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The Industrial Relations Code, 2020

Section 44 - Industrial Tribunal

(1) The appropriate Government may, by notification, constitute one ormore Industrial Tribunals for the adjudication of industrial disputes and for performing such otherfunctions as may be assigned to them under this Code and the Tribunal so constituted by the CentralGovernment shall also exercise the jurisdiction, powers and authority conferred on the Tribunal, asdefined in clause (m) of section 2 of the Employees' Provident Funds and Miscellaneous ProvisionsAct, 1952 (19 of 1952) by or under that Act.
(2) Every Industrial Tribunal shall consist of two members to be appointed by the appropriateGovernment out of whom one shall be a Judicial Member and the other, an Administrative Member.
(3) A bench of the Tribunal shall consist of a Judicial Member and an Administrative Member orsingle Judicial Member or single Administrative Member.
(4) The qualifications for appointment, method of recruitment, term of office, salaries andallowances, resignation, removal and the other terms of conditions of service of the Judicial Memberand the Administrative Member of the Tribunal constituted by the Central Government shall be inaccordance with the rules made under section 184 of the Finance Act, 2017 (7 of 2017):
Provided that a person who has held a post below the rank of Joint Secretary to the Government ofIndia or an equivalent rank in the Central Government or a State Government, shall not be eligible tobe appointed as an Administrative Member of the Tribunal.
(5) The term of office of the Judicial Member and the Administrative Member of a Tribunalconstituted by the State Government under sub-section (*1*), their salaries and allowances, resignation,removal and other terms and conditions of service shall be such as may be prescribed by the StateGovernment.
(6) The salary and allowances and the terms and conditions of service of the Judicial Member orAdministrative Member referred to in sub-section (*2*) and appointed by a State Government shall notbe varied to his disadvantage after his appointment.
(7) The procedure of the Tribunal (including distribution of cases in the benches of the Tribunal)shall be such as may be prescribed, provided a bench consisting of a Judicial Member and anAdministrative Member shall entertain and decide the cases only relating to---
(a) the application and interpretation of standing order;
(b) discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmendismissed;
(c) illegality or otherwise of a strike or lockout;
(d) retrenchment of workmen and closure of establishment; and
(e) Trade Union disputes,
and the remaining cases shall be entertained and decided by the bench of the Tribunal consisting eithera Judicial Member or an Administrative Member of the Tribunal.
(8) The Judicial Member shall preside over the Tribunal where the bench of the Tribunal consists ofone Judicial Member and one Administrative Member.
(9) If, for any reason, a vacancy (other than a temporary absence) occurs in a National IndustrialTribunal or a Tribunal, then, such vacancy shall be filled up in such manner as may be prescribed,without prejudice to the provisions of sub-section (*4*) or sub-section (*5*), as the case may be, and theproceeding shall be continued before such National Industrial Tribunal or Tribunal, as the case may be,from the stage at which the vacancy is filled.
(10) The appropriate Government may provide such number of officers and other staff as it thinksfit in consultation with the Judicial Member of the Tribunal which may be required for the due dischargeof the functioning of the Tribunal.

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