

Dated: 4th September, 2020

Office Memorandum

Subject: Inviting Online Applications for Empanelment of Retd. Officers as Inquiry Officers/Inspectors in the Ministry of Corporate Affairs-reg.

The undersigned is directed to state that online applications (available on portal <http://apptribmembermca.gov.in>) are invited for empanelment of retired Government officers and officers not below DGM ranks from Public Sectors Banks/NABARD/SEBI/RBI as Consultants in Ministry of Corporate Affairs, for carrying out Inquiry and Inspection as per provision of the Companies Act, 2013/1956.

The general guidelines and procedure for empanelment of willing retired officers are as under:-

I. SCOPE OF WORK/JOB RESPONSIBILITIES

The consultant would be appointed to undertake mainly following work:-

- (i) To assist RoC/RD/DGCoA offices in work related to inquiry and inspection.
- (ii) To prepare and process the report of inquiry and inspection.

II. ELIGIBILITY CRITERIA

The eligibility conditions for appointment would be as follows:-

- (i) The retired officers willing to serve should not be more than 65 years of age as on the 1st April of the year of his/her empanelment.
- (ii) He/She should be in sound health-both physically and mentally.
- (iii) He/She should not be an accused officer in any pending inquiry and should be impeccable integrity.

III. QUALIFICATION AND EXPERIENCE

The qualification and experience of the Consultants would be as follows:-

- (i) Retired Officers from ICLS services.
- (ii) Retired Officers from IA&A and IRS(IT) departments.
- (iii) Retired Officers from IPS services having experience in Economic Offence Investigation.
- (iv) Retired Officers from CBI/ED.
- (v) Retired Officers not below the rank of DGM from Public Sectors Banks/NABARD/SEBI/RBI.

IV. AGE LIMIT

Normally, the maximum age limit for all categories of Consultants will be 65 years. The candidate should have at least 1 year left for serving as consultant, on the cut off date. The cut-off date for calculation of age would be 1st April of the year of empanelment.

The minimum age will be 55 years as on the cutt-off date.

Engagement beyond 65 years, may be permitted only in deserving circumstances, with the approval of Secretary, Corporate Affairs, keeping in view his good health, level of expertise etc.

V. PERIOD OF ENGAGEMENT

(i) The initial engagement for a person as Consultant would be for a period of (six) months, and it would not exceed one year at a time. The review of contract of the consultant(s) will be done on year-to-year basis.

(ii) The initial term of appointment if any, shall be decided on case-to-case basis depending upon the specific job in the time frame for completion, as provided in GFR rule-163.

(iii) The appointment of Consultants would be on full-time basis and they would not be permitted to take up any other assignment during the period of consultancy with the Ministry of Corporate Affairs.

(iv) The appointment of Consultants is of a temporary (non-official) nature against the specific jobs. The appointment can be cancelled at any time by the Ministry without assigning any reasons.

VI. ENTITLEMENT OF CONSULTANTS

(a) Honorarium and Other Allowances:-

Particulars/Details	Rate per case(in Rupees)			
	Deputy director/Assistant Director		Joint Director and above	
Items				
Honorarium	Inspection Rs. 60,000/-	Inquiry Rs. 30,000/-	Inspection Rs. 75,000/-	Inquiry Rs. 40,000/-
Transport Allowance	Rs. 10,000/-		Rs. 10,000/-	
Secretarial Assistance	Rs. 5,000/- per case if no Secretarial Assistance is provided by the Ministry/Regional Offices.			

Restriction: The total monthly consolidated Honorarium, allowances and the pension drawn by the consultant shall not be more than the Last pay drawn by him calculated at the current rates of Dearness Allowance.

Acceptance of Report for release of Payment: 80% remuneration to the Consultant will be made on acceptance of report by concerned RD and rest 20% remuneration will be made on acceptance of report by DGCoA/Ministry. If any supplementary inspection is ordered then it

will be included in that inspection only and no additional payment will be made to Consultant. In case, the report is not submitted within the prescribed period or extended period, the honorarium may be reduced upto 50% by the Competent Authority based on the facts and circumstances of each case.

Drawal of Pension: A retired Government official appointed as Consultant shall continue to draw pension and the dearness relief on pension during the period of his engagement as consultant. His/her engagement as Consultant shall not be considered as a case of re-employment.

Leave: Consultant shall be eligible for 8 days leave in a calendar year on pro-rata basis. A consultant shall not draw any remuneration in case of his/her absence beyond 8 days in a year (calculated on a pro-rata basis). Also, un-availed leave in a calendar year cannot be carried forward to next year. The Ministry would be free to terminate the services in case of absence of a Consultant by more than 15 days, beyond the entitled leave of a calendar year,

VII. WORKING HOUR

Consultants may follow the normal working hours as prescribed (i.e. from 9:30 AM to 6 PM). However, as per the exigency, one has to sit late to complete the time bound work.

VIII. TAX DEDUCTION AT SOURCE:-

The income Tax or any other tax liable to deducted, as per the prevailing rules will be deducted at source before the effective payment, for which the Ministry will issue TDS certificate. Service Tax, as applicable shall be payable extra, at the prevalent rates.

IX. PERFORMANCE MEASUREMENT:

The Consultant have to complete the assigned inquiry within 45-60 days, inspection within 60-90 days.

Extension of time along with detailed justification can be granted only by the Secretary of Ministry of Corporate Affairs.

X. OTHER TERMS AND CONDITIONS

The empanelment as inquiry officers/inspectors shall be governed as per the following terms and conditions:

- (i) That, he/she shall require to give an undertaking that he is not a witness or a complainant or have a close relative or a known friend in the matter to be inquired into;
- (ii) That, he/she shall not have Financial or other interest which may be prejudicial to his/her functioning as the inquiry or inspecting Officer;
- (iii) That, he/she shall maintain strict secrecy in relation to the information/ documents he/she receives or information/data collected during the engagement,

and utilize the same only for the purpose of the inquiry/inspection of the cases entrusted;

- (iv) That, no such information/documents or data shall be divulged to anyone during the inquiry/inspection or after presentation of the inquiry/inspection report.
- (v) That, all the records, reports etc available with him/her shall be duly returned to the Authority which appointed him/her as such, at the time of presentation of the Report;
- (vi) That, he/she shall submit the inquiry report and inspection report within the prescribed time frame from the date of his appointment;
- (vii) That, in case it is not possible to proceed with the matter due to say by the order of the Court etc., the Inquiry Officer/Inspector may be discharged from his/her duties and payment of honorarium and other allowances will be made on pro rate basis;
- (viii) That, Inquiry Officer/Inspector shall conduct the inquiry/inspection proceedings in the official premises provided by the Ministry or its Regional Office, which engages him;
- (ix) That, Inquiry Officer/Inspector shall undertake travel for conducting inquiry (in unavoidable circumstances with the approval of the officer-in-charge {Regional Director/Registrar of Companies} of the Office where the Inquiry Officer/Inspector has been assigned the case;
- (x) That, Inquiry Officer/Inspector will declare that he/she has no conflict of interest or any pecuniary or other relationship with the company/companies in question;

XI. RIGHTS OF THE MINISTRY

The Ministry has the right to cancel advertisement, and not to proceed in the matter for engagement of consultant at any stage, or reject any or all applications, without giving any explanation, whatsoever.

XII. TERMINATION OF AGREEMENT

The Ministry may terminate a contract to which these Terms apply if:

- (i) The consultant is unable to address the assigned works.
- (ii) Quality of the assigned works is not to the satisfaction of the Ministry
- (iii) The Consultant fails in timely achievement of the milestones as finally decided by the Ministry.
- (iv) The Consultant is found lacking in honesty and integrity.

The Ministry reserves the right to terminate the contract, by giving **15 days' notice** to the consultant. Termination will be done through service of the written notice to this effect on the consultant, and it will take effect from 15 days of delivery of such notice. The termination will be without prejudice to either party's right accrued before termination.

2. Interested persons are advised to visit the portal <http://aptrbmembermca.gov.in> in order to submit online applications. The detailed instructions for filling up the application form online is available on the portal. Last date of submission of application is 25.09.2020.

3. Print out of application after final submission on online portal, duly completed, should reach Shri Manish Kumar Sahay, Under Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi latest by 05.10.2020.

4. It is requested that a hyperlink may be provided with a heading to "Employment Opportunity in the Ministry of Corporate Affairs on contractual basis" on the website with aforesaid details so that interest candidate can submit the application.


(Manish Kumar Sahay)

Under Secretary to the Government of India

To,

1. Secretary, Department of Personnel and Training, North Block, New Delhi
2. Secretary, Ministry of Home Affairs, North Block, New Delhi
3. Secretary, Department of Revenue, North Block, New Delhi
4. Secretary, Department of Financial Service, Jeevan Deep Building, New Delhi
5. Comptroller and Auditor General of India, I.P. Estate, New Delhi.
6. NABARD
7. SEBI
8. Central Board of Direct Taxes.
9. All Nationalized Banks
10. RBI

Copy to:-

1. Retired Officers Associations
2. Bank Officers Association
3. DGCOA
4. Indian Banks Association
5. E-Governance Cell- with the request to upload the circular on the website of the Ministry.
6. NIC, MCA