

**ADVERTISEMENT**

Subject :Filling up the posts of Presiding Officer in Debts Recovery Tribunals.

I am directed to say that a vacancy circular to prepare a panel of candidates for filling up anticipated and unforeseen vacancies of Presiding Officer (PO) in Debts Recovery Tribunals (DRTs), which may arise up to 31.07.2020, in accordance with the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and The Debts Recovery Tribunal (Procedure for Appointment as Presiding Officer of The Tribunals) Rules, 1998, applicable at that time, was issued vide this Department's circular No 7/2/2019-DRT dated 03.09.2019. The process for selection of candidates was underway but in the meantime, Department of Revenue has notified the Tribunal, Appellate Tribunal and Other Authorities (Qualification, Experience and Other Conditions of Service of Members) Rules, 2020 vide notification dated 12.02.2020. Hence, it has been decided to cancel the said vacancy circular/advertisement No.7/2/2019-DRT dated 03.09.2019 and to issue a fresh vacancy circular as per the new rules.

2. Accordingly, applications are now invited from eligible and willing candidates to fill up six existing vacancies of Presiding Officer in DRT at (i) Pune, (ii) Patna, (iii) Delhi-1, (iv) Chandigarh-1, (v) Chandigarh -2 and (vi) Ernakulam-2 and also to prepare a panel of candidates for filling up anticipated and unforeseen vacancies in any of the 39 Debts Recovery Tribunals (DRTs) in the country which may arise up to 31.03.2021 in terms of Tribunal, Appellate Tribunal and Other Authorities (Qualification, Experience and Other Conditions of Service of Members) Rules, 2020. The selected candidates are liable to be posted in any of the DRTs in the country based on availability of vacancy. The vacancies are subject to change without notice.

3. It may be noted that candidates who may have applied for the post of PO against the earlier vacancy circular No 7/2/2019-DRT dated 03.09.2019 have to submit a fresh application for the post of PO after taking into account their eligibility as per the new rules 2020 i.e. the Tribunal, Appellate Tribunal and Other Authorities (Qualification, Experience and Other Conditions of Service of Members) Rules, 2020.

4. The eligibility required for the PO in a DRT is as under:  
*A person shall not be qualified for appointment as Presiding Officer of the Debts Recovery Tribunal, unless he, is, or has been, a District Judge.*

5. The selected candidates shall be appointed on tenure basis for a term of four (04) years or till he attains the age of sixty-five years, whichever is earlier.

6. The terms and conditions of service applicable to the post of Presiding Officer of a DRT shall be regulated in accordance with the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 as amended from time to time. The Presiding Officer of the Debts Recovery Tribunal shall be paid a salary in the pay level of Rs.1,44,200–2,18,200 and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.


7. Eligible and willing candidates (who are in Service) may apply through proper channel, in the prescribed application proforma (copy enclosed) alongwith attested copies of Annual Confidential Reports for the last five years i.e. 2014-15 to 2018-19 [If ACR/APAR for a period more than 3 months is not recorded then ACRs/APARs prior to 2011-12 for the matching period should be forwarded alongwith No Report Certificate (NRC)], information on disposal of cases in last two years, vigilance clearance, integrity certificate so as to reach to Under Secretary (DRT), Department of Financial Services, Ministry of Finance, 1st Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110001 by **3<sup>rd</sup> August, 2020**.

8. Advance copies of applications or applications received without requisite documents or those received after the last date will be summarily rejected.

9. The advertisement and also the prescribed application are available on this Ministry's website–[finmin.nic.in](http://finmin.nic.in)  
(URL: <http://financialservices.gov.in/vacancy>).

10. The Department reserves the right to cancel the advertisement at any time without any notice.

Encl:As above

  
(Subhashchandra Amin)  
Under Secretary (DRT)  
Tel. No: 011-2374 8763

**PROFORMA**

**APPLICATION FOR SELECTION TO THE POST OF PRESIDING OFFICER  
DEBTS RECOVERY TRIBUNALS (DRTs)**

1. Name in Full (in Block Letters) :
2. Date of Birth :
3. Father's/ Husband's name :
4. Present Address:
  - (i) Office (Address with tel. No.) :
  - (ii) Residence (Address with Tel. No.:
  - (iii) Email:
5. Parent department's complete Address:  
(with Telephone No. and Fax No., email)
6. Educational qualifications :
7. (a) Date of entry into the service (if applicable):  
(b) Name of service:
8. (a) Present post held:  
(b) Date of appointment in present post on regular basis:  
(c) Present Pay-Scale and Basic pay:
9. Date of Retirement :
10. Whether any Disciplinary action/ charge sheet  
is pending/contemplated :
11. Date of return from previous Deputation, if any:
12. Whether you fulfill the qualification as mentioned  
vide para (4) of the advertisement/circular
- 13 No. of cases disposed of in past 2 years:
14. Details of experience in last ten years :
15. Any other Qualifications/ Experience  
not covered above :

|   |
|---|
| Recent passport<br>size photograph<br>duly signed by<br>the applicant |
|---|

16. Whether belongs to SC/ ST/ OBC/ :

17. Preference for place of posting: 1.....  
(In respect of existing vacancies 2.....  
3.....  
4.....  
5.....

18. Preference for place of posting 1.....  
for the panel in respect of 2.....  
unforeseen vacancies that may 3.....  
arise upto 31.03.2021

Certified that the information furnished above by me is correct.

Signature of Candidate:

Name:

Place: \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICE OF .....**  
**(Cadre Controlling Authority)**

Certified that the particulars given above are correct as per records available in the registry of the Supreme Court/ High Court/ records of Department/ Office of ..... (strike off whichever is not applicable).

It is also certified that Shri/Smt. .... is clear from vigilance angle and no disciplinary proceeding are pending or contemplated against the officer. The Annual Confidential Reports for last 5 years i.e. 2014-15 to 2018-19 [If ACR/APAR for a period more than 3 months is not recorded then ACRs/APARs prior to 2014-15 for the matching period, are enclosed.

It is hereby certified further that this Department shall have no objection to the relieving of the said officer, in case selected for the post of Presiding Officer, Debts Recovery Tribunal.

Place: \_\_\_\_\_  
Date: \_\_\_\_\_

**(Name & Signature of Officer  
with Official Stamp)**

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 31.07.2020**

**CORAM :**

**The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE**

**AND**

**The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P.No.6037 of 2020 & W.M.P.No.7086 of 2020**

**and**

**W.P.No.9883 of 2020 & WMP Nos.12019 & 12020 of 2020**

**W.P.No.6037 of 2020**

Revenue Bar Association

Rep. by its Secretary, Mr.K.A. Parthasarathi

.. Appellant

-vs-

1. Union of India

Ministry of Finance

(Department of Revenue)

No137, North Block,

New Delhi – 110 001

Represented by its Jt. Secretary

2. Union of India

Ministry of Law and Justice

4<sup>th</sup> Floor, A Wing,

Rajendra Prasad Road,

Shastri Bhavan,

New Delhi – 110 001

Represented by its Secretary

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Declaration to declare the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 framed by the first respondent vide Notification No.GSR 109(E) dated

12<sup>th</sup> February, 2020, as void defective and unconstitutional being violative of Articles 14, 21 and 50 of the Constitution of India and the Doctrine of Separation of Powers and Independence of Judiciary, which are part of the basic structure of the Constitution of India and further contrary to the principles laid down by the Hon'ble Supreme Court of India in *Union of India v R. Gandhi (2010) 11 SCC 1* and *Rojer Mathew v South Indian Bank Ltd. Civil Appeal No.8588 of 2019, dated November 13, 2019.*

For Petitioner : Mr.Rahul Unnikrishnan  
For 1<sup>st</sup> Respondent : Mr.A.P. Srinivas  
SPCGSC  
For 2<sup>nd</sup> Respondent : Mr.D. Venkataswamy Babu

**W.P.No.9883 of 2020**

Recovery Tribunal Advocates  
Association Rep. by its Secretary  
C. Ramaiah S/o. Chellaiah Deva Towers  
6th Floor 770/A Anna Salai Chennai 600 002

... Petitioner

Vs

- 1 Union of India represented  
By its Secretary Department of Revenue No.  
137 North Block New Delhi 110 001
- 2 Union of India represented  
By its Secretary Ministry of Law and justice  
4th Floor Prasad Road Shastri Bhavan  
New Delhi 110 001

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Declaration declaring the Tribunal Appellate Tribunal and other Authorities (Qualification Experience and other Conditions of Service of Members) Rules 2020 vide first respondents impugned Notification No. GST 109 (E) dated 12.02.2020 and that of Notification F.No. 7/3/2020-DRT dated 23.06.2020 as null and void defective and unconstitutional being violative of Articles 14, 21, 50 of the Constitution of India and the Doctrine of Separation of Powers and Independence of Judiciary which are part of Basic Structure of the Constitution of India and further contrary to the principles laid down by the Honble Supreme Court in Union of India Vs. R. Gandhi and Roger Mathew vs. South Indian Bank Ltd in Civil Appeal No. 8588 of 2019 dated 13.11.2019.

For Petitioner : Mr.L. Chandrakumar

For Respondents : Mr.R. Sankaranarayanan  
Addl.Solicitor General  
assisted by  
Mr.Ramachandrmoothy

### **ORDER**

(Made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioners and the learned Additional Solicitor General of India, who submits that his instructions are still awaited and he further prays for time to file counter affidavit.

2. We find that we had granted four weeks time on 08.07.2020 for seeking instructions, keeping in view the ratio of the judgment in the case of ***Roger Mathew vs. South Indian Bank Limited and***



**others, 2019 SCC OnLine SC 1456**, which in turn relied on the judgment of the Apex Court in the case of **Madras Bar Association vs. Union of India, (2004) 10 SCC Page 1.**

3. It may also be pointed out that we had heard this matter along with W.P.No.9883 of 2020 (**Recovery Tribunal Advocates Association – Vs- Union of India and another**), where we had observed that an interim order may be necessary to enable the advocates to participate in the said selection process. The last date for submitting applications is till 03.08.2020 and has not been modified by the respondents.

4. In this Writ Petition, we had passed an interim order on 09.03.2020 that any selection which shall be made, shall be subject to the outcome of the writ petition. This order was passed in anticipation that the matter would be heard and disposed of. But, till date we find that no response has come forward from the respondents either by way of a counter affidavit or otherwise.

5. Keeping in view the fact that the last date for receipt of applications is 03.08.2020, we direct that the respondents shall also accept the applications that may be filed by Advocates, who claim to be eligible for such appointment and also show cause as to why such applicants be not considered eligible for the posts in question. Further, the participation of the Advocates so permitted will not create any right in their favour and selection, if any, and the final selections shall not be announced except with the leave of this Court or any other appropriate orders that may be passed in future.

6. Keeping in view the request made by the learned Additional Solicitor General of India, we again post the matter on 28.08.2020, within which time he may file his response to both the petitions.

**(A.P.S., CJ.)                      (S.K.R., J.)**  
**31.07.2020**

KST

Note : Issue order copy today (31.07.2020)

W.P.Nos.6037 and 9883 of 2020

**The Hon'ble Chief Justice**  
**and**  
**Senthilkumar Ramamoorthy, J.**

**(KST)**

**W.P.No.6037 of 2020**  
**& W.P.No.9883 of 2020**

**31.07.2020**