,450/-

3. It is requested that a panel of names of judicial officers who are willing to be appointed as Presiding Officer of CGIT-cum-LC, Dhanbad-I and who fulfill the eligibility conditions may please be furnished so as to reach this Ministry within a period of two months from the date of issue of this letter for selection of a suitable officer. A set of three (03) proformas (**Annexure-III, IV & V**) is to be included with each application. A check-list (copy placed at **Annexure-III**) regarding the documents/copies enclosed may be sent with each application. The Bio-Data of each of the officers may be furnished in the proforma placed at **Annexure-IV** to be filled by the concerned officer and to be attested by the concerned Registrar General. The nomination of each of the officers may be forwarded along with an abstract of ACRs (if applicable to the officer) of the last five years, duly certified in the proforma placed at **Annexure-V**, along with verified copies of ACR dossiers and vigilance clearance (if applicable).

Continued on Page 2

A.R. KVJ  
14.03.17

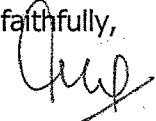
*[Handwritten Signature]*

4. It is requested that a panel of names of judicial officers who fulfill the requirements, as mentioned above and are willing to take up the assignment on terms and conditions mentioned in the enclosed rules (Annexure-II) may please be furnished to this Ministry along with the proformas (Annexure-III, IV & V) enclosed with each application.

5. It is requested that filling of details of each of the officers in each of the proformas and the last date of sending of applications may strictly be adhered to. It is informed that **only the nominations with complete proformas (Annexure-III, IV and V) and verified copies of ACR dossiers (if applicable) received on/before 07.05.2017 will be considered by the Ministry.** The matter may kindly be treated as urgent.

6. It is further requested that this Circular may be given wide publicity including the Notice Board of the Court so that there is sufficiently large number of candidates applying for the post.

Yours faithfully,



(S. K. Singh)

Under Secretary to the Government of India

Tel. No. 011-23766903

Copy to:

1. Ministry of Law and Justice, Department of Legal Affairs, Shastri Bhawan, New Delhi with the request that a panel of names of Judicial Officers (retired or serving) who are willing to be appointed to the post of the Presiding Officer of the CGIT-cum-LC, Dhanbad-I may kindly be forwarded to this Ministry.
2. All Deputy Chief Labour Commissioners (Central) with the request to take up the matter with the Registrars of the High Courts concerned for wide publicity of the circular.
3. The Director, NIC, Ministry of Labour & Employment, New Delhi with the request to upload the circular on the website of the Ministry.

Encl: Annexure-I, II, III, IV & V.



(S. K. Singh)

Under Secretary to the Government of India

(3) A person shall not be qualified for appointment as the presiding officer of a Labour Court, unless—

(a) he is, or has been, a Judge of a High Court; or

(b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

(c) he has held any judicial office in India for not less than seven years;

(d) he has been the presiding officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years;]

(f) he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the labour department including three years of experience as Conciliation Officer.

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or] he is an officer of Indian Legal Service in Grade III with three years' experience in the grade.]

#### STATE AMENDMENTS

Andaman and Nicobar Islands.—In section 7, in sub-section (3), in clause (a) [now re-lettered as clause (d)], for the words "seven years", substitute the words "three years".

[Vide Regulation 6 of 1964, sec. 2 (w.e.f. 29-4-1964).]

Goa.—In section 7, in sub-section (3), after clause (d), insert the following clauses, namely:—

(41) he has practised as an advocate or attorney for not less than seven years in a High Court or in two or more such Courts in succession, or any Court subordinate thereto, or any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force; or

(42) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Registrar of any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force for not less than five years; or

(43) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Commissioner of Labour under a State Government or a Union territory administration for not less than five years; or

[Vide Goa Act 5 of 1987, sec. 2 (w.e.f. 21-10-1987).]

Gujarat.—In section 7, in sub-section (3), insert the words "or a Joint Judge or an Assistant Judge",

(i) in clause (b), after the words "Additional District Judge",

(ii) in clause (d), for the words "seven years" substitute the words "five years",

(iii) in clause (e), for the words "five years" substitute the words "three years" and at the end of the clause, insert the word "or";

(iv) after clause (e), insert the following clause, namely:—

"(f) he has practised as an advocate or attorney for not less than seven years in a High Court or any Court subordinate thereto, or in any Industrial Court or Industrial Tribunal or Labour Court constituted under any law for the time being in force."

1. Ins. by Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964).

2. Clause (c) omitted by Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

3. Clauses (a) and (b) relettered as clauses (d) and (e) respectively by Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964).

4. Ins. by Act 24 of 2010, sec. 4 (w.e.f. 15-9-2010).

[Vide Gujarat Act 28 of 1977, sec. 2.]

Haryana.—In section 7, in sub-section (3),—

(i) for clause (b), substitute the following clause, namely:—

"(b) he is qualified for appointment as, is or has been, a District Judge or an Additional District Judge; or; and"

(ii) after clause (c), insert the following clause, namely:—

"(cc) he has been a Commissioner of a division or an Administrative Secretary to Government or an officer of the Labour Department not below the rank of a Joint Labour Commissioner for a period of not less than two years; or"

[Vide Haryana Act 39 of 1976, sec. 2 (w.e.f. 12-8-1976).]

Madhya Pradesh.—In section 7, after sub-section (1), insert the following sub-section, namely:—

"(1A) In addition to the functions specified in sub-section (1), the Labour Court shall try offences punishable under this Act and the Acts specified in Part B of the Second Schedule.

[Vide Madhya Pradesh Act 43 of 1981, sec. 3 (w.e.f. 26-1-1982).]

In section 7, sub-section (1A) as inserted by Madhya Pradesh Act 43 of 1981, sec. 3 (quoted above), has been omitted.

[Vide Madhya Pradesh Labour Laws (Amendment) and Miscellaneous Provisions Act, 2003 (28 of 2003).]

Maharashtra.—In section 7, in sub-section (3), after clause (d), insert the following clauses, namely:—

"(d1) he has practised as an advocate or attorney for not less than seven years in the High Court, or any court subordinate thereto, or any Industrial Court or Tribunal or Labour Court, constituted under any law for the time being in force; or

(d2) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower in rank than of Deputy Registrar of any such Industrial Court or Tribunal for not less than five years; or"

[Vide Maharashtra Act 36 of 1974, sec. 2.]

After clause (d2), insert the following clause, namely:—

"(d3) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower than that of Assistant Commissioner of Labour under the State Government for not less than five years; or"

[Vide Maharashtra Act 22 of 1976, sec. 2 (w.e.f. 27-5-1976).]

Punjab, Haryana, Chandigarh.—In section 7, in sub-section (3), insert the following clauses, namely:—

"(c) he is or has been a District Judge; or

(d) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, or of any Tribunal for a period not less than two years."

[Vide Punjab Act 8 of 1957, sec. 2 (w.e.f. 3-6-1957); Punjab Act 31 of 1966 (w.e.f. 1-11-1966).]

Ed. The above said amendments were made prior to the amendments made by the Central Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

Uttar Pradesh.—In section 7, after sub-section (3), insert the following sub-section, namely:—

"(3A) In relation to industrial dispute other than that referred to in sub-clause (1) of clause (a) or section 2 or in section 4 of the Industrial Disputes (Banking and Insurance Companies) Act, 1949, the provisions of sub-section (3) shall have effect as if—

(a) after clause (c) the following new clauses (d) and (e) had been added:—

"(d) is or has been a Magistrate of the first class for a period exceeding two years; or

(e) is a person possessing more than two years' practical experience of adjudicating or settling industrial disputes."

(b) in the proviso after the words "clause (b)" the words "or clause (d) or clause (e)" had been added."

[Vide Uttar Pradesh Act 25 of 1951, sec. 2 (w.r.e.f. 26-6-1951).]

Ed.—The above said amendments were made prior to the amendments made by the Central Act 36 of 1964, sec. 3 (w.e.f. 15-12-1964) and Act 46 of 1982, sec. 3 (w.e.f. 21-8-1984).

West Bengal.—In section 7, in sub-section (3), for clause (b) substitute the following clause, namely:—

"(b) he is, or has been, a District Judge or an Additional District Judge; or"

[Vide West Bengal Act 35 of 1989, sec. 3 (w.e.f. 22-1-1989).]

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**Annexure-IV**

**Proforma for Bio-data**  
(to be filled by the judicial officer concerned)

1.	Name (in full)	
2.	Date of Birth	
3.	Educational Qualification	
4.	Particulars of Service in brief with dates of each appointment held from the level of Additional District Judge or equivalent post <i>(In Chronological Order)</i>  (Note: Experience with regard to Labour matters may be specifically mentioned)	
5.	Details in respect of last/current post held	Name of the last/current post
		Date of appointment to last/current post
		Date of retirement
		Scale of pay
		Last pay drawn
6.	Address for communication	
7.	Phone no.	(Office)
		(Residential)
		(Mobile)
8.	E-mail address	

Date:

Signature:

Place:

Name: