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NOTIFICATION

No. LJD. 15/85/88, the 25th November, 1985. The Administrative Tribunals Act, 1985 (Act No. 13 of 1985) and the Rules made thereunder and the Government of India's notifications and issued by the Government of India in respect of the Act are hereby republished for general information.

H.C. Thanhranga,
Deputy Secretary to the Govt. of Mizoram,
Law and Judicial Deptt.

MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)

New Delhi, 27th February, 1985/Phalguna 8, 1906 (Saka). The following Act, of Parliament received the assent of the President on the 27th February, 1985 and is hereby published for general information :-

THE ADMINISTRATIVE TRIBUNALS ACT, 1985
NO. 13 of 1985,

(27th Feb., 1985)

An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority within the territory of India or under the control of the Government of India or of any corporation controlled by the Government and for matters concerned therewith or incidental owned or thereto.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Administrative Tribunals Act, 1985.

Short title,
extent and
commence-
ment.

(2) It extends, :-

(a) in so far as it relates to the Central Administrative Tribunal, to the whole of India,

(b) in so far as it relates to Administrative Tribunals for States, to the whole of India, except the State of Jammu and Kashmir.

(3) The provisions of this Act, in so far as they relate to the Central Administrative Tribunal, shall come into force on such date as the Central Government may, by notification, appoint.

(4) The provisions of this Act, in so far as they relate to an Administrative Tribunal for a State, shall come into force in a State on such date as the Central Government may, by notification, appoint.

Act not to
apply to
certain
persons

2. The provisions of this Act shall not apply to—
(a) any member of the naval, military or air forces or of any other armed forces of the Union.

(b) any person governed by the provisions of the Industrial Dispute Act, 1947, in regard to such matters in respect of which he is so governed; 14 of 1947.

(c) any Officer or servant of the Supreme Court or of any High Court;

(d) any person appointed to the secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union territory having a Legislature, of that Legislature.

Definitions.

3. In this Act, unless the context otherwise requires, —

(a) 'Administrative Tribunal', in relation to a State, means the Administrative Tribunal for the State or, as the case may be, the Joint Administrative Tribunal for that State and any other State or States;

(b) 'application' means an application made under section 19;

(c) 'appointed day,' in relation to a Tribunal, means the date with effect from which it is established, by notification, under section 4;

(d) 'appropriate Government' means, —

(i) in relation to the Central Administrative Tribunal or a Joint Administrative Tribunal, the Central Government;

(ii) in relation to a State Administrative Tribunal, the State Government;

(e) 'Bench' means a Bench of a Tribunal,

(f) 'Central Administrative Tribunal' means the Administrative Tribunal established under sub-section (I) of section 4;

(g) 'Chairman' means the Chairman of a Tribunal;

(h) 'Joint Administrative Tribunal' means an Administrative Tribunal for two or more States established under sub-section (3) of section 4;

(i) 'Member' means a Member of a Tribunal;

- (j) 'notification' means a notification published in the official Gazette;
- (k) 'post' means a post within or outside India;
- (l) 'prescribed' means prescribed by rules made under this Act;
- (m) 'President' means the President of India;
- (n) 'Principal Bench' means the principal Bench of a Tribunal;
- (o) 'rules' means rules made under this Act;
- (p) 'service' means service within or outside India;
- (q) 'service matters' in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation owned or controlled by the Government, as respects—
- (i) remuneration (including allowances), pension and other retirement benefits,
 - (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;
 - (iii) leave of any kind;
 - (iv) disciplinary matters; or
 - (v) any other matter whatsoever;
- (r) 'service rules as to redressal of grievances', in relation to any matter, means the rules, regulations, orders or other instruments or arrangements as in force, for the time being with respect to redressal, otherwise than under this Act, of any grievances in relation to such matters,
- (s) 'Supreme Court' means the Supreme Court of India;

(t) 'Tribunal' means the Central Administrative Tribunal or a State Administrative Tribunal or a Joint Administrative Tribunal;

(u) 'Vice Chairman' means the Vice Chairman of a Tribunal;

Explanation :-In the case of a Tribunal having two or more Vice-Chairman, reference to the Vice Chairman in this Act shall be construed as a reference to each of those Vice-Chairman.

CHAPTER II

ESTABLISHMENT OF TRIBUNALS AND BENCHES THEREOF

4. (1) The Central Government shall, by notification, establish an Administrative Tribunal, to be known as the Central Administrative Tribunal to exercise the jurisdiction powers and authority conferred on the Central Administrative Tribunal by or under this Act.

Establis-
ment of
administra-
tive Tribu-
nals.

(2) The Central Government may, on receipt of a request in this behalf from any State Government, establish, by notification, and Administrative Tribunal for the State to be known as the... .. (name of the State) Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunal for the State by or under this Act.

(3) Two or more State may, notwithstanding anything contained in sub-section (2) and notwithstanding that any or all of those States has or have Tribunal established under that sub-section, enter into an agreement is that the same Administrative Tribunal shall be the Administrative Tribunal for each of the States participating in the agreement, and if the agreement, is approved by the Central Government and published in the Gazette of India and the Official Gazette of each of those States, the Central Government may, by notification, establish a joint Administrative Tribunal to exercise the juris-

diction, powers and authority conferred on the Administrative Tribunals for those States by or under this Act.

(4) An agreement under sub-section (3) shall contain provisions as to the name of the Joint Administrative Tribunal, the manner in which the participating States may be associated in the selection of the Chairman, Vice-Chairman and other Member of the Joint Administrative Tribunal, the places at which the Bench or Benches or the Tribunal shall sit, the apportionment among the participating States of the expenditure in connection with the Joint Administrative Tribunal and may also contain such other supplement with this Act as may be deemed necessary or expedient for giving effect to the agreement.

**Composition
of Tribunals
and Benches
thereof**

(5) (1) Each Tribunal shall consist of a Chairman and such number of Vice-Chairmen and other members as the appropriate Government may deem fit and, subject to the other provisions of this Act the jurisdiction, powers and authority of the Tribunal may be exercised by Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall be presided over by the Chairman or a Vice-Chairman and shall consist of at least two other Members.

(3) The Bench for which the Chairman is appointed as the Presiding Officer shall be the Principal Bench and the other Benches shall be known as the additional Benches.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (3), the Chairman-

(a) may also act as the Chairman of any additional Bench ;

(b) may transfer the Vice-Chairman or other Member from one Bench to another Bench ;

(c) may authorise the Vice-Chairman or other Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, other Member of another Bench and ;

(d) may, for the purpose of securing that any case or cases which, having regard to the nature of the questions involved, requires or require, in his opinion or under the rules made by the Central Government in this behalf, to be decided by a Bench composed of more than three Members, issue such general or special orders, as he may deem fit.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (3) and subject to any rules that may be made in this behalf, when one of the persons constituting a Bench (whether such person be the Presiding Officer or other Member of the Bench) is unable to discharge his functions owing to absence, illness or any other cause or in the event of the occurrence of any vacancy either in the office of the Presiding Officer or in the office of one or the other Members of the Bench, the remaining two persons may function as the Bench and if the presiding officer of the Bench is not one of the remaining two persons, the senior among the remaining persons shall act as the Presiding Officer of the Bench.

(6) Notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as an additional Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Tribunal in respect of such classes of cases or such matters pertaining to such classes of cases as the Chairman may by general or special order specify :

Provided that if at any stage of the hearing of any such case or matter it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of three Members, the case or matter may be transferred by the Chairman or, as the case may be, referred to him for transfer to, such Bench as the Chairman may deem fit.

(7) Subject to the other provisions of this Act, the places at which the principal Bench and other Benches shall ordinarily sit shall be such as the appropriate Government may, by notification, specify.

6. (1) A person shall not be qualified for appointment as the Chairman unless he -

- (a) is, or has been, a Judge of a High Court ; or
- (b) has, for at least two years, held the office of the Vice-Chairman; or
- (c) has, for at least two years, held the post of a Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Secretary to the Government of India.

Qualifications for appoint Chairman, Vice-Chairman or other Members.

(2) A person shall not be qualified for appointment as the Vice-Chairman unless he-

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

(b) has, for at least two years, held the post of a Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Secretary to the Government of India; or

(c) has, for a period of not less than three years, held Office as a member.

(3) A person shall not be qualified for appointment as a Member unless he-

(a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) has, for at least two years, held the post of an Additional Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India; or

(c) has, for at least three years, held the post of a Joint Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of Joint Secretary to the Government of India.

(4) The Chairman, Vice Chairman and every other Member of the Central Administrative Tribunal shall be appointed by the President.

(5) The Chairman, Vice-Chairman and every other Member of an Administrative Tribunal for a State shall be appointed by the President after consultation with the Governor of the concerned State.

(6) The Chairman, Vice Chairman and every other Member of a Joint Administrative Tribunal shall, subject to the terms of the agreement between the participating State Government published under sub-section (3) of section 4, be appointed by the President after consultation with the Governors of the concerned States.

Explanation :- In computing, for the purposes of this section, the period during which a person has held any post under the Central or a state Government, there shall be included the period during which he has held any other post under the Central or a State Government (including an Office under this Act) carrying the same scale of pay as that of the first mentioned post or a higher scale of pay.

Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances

7. (1) In the event of the occurrence of any vacancy in the Office of the Chairman by reason of his death, resignation or otherwise, the Vice-Chairman or, as the case may be such one of the Vice-Chairmen as the appropriate Government may, by notification, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman appointed in accordance with the provisions of this Act to fill such vacancy enters upon his Office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Vice-Chairman or, as the case may be such one of the Vice-Chairmen as the appropriate Government may, by notification authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Term of Office.

8. The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his Office or until he attains —

(a) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of any other Members, the age of sixty-two years, whichever is earlier.

Resignation
and removal.

9. (1) The Chairman, Vice-Chairman or other Members may, by notice in writing under his hand addressed to the President, resign his Office :

Provided that the Chairman, Vice-Chairman or other Member shall, unless he is permitted by the President to relinquish his Office sooner, continue to hold office until the expiry of three month from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or the expiry of his term of Office, whichever he earliest.

(2) The Chairman, Vice-Chairman or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman, Vice-Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member referred to in subsection (2).

10. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chairman, Vice-Chairman and other Members shall be such as may be prescribed by the Central Government.

Provided that neither the salary and allowances or the other terms and conditions of service of the Chairman, Vice-Chairman or other Member shall be varied to his disadvantage after his appointment.

Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.

11. On ceasing to hold office, —

(a) the Chairman of the Central Administrative Tribunal shall be ineligible for further employment either under the Government of India or under the Government of a State;

Provision as to the holding of offices by Chairman on ceasing to be such Chairman, etc.

(b) the Chairman of a State Administrative Tribunal or a Joint Administrative Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman or any other Member of the Central Administrative Tribunal or as the Chairman of any other State Administrative Tribunal or Joint Administrative Tribunal, but not for any other employment either under the Government of India or under the Government of a State;

(c) the Vice-Chairman of the Central Administrative Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman of that Tribunal or as the Chairman or Vice-Chairman of any State Administrative Tribunal or Joint Administrative Tribunal, but not for any other employment either under the Government of India or under the Government of a State;

(d) the Vice-Chairman of a State Administrative Tribunal or a Joint Administrative Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman of that Tribunal or as the Chairman or Vice-Chairman of the Central Administrative Tribunal or of any other State Administrative Tribunal or Joint Administrative Tribunal, but not for any other employment either under the Government of India or under the Government of a State;

(e) a Member (other than the Chairman or Vice-Chairman) of any Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman of such Tribunal or as the Chairman, Vice-Chairman or other Member or any other Tribunal, but not for any other employment either under the Government of India or under the Government of a State;

(f) the Chairman, Vice-Chairman, or other Member shall not appear, act or plead before any Tribu-

nal of which he was the Chairman, Vice-Chairman or other Member.

Explanation.— For the purposes of this section, employment under the Government of India or under the Government of a State includes employment under any local or other authority within the territory of India or under the control of the Government of India or under any corporation owned or controlled by the Government.

Financial and administrative powers of the Chairman.

12. The Chairman shall exercise such financial and administrative powers over the principal Bench and each of the additional Benches as may be vested in him under the rules made by the appropriate Government;

Provided that the Chairman shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairman subject to the condition that the Vice-Chairman shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

Staff of the Tribunal.

13. (1) The appropriate Government shall determine the nature and categories of the officers, and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The salaries and allowances and conditions of service of the officers and other employees of a Tribunal shall be such as may be specified by rules made by the appropriate Government.

CHAPTER III

JURISDICTION, POWERS AND AUTHORITY OF TRIBUNALS

Jurisdiction, powers and authority of the Central Administrative Tribunal

14. (1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the Jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court under article 136 of the Constitution) in relation to ;—

(a) recruitment, and matters concerning recruitment, to any All India Service or to any Civil

Service of the Union or a Civil post under the Union or a post connected with defence or in the defence services, being in either case, a post filled by a civilian,

- (b) all service matters concerning-
 - (i) a member of any All India Service
 - (ii) a person [not being a member of an All India Service or a person referred to in clause
- (c) appointed to any civil service of the Union or any civil post under the Union; or
 - (iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government;

- (c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause, (b) being a person whose services have been placed by a State Government or any local or other authority or any corporation or other body, at the disposal of the Central Government for such appointment.

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of subsection (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations owned or controlled by Government, not being a local or other authority or corporation controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by

this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations.

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court under article 136 of the Constitution) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation ; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation and pertaining to the service of such person in connection with such affairs.

15. (1) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts except the Supreme Court under article 136 of the Constitution) in relation to —

Jurisdiction,
powers and
authority of
State Adminis-
trative Tribun-
als.

(a) recruitment, and matters concerning recruitment to any civil service of the State or to any civil post under the State;

(b) all service matters concerning a person [not being a person referred to in clause (c) of this sub-section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation owned or controlled by the State Government;

(c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b), being a person whose services have been placed by any such local or other authority or corporation or other body as is controlled or owned by the State Government, at the disposal of the State Government for such appointment.

(2) The State Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities and corporations controlled or owned by the State Government:

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations.

(3) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court under article 136 of the Constitution) in relation to —

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation ; and

(b) all service matters concerning a person [other than a person referred to in clause (b) of sub-section or a member, person or civilian referred to in clause (b) of sub section (I) of section (14)] appointed to any service or post in connection with the affairs of such local or other authority or corporation and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts, it is hereby declared that that the jurisdiction, power and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any mat-

ter in relation to which the jurisdiction, powers and authority of the Central Administrative Tribunals extends or is exercisable.

16. A Joint Administrative Tribunal for two or more States shall exercise all the jurisdiction, powers and authority exercisable by the Administrative Tribunals for such States.

Jurisdiction, powers and authority of a Joint Administrative Tribunal.

17. A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971, shall have effect subject to the modifications that -

Power to punish for contempt,

70 of 1971

(a) the references therein to a High Court shall be construed as including a reference to such Tribunal ;

(b) the references to the Advocate-General in section 15 of the said Act shall be construed,-

(i) in relation to the Central Administrative Tribunal, as a reference to the Attorney-General or the Solicitor-General or the Additional Solicitor-General and;

(ii) in relation to an Administrative Tribunal for a State or a Joint Administrative Tribunal for two or more States, as a reference to the Advocate-General of the State or any of the States for which such Tribunal has been established.

18. (1) Where any additional Bench or Benches of a Tribunal is or are constituted, the appropriate Government may, from time to time, by notification, make provisions as to the distribution of the business of the Tribunal amongst the principal Bench and the additional Bench or additional Benches and specify the matters which may be dealt with by each Bench.

Distribution of business amongst the Benches.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench of a Tribunal, the decision of the Chairman therein shall be final.

Explanation - For the removal of doubts, it is hereby declared that the expression "matters" includes applications under section 19.

CHAPTER IV PROCEDURE

19. (1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance. Applications to Tribunals.

Explanation :— For the purposes of this sub-section, "order" means an order made—

(a) by the Government or a local or other authority within the territory of India or under the control of the Government of India by any corporation owned or controlled by the Government; or

(b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation referred to in clause (a).

(2) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee (if any, not exceeding one hundred rupees) as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the Tribunal may, if satisfied after such inquiry as it may deem fit, that the requirements under this Act are complied with in relation to such application, admit such application; but where the Tribunal is not so satisfied, it may reject the application summarily.

(4) Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules, as to redressal of grievances in relation to the subject matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.

Applications
not to be
admitted
unless other
remedies
exhausted.

20. (1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1) a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.

Limitation

21. (1) A Tribunal shall not admit an application,—

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where —

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates ; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfied the Tribunal that he had sufficient cause for not making the application within such period.

22. (1) A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.

Procedure &
powers of
Tribunals.

(2) A Tribunal shall decide every application made to it as expeditiously as possible and ordinarily every application shall be decided on a perusal of documents and written representations and after hearing of oral arguments, of any, allowed by the Tribunal in the circumstances of the case.

(3) A Tribunal shall have, for the purposes of holding by inquiry, the same powers as are vested

in a civil Court under the Code of civil Procedure, 1908, while trying a suit, in respect of the following matters, namely;—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath.

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavits;

1 of
1872

(d) subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872. requisitioning any public record or document or copy of such record or document from any office;

(e) issuing commissions for the examination of witnesses or, documents ;

(f) reviewing its decisions ;

(g) dismissing a representation for default or deciding it *ex parte* ;

(h) setting aside any order of dismissal of any representation for default or any order passed by it *ex parte*; and

(i) any other matter which may be prescribed the Central Government.

Right of ap-
plicant to
take assistan-
ce of legal
practitioner
and of Go-
vernment, etc,
to appoint
Presenting
officers.

23. (1) A person making an application to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or a local or other authority or corporation, to which the provisions of sub-section (3) of section 14 or sub-section (3) of section 15 apply, may appoint one or more persons (Whether legal practitioners or not) to act as presenting officers and a person so appointed, or any legal practitioner duly authorised in this behalf, by it may present its case with respect to any application before a Tribunal.

Conditions as
to making of
interim orders.

24. Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order

(whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, an application unless—

(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and.

(b) opportunity is given to such party to be heard in the matters :

Provided that a Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing that it is necessary so to do for preventing any loss being caused to the applicant which cannot be adequately compensated in money but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

**Power of
Chairman to
transfer cases
from one
Bench to
another.**

25. On the application of any of the parties, and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may—

(a) transfer any case pending before the principal Bench, for disposal, to any additional Bench, or

(b) transfer any case pending before an additional Bench for disposal to any other additional Bench, or

(c) withdraw to the principal Bench any case pending before any additional Bench, for disposal by the principal Bench.

**Decision to
be by major-
ity.**

26. The decision of a Bench on any point shall, where there is a majority, be according to the opinion of the majority, and where there is no majority and the members are equally divided in their opinion, they shall draw up a statement of the case setting forth the point or points on which they differ, and make a reference to the Chairman and on receipt of such reference the Chairman may

arrange for the hearing of such point or points by one or more of the other members (including, if he did not preside over such Bench, himself) and such point or points shall be decided according to the opinion of the majority of the members who have heard the case including those who had first heard it.

27. Subject to the other provisions of this Act, and the rules, the order of a Tribunal finally disposing of an application shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section (2) of section 20 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed.

Execution of orders of a Tribunal.

CHAPTER V

MISCELLANEOUS

28. On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any Service or post or service matters concerning members of any Service or persons appointed to any Service or post, no court (except the Supreme Court under article 136 of the Constitution) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.

Exclusion of jurisdiction of courts except the Supreme Court under article 136 of the Constitution.

29 (1) Every suit or other proceeding before any court or other authority immediately before the date of establishment of a Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after such establishment, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal:

Transfer of pending cases.

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court or the Supreme Court.

(2) Every suit or other proceeding pending before a court or other authority immediately before the date with effect from which jurisdiction is conferred on a Tribunal in relation to any local or other authority or corporation, being a suit or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after the said date, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal:

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court or the Supreme Court.

Explanation :— For the purposes of this sub-section “date with effect from which jurisdiction is conferred on a Tribunal”, in relation to any local or other authority or corporation, means the date with effect from which the provisions of sub-section (3) of section 14 or, as the case may be, sub-section (3) of section 15 are applied to such local or other authority or corporation.

(3) Where immediately before the date of establishment of a Joint Administrative Tribunal any one or more of the States for which it is established, has or have a State Tribunal or State Tribunals, all cases pending before such State Tribunal or State Tribunals immediately before the said date together with the records thereof shall stand transferred on that date to such Joint Administrative Tribunal.

Explanation :— For the purposes of this sub-section, “State Tribunal” means a Tribunal established under sub-section (2) of section 4.

(4) Where any suit, appeal or other proceeding stands transferred from any Court or other authority to a Tribunal under sub-section (1) or sub-section (2),—

(a) the court or other authority shall, as soon as may be after such transfer, forward the records of such suit, appeal or other proceeding to the Tribunal ; and

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, appeal or other proceeding, so far as may be, in the same manner as in the case of an application under section 19 from the stage which was reached before such transfer or

from any earlier stage or de novo as the Tribunal may deem fit.

(5) Where any case stand transferred to a Joint Administrative Tribunal under sub-section (3), the Joint Administrative Tribunal may proceed to deal with such case from the stage which was reached before it stood so transferred.

Proceedings before a Tribunal to be judicial proceedings.

30. All proceedings before a Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal code.

45 of 1860.

Members and staff of Tribunal to be public servants.

31. The Chairman, Vice-Chairman and other Members and the officers and other employees provided under section 13 to a Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

32. No suit, prosecution or other legal proceeding shall lie against the Central or State Government or against the Chairman, Vice-Chairman or other Member of any Central or Joint or State Administrative Tribunal, or any other person authorised by such Chairman, Vice-Chairman or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made there under.

Act to have overriding effect.

33. The provisions of this Act shall have effect not with standing anything inconsistent there with contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published Official Gazette, make such provisions, not inconsistent with the provisions of this act as appear to it to be necessary or expedient for removing the difficulty.

Power to the Central Government to make rules.

(2) Every order made under this section shall as soon as may be after it is made, be laid before each House of Parliament.

35. (1) The Central Government may subject to the provisions of section 36, by notification, make rules to carry out of provisions of this Act.

(2) Without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following, namely:—

(a) the case or cases which shall be decided by a Bench composed of more than three Members under clause (d) of sub-section (4) of section 5;

(b) the procedure under sub-section (3) of section 9 for the investigation of misbehaviour or incapacity of Chairman, Vice-Chairman or other member;

(c) the salaries and allowances payable to, and the other terms and conditions of, the Chairman, Vice-Chairman and other Members ;

(d) the form in which an application may be made under section 19, the documents and other evidence by which such application shall be accompanied and the fees payable in respect of such application,

(e) the rules subject to which a Tribunal shall have power to regulate its own procedure under sub-section (1) of section 22, and the additional matters in respect of which a Tribunal may exercise the powers of a civil court under clause (i) of sub-section (3) of that section ; and

(f) any other matter which may be prescribed or in respect of which rules are required to be made by the Central Government.

36. The appropriate Government may, by notification, make rules to provide for all or any of the following matters, namely :—

(a) the financial and administrative powers which the Chairman of a Tribunal may exercise over the Principal Bench and the additional Benches of the Tribunal under sub-section 12 ;

(b) the salaries and allowances and conditions of service of the Officers and other employees of a Tribunal under sub-section (2) of Section 13 ; and

Power of the appropriate Government to make rules.

(c) any other matter not being a matter specified in section 35 in respect of which rules are required to be made by the appropriate Government.

Laying of rules.

37. (1) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall there after have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, after it is made, before the State Legislature.

R.V.S. Peri Sastri,
Secretary to the Govt. of India.

No.A-12018/3/85;A.T.

Government of India;
Ministry of Personnel & Training, Administrative
Reforms and Public Grievances and Pension
(Department of Personnel & Training)

New Delhi, the 26th July. 1985.

NOTIFICATION

G.S.R. In exercise of the powers conferred by clauses (d), (e) and (f) of Sub section (2) of section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules namely:-

1. SHORT TITLE AND COMMENCEMENT:

(1) These rules may be called the Central Administrative Tribunal (Procedure) Rules, 1985.

(2) They shall come into force on the 2nd September, 1985.

2. DEFINITIONS:

In these rules, unless the context otherwise requires:-

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "agent" means a person duly authorised by a party to present application or reply on its behalf before the Tribunal;

(c) "applicant" means a person making an application to the Tribunal under section 19;

(d) "Application" means an application made to the Tribunal under section 19;

(e) "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);

(f) "Presiding Officer" means the presiding Officer of a Bench;

(g) "Registrar" means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under clause (2) of rule 26;

(h) "Registry" means the Registry of the Tribunal;

(i) "Section" means a section of the Act;

(j) "transferred application" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of Section 29;

(k) "Tribunal" means the Central Administrative Tribunal established under section 4.

3. LANGUAGE OF THE TRIBUNAL:

(1) The language of the Tribunal shall be English;

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi if they so desire;

Provided further that a Bench may in its discretion, permit the use of Hindi in the proceedings; However, the final order shall be in English;

(2) Notwithstanding anything contained in sub-rule (1), the Tribunal may pass order in Hindi, as and when it deems fit;

Provided that any such order shall be accompanied by a translation in English of the same, duly attested by the Bench concerned.

4. PROCEDURE FOR FILING APPLICATIONS:

(1) An application to the Tribunal shall be presented in Form I annexure to these rules by the applicant in person or by an agent or by a duly authorised legal practitioner, to the Registrar or sent by registered post addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in six complete sets in a paper book form alongwith an empty file size envelope bearing full address of the respondent and where the number of respondents is more than one, sufficient number of extra paper books together with empty file size envelopes bearing full address of each respondent shall be furnished by the applicant.

5. PRESENTATION AND SCRUTINY OF APPLICATIONS :

(1) The registrar, or, as the case may be the Officer authorised by him under rule 4, shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.

(4) If the concerned applicant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar, may by order and for reasons to be recorded in writing, decline to register the application.

(5) An appeal against the order of the Registrar under Sub-rule (4) shall be made within 15 days of the making of such order to the Presiding Officer concerned in chamber whose decision thereon shall be final.

6. PLACE OF FILING APPLICATIONS :

The application shall be filed by the applicant either with the Registrar of the additional Bench within whose jurisdiction the applicant is posted for the time being or with the Registrar of the principal Bench.

7. APPLICATION FEE :

Every application filed with the Registrar shall be accompanied by a fee of rupees fifty and the fee may be remitted either in the form of a crossed Demand Draft drawn on a Nationalised Bank in favour of the Registrar and payable at the station where Registrar's Office is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar and payable in General post Office of the station where the Tribunal is located.

8. CONTENTS OF APPLICATION

(1) Every application filed under rule 4 shall set forth, concisely under distinct heads, the grounds shall be numbered consecutively and shall be typed in double space in one side of the paper.

(2) It shall not be necessary to present separate application to seek interim order or direction if in the original application the same is prayed for.

9 WHAT TO ACCOMPANY THE APPLICATION:

(1) Every application shall be accompanied by a paper book containing:

(i) the certified copy of an order against which the application has been filed;

(ii) all documents relied upon by the applicant and mentioned in the application;

(iii) details of the crossed Demand Draft or crossed Indian Postal order representing the application fee;

(iv) index of documents.

(2) The documents referred to in sub-rule (1) shall be neatly typed in double space on one side of the paper, duly attested by a Gazette officer and numbered accordingly;

(3) Where the parties to the suit of proceedings are being represented by an agent, documents authorising such agent shall also be appended to the application;

Provided that where the agent is a legal practitioner, such document of authorisation shall be in the form of a duly executed Vakalatnama.

10. PLURAL REMEDIES :

An applicant shall not seek relief or reliefs based on more than a single cause of action in one single application unless the reliefs prayed for are consequential to one another.

11. ENDORSING COPY OF APPLICATION TO THE RESPONDENT

A copy of the application and paper-book shall be served on each of the respondent as soon as they are filed, by the Registrar by registered post.

12. FILING OF REPLY AND OTHER DOCUMENTS BY THE RESPONDENT:

(1) The respondent may file six complete sets containing the reply to the application alongwith documents in a paper book form with the registry within one month of the service of the notice of the filing of the application on him.

(2) The respondent shall also endorse one copy of the reply alongwith documents as mentioned in sub-rule (1) to the applicant.

(3) The Tribunal may, in its discretion, on an application by the respondent allow the filing of reply referred to in sub-rule (1) after the expiry of the period referred to therein.

13. DATE AND PLACE OF HEARING TO BE NOTIFIED :

The Tribunal shall notify to the parties the date and the place of hearing of the application.

14. HEARING OF APPLICATIONS :

(1) On the date fixed, or any other date to which the hearing could be adjourned, the Tribunal shall decide the application on a perusal of documents and written representations and after hearing of oral arguments, if any, allowed by the Tribunal in the circumstances of the case.

(2) The Tribunal shall allow the applicant and the respondent to give oral arguments as referred to in sub-rule (1) of such time as it may deem fit.

(3) After holding an enquiry in terms of sub-section (3) of section 22 or on the conclusion of oral arguments as required under sub-rules (1) and (2) the Tribunal shall decide the application.

15. ACTION ON APPLICATION FOR APPLICANT'S DEFAULT:

(1) Where on the date fixed for hearing on the application or on any other date for which such hearing may be adjourned, the applicant does not appear when the application is asked on for hearing,

the Tribunal may, in its discretion either dismiss the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called on for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same.

16. HEARING ON APPLICATION EX-PARTE

Where on the date fixed for hearing on the application or on any other dates to which hearing is adjourned, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may, in its discretion, adjourn or hear and decide the application Ex-Parte.

17. ADJOURNMENT OF APPLICATION ;

The Tribunal may on such terms as it deems fit and at any stage of the proceedings adjourn hearing of the application.

18. ORDER TO BE SIGNED AND DATED:

Every order of the Tribunal shall be in writing and shall be signed and dated by the Members constituting the Bench concerned.

19. PUBLICATION OF ORDERS :-

Such of the orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and condition as the Tribunal may lay down.

20. COMMUNICATION OF ORDERS TO PARTIES:-

Every order passed on an application shall be communicated to the applicant and to the respondent either in person or by registered post free of cost.

21. NO FEE FOR INSPECTION OF RECORDS:-

No fee shall be charged for inspecting the records of a pending application by a party thereto.

22. ORDERS AND DIRECTIONS IN CERTAIN CASES:-

The Tribunal may make such order or give such directions as may be necessary or expedient to give effect or in relation to its orders to prevent abuse of its process or to secure the ends of justice.

23. REGISTRATION OF LEGAL PRACTITIONERS CLERKS:

(1) A clerk employed by a legal practitioner and permitted; as such to have access to the records of and obtain copies of the orders of the Tribunal in which the legal practitioner practices is known as a "registered clerk".

(2) A legal practitioner desirous of registering his clerk shall put in an application to the Registrar from Form 2 appended to these rules.

(3) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits.

(4) A register of all the registered clerk shall be maintained in office of the Registrar and after registration of the clerk, the Registrar shall direct the issue of identity card to each registered clerk which shall be non-transferable and shall be produced by the holder upon request by any officer or other employee of the Tribunal authorised in this behalf.

(5) The identity card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal.

(6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar by means of a letter enclosing therewith the identity card to his issued to his clerk by the registry and on receipt of such letter the name of the registered clerk shall be struck off from the register.

24. WORKING HOURS OF THE TRIBUNAL ;

Except on Saturdays, Sundays and other public holidays, the offices of the Tribunal shall, subject to any order made by the Chairman, remain open daily from 10.00 a.m. to 6.00 pm but no work, unless of an urgent nature shall be admitted after 4. 30 p.m. on any working days.

25. SITTING HOURS OF THE TRIBUNAL :—

The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30 a.m to 1.00 p.m and 2.00 p.m to 5.00 p.m subject to any order made by the Chairman.

26. POWERS AND FUNCTIONS OF THE REGISTRAR :—

(1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rule or by the Chairman by separate order.

(2) She Registrar may, with the approval of the Chairman, delegate to Joint Registrar or Deputy Registrar any function required by these rule to be exercised by Registrar.

(3) In the absence of registrar, the Joint Registrar or the Deputy Registrar, as the case may be, may exercise all the functions of the Registrar.

(4) The official seal shall be kept in the custody of the Registrar.

(5) Subject to any general or special direction by the Chairman, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Registrar or the Deputy Registrar.

(6) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar or the Deputy Registrar.

27. ADDITIONAL POWERS AND DUTIES OF REGISTRAR:-

In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairnfen namely:-

(i) to receive all applications and other documents including transferred applications.

(ii) to decide all questions arising out of the scrutiny of the applications before they are registered.

(iii) to required any application presented to the Tribunal to be amended in accordance with the rules :

(iv) subject to the directions of the respective Benches to fix date of hearing of the application or other proceedings and issue notices thereof:

(v) to direct any formal amendment of records.

(vi) to order grant of copies of documents to parties to proceedings:

(vii) to grant leave to inspect the records of Tribunal:

(viii) dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notices or for extending the time for ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisements in the newspapers:

(ix) to requisition records from the custody of any court or other authority:

(x) to receive application for the substitution of legal representatives of the deceased parties during the pendency of the application:

(xi) applications for substitution, except where the substitution would involve setting aside or abatement:

(xii) applications by parties for return of documents.

28. SEAL AND EMBLEM :

The Official seal and emblem of the Tribunal shall be such as the Central Government may specify.

29. DRESS FOR THE MEMBERS AND STAFF OF THE TRIBUNAL :

The dress for the Members of the Tribunal (including Chairman and Vice-Chairman) and members of the staff of the Tribunal shall be such as the Chairman may specify.

30. DRESS FOR THE PARTIES:

Every legal practitioner or, as the case may be presenting Officer shall appear before the Tribunal in his professional dress, if any, and of there is no such dress.

(i) if a male in a close collared black coat or in an open collared black coat white shirt and trossers and black tie:

(ii) if a female, in a black coat over a white saree or over any other white dress.

R. Mahadevan,
Under Secretary to the Govt. of India.

C.T. NO.

FORM I

(See rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

For use in Tribunals office

DATE OF FILING _____
OR
DATE OF RECEIPT BY POST _____
REGISTRATION NO. _____
SIGNATURE REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
*PRINCIPAL BENCH, NEW DELHI

ADDITIONAL BENCH _____

A BETWEEN B APPLICANT
AND D RESPONDENT

*Delete whichever is not applicable.

DETAILS OF APPLICANT

1. PARTICULARS OF THE APPLICANT

- (i) Name of the applicant
- (ii) Name of Father/Husband
- (iii) Designation and office in which employed
- (iv) Office address
- (v) Address for service of all notices.

2. PARTICULARS OF THE RESPONDENT

- (i) Name and/or designation of the respondent
- (ii) Office address of the respondent
- (iii) Address for service of all notices

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE

The application is against the following order :

- (i) Order No.
- (ii) Date
- (iii) Passed by
- (iv) Subject in brief.

4. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. LIMITATION

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE

The facts of the case are given below --

(Give here a concise statement of facts in a Chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise).

7. RELIEF (S) SOUGHT

In view of the facts mentioned in para 6 above, the applicant prays for the following relief (s) :- (Specify below the relief (s) sought explaining the ground for the relief (s) and the legal provisions (if any) relied upon).

8. INTERIM ORDER, IF PRAYED FOR

Pending final decision on the application, the applicant seeks issue of the following interim order:- (Give here the nature of the interim order prayed for with reasons).

9. DETAILS OF THE REMEDIES EXHAUSTED

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc. (Give here chronologically the details of representations made and the outcome of such representations).

10. MATTER NOT PENDING WITH ANY OTHER COURT, ETC.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

1. Name of the Bank on which drawn
2. Demand Draft No.
- OR
1. Number of Indian Postal Order (s)
2. Name of the issuing Post Office
3. Date of issue of postal Order (s)
4. Post Office at which payable.

12. DETAILS OF INDEX

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. LIST OF ENCLOSURES.

In verification :

I _____ (name of the applicant, S/o, D/o,

W/o _____ age _____ working as _____

resident of _____ do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place :

Date :

Signature of the applicant.

FORM 2
(See rule 26)

APPLICATION FOR THE REGISTRATION OF A CLERK

1. Name of legal practitioner on whose behalf the clerk is to be registered.
2. Particulars of the clerk to be registered.
 - (i) Full Name :
(in capital)
 - (ii) Father's name.
 - (iii) Age and date of birth
 - (iv) Place of birth
 - (v) Nationality
 - (vi) Educational qualifications
 - (vii) Particulars of previous employment, if any.

I, _____ (clerk above named) do hereby affirm that the particulars relating to me given above are true.

Signature of Clerk.

3. Whether the legal practitioner has a clerk already registered in his employ, and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.

Whether the Clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.

I. _____ (legal practitioner) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any facts which would render undesirable the registration of the said

_____ (name) as a Clerk.

Signature of legal/practitioner

TO BE PUBLISHED IN PART II SECTION 3 SUB-SECTION (i) OF GAZETTE OF INDIA) EXTRA ORDINARY)

No. A. 11019/31 (2)/85-AT
Government of India,
Ministry of Personnel & Training.
Administrative Reforms and Public Grievances
and Pension
(Department of Personnel & Training)

No. A. 11019/31 (2)/85-AT the 26th July, 1985. G.S.R, Whereas the Principal bench and the additional benches of the Central Administrative Tribunal have since been constituted.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 18 of the Administrative Tribunal Act, 1985 (13 of 1985), the Central Government hereby directs that the Principal bench and the additional benches specified in column (2) of the Table hereto annexed shall deal with all matters falling within the purview of the Central Administrative Tribunal within the territories specified against the Principal bench and each of the additional benches in column (3) of the said Table :

Provided that nothing contained in this notification shall debar the Principal bench to entertain applications under rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1985.

Table

Sl. No.	Bench situated at	Jurisdiction of the Bench
(1)	(2)	(3)
1.	Delhi (Principal Bench)	States of Jammu and Kashmir, Haryana, Himachal Pradesh, Punjab, Rajasthan and the Union Territories of Chandigarh and Delhi.

2. Allahabad (Additional Bench) States of Bihar and Uttar Pradesh.
3. Bangalore (Additional Bench) States of Andhra Pradesh and Karnataka.
4. Bombay (Additional Bench) States of Gujarat and Maharashtra (excluding areas falling within the jurisdiction of Nagpur Bench) and Union Territories Dadra and Nagar Haveli and Goa, Daman and Diu.
5. Calcutta (Additional Bench) State of Orissa, Sikkim and West Bengal and Union Territories of Andaman and Nicobar Islands.
6. Gauhati (Additional Bench) States of Assam, Manipur, Meghalaya, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram.
7. Madras (Additional Bench) State of Kerala and Tamil Nadu and Union Territories of Lakshadweep and Pondicherry.
8. Nagpur (Additional Bench) States of Madhya Pradesh and Judicial Districts of Akola, Amravati, Bhandara, Buldana, Chanda, Nagpur, Wardha, Yeotmal and Gadchiroli of the State of Maharashtra.

R. Mahadevan
Under Secretary to the Govt. of India.

No. A. 12018/1/85-AT
Government of India
Ministry of Personnel and Training,
Administrative Reforms & Public Grievances and Pension
(Department of Personnel & Training)

New Delhi, the 5th September 1985.

OFFICE MEMORANDUM

Subject :- Central Administrative Tribunal (Salaries and Allowances and condition of service of Chairman, Vice-Chairmen and Members) Rules 1985.

The undersigned is directed to forward herewith CORRECTED COPY of the central Administrative Tribunal (Salaries and Allowances, condition of service of Chairman, Vice-Chairmen and Members) Rule, 1985 and to request the copy of the said Rule circulated vide this Department's O.M. of even number dated the 10th August, 1985 may please be treated as withdrawn.

R. Mahadevan
Under Secretary to the Government of India.

NO. A. 12018/1/85-AT
 Government of India
 Ministry of Personnel and Training,
 Administrative Reforms & Public Grievances and Pension
 (Department of Personnel & Training)

New Delhi, the 10th August 1985.

NOTIFICATION

G.S.R. NO..... in exercise of the power conferred by clause (c) of sub-section (2) of section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the central Government hereby makes the following rules, namely :-

1. SHORT TITLE AND COMMENCEMENT

(1) These rules may be called the Central Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1985.

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

2. DEFINITIONS

In these rules, unless the context otherwise requires;

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985).

(b) "Tribunal" means central Administrative Tribunal.

3. PAY

(1) The Chairman shall receive a pay of rupees three thousand five hundred plus a special pay of rupees five hundred per mensem, a Vice-Chairman and a Member shall receive a pay of rupees three thousand five hundred per mensem and rupees three thousand per mensem, respectively;

Provided that in the case of an appointment as a Chairman, Vice-Chairman or a Member of a person who has retired as a judge of a High Court or who has retired from service under the central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension and/or gratuity employer's contribution to the Contributory provident fund or other forms of retirement benefits, the aforementioned pay shall be reduced by the gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him.

4. DEARNESS ALLOWANCE AND CITY COMPENSATORY ALLOWANCE:

The Chairman, a Vice-Chairman and a Member shall receive Dearness allowance and city compensatory allowance appropriate to their pay at the rates

admissible to Grade 'A' Officers of the central Government drawing a pay of rupees three thousand or above.

5. RETIREMENT FROM PARENT SERVICE ON APPOINTMENT AS MEMBER:

(1) The Chairman, a Vice-Chairman, a member who, on the date of his appointment to the Tribunal, was in service under the central Government or a state Government, shall seek retirement from such service before his appointment to the Tribunal and in the case of sitting Judge of a High Court who is appointed as Chairman, a Vice-Chairman has service in the Tribunal shall be treated as actual service within the meaning of para 11 (b) (i) of Part 'D' of the second Schedule to the Constitution.

(2) On such retirement as is provided for in sub-rule (2), the Chairman, Vice-Chairman and Member—

(i) shall be entitled to receive pension and gratuity in accordance with the retirement rules applicable to him;

(ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent to leave salary, if any in accordance with the rules applicable to him prior to his retirement.

6. LEAVE :

(1) A person, on appointment in the Tribunal as a Chairman or a Member shall be entitled to leave as follows :

(i) earned leave at the rate of fifteen days for every completed calendar year of service or a part thereof;

(ii) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) leave on half pay can be commuted to full pay leave at the discretion of the Member, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority;

(iv) extra-ordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office.

(2) If the Chairman, a Vice-Chairman or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal, he shall be entitled to add the unenjoyed period of vacation to the leave account.

EXPLANATION :— For the purpose of this sub-rule "vacation" means vacation of thirty days in each calendar year observed by the Tribunal.

(3) On the expiry of his term of office in the Tribunal, the Chairman, the Vice Chairman or a Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit provided that the quantum of leave encashed under this sub-rule and sub-rule (2) of rule 5 shall not exceed 180 days.

The Chairman, the Vice-Chairman or other Members shall be entitled to receive the dearness allowance as admissible on the leave salary under sub-rule (2) at the rates in force on the date of the relinquishment of the office in the Tribunal; provided that he shall not be entitled for the city compensatory allowance or any other allowance on such leave.

7. LEAVE SANCTIONING AUTHORITY :

The Chairman shall be the authority competent to sanctioning leave to the Vice-Chairman and a Member and the President shall be the authority competent to sanction leave to the Chairman.

8. PENSION

(1) Every person appointed to the Tribunal as the Chairman or a Member shall be entitled to pension provided that no such pension shall be payable;

- (i) if he has put in less than two years of service; or
- (ii) if he has been removed from an office in the Tribunal under sub-section (2) of section 9 of the Act.

(2) Pension under sub-rule (1) shall be calculated at the rate of rupees seven hundred per annum for each completed year of service or a part thereof and irrespective of the number of years of service in the Tribunal, the maximum amount of pension shall not exceed rupees three thousand five hundred per annum.

Provided that the aggregate of pension payable under this rule together with the amount of any pension (including commuted portion of pension, if any) drawn or entitled to be drawn while holding office in the Tribunal shall not exceed the maximum amount of pension prescribed for a Judge of the High Court.

9. PROVIDENT FUND

The Chairman, a Vice-Chairman or a Member shall be entitled to subscribe to the General Provident Fund at his option and in case of his so opting shall be governed by the provisions of the Central Provident Fund (Central Services) Rules :

Provided that if the Chairman, a Vice-Chairman or a member was Judge of a High Court or was a member of an ALL INDIA SERVICE immediately before his joining the Tribunal, he shall be governed by the rules which were applicable to him immediately before joining the Tribunal.

10. TRAVELLING ALLOWANCES :

The Chairman, a Vice-Chairman or other Members while on tour or on transfer (including the journey undertaken to join the Tribunal or on expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scales and at the same rates as are prescribed in the High Court Judges (Travelling Allowances) Rules, 1956.

11. LEAVE TRAVEL CONCESSION :

The Chairman, a Vice-Chairman or other Members shall be entitled to the leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to Grade 'A' Officers of the Central Government drawing a pay of rupees three thousand or above.

12. ACCOMMODATION:

(1) Every person appointed to the Tribunal as a Chairman, a Vice-Chairman or a Member shall be entitled to the use of an Official residence from the general pool accommodation of the type admissible to an Officer of the rank of a secretary to the Government of India stationed at Delhi on the payment of the licence fee at the rates prescribed by the Central Government from time to time.

(2) When a Chairman, a Vice-Chairman or a member is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1) he may be paid every month an allowance of an amount equal to fifteen percent of his pay.

(3) Where the Chairman, a Vice-Chairman or a Member occupies an Official residence beyond the permissible period he shall be liable to pay additional license fee or penal rent, as the case may be, and liable to eviction in accordance with the rules applicable to secretary to the Government of India belonging to the Indian Administrative Service.

13. FACILITY OF CONVENIENCE :

The Chairman, a Vice-Chairman and a Member shall be entitled to the facility of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India.

14. FACILITIES FOR MEDICAL TREATMENT :

The Chairman, a Vice-Chairman or other Member shall be entitled to medical treatment and hospital facilities as provided in the Contributory Health Service Scheme is not in operation the Chairman, Vice-Chairman and Members shall be entitled to the facilities as provided in the Central Services Medical Attendance Rules.

15. CONDITIONS OF SERVICE OF SITTING JUDGES OF THE HIGH COURT APPOINTED AS CHAIRMAN OR VICE-CHAIRMAN :

Notwithstanding anything contained in these rules, where a sitting judge of a High Court is appointed as the Chairman or a Vice-Chairman of the Tribunal the service conditions as contained in the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall apply to him.

16. RESIDUARY PROVISION :

The conditions of service of the Chairman, Vice-Chairman or other Member for which no express provision is available in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India belonging to the Indian Administrative Service.

17. POWERS TO RELAX RULES :

The Central Government shall have power to relax the provisions of any of these rules in respect of class of categories of persons.

R. Mahadevan,
Under Secretary to the Govt. of India.

No. A. 11019/31910/85-AT
Government of India
Ministry of Personnel & Training,
Administrative Reforms & Public Grievances & Pension
(Department of Personnel & Training)

New Delhi, the 26th July, 1985.

NOTIFICATION

G.S.R.....In exercise of the powers conferred by sub-section (7) of section 5 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby specifies :-

- i) Delhi as the place at which the Principal Bench of the Central Administrative Tribunal shall ordinarily sit, and
- ii) Allahabad, Bangalore, Bombay, Calcutta, Gauhati, Madras and Nagpur as the places at which the additional Benches of the Central Administrative Tribunal shall ordinarily sit.

R. Mahadevan,
Under Secretary to the Govt. of India.

No. A. 11019/37/85-AT
Government of India
Ministry of Personnel & Training
Administrative Reforms and Public Grievances & Pension
(Department of Personnel & Training)

New Delhi, the 13th August, 1985.

Subject : Establishment of the Central Administrative Tribunal.

The question of establishing Administrative Tribunals as a measure to provide speedy and inexpensive relief to the government servants in the matter of deciding their complaints and grievances in recruitment and conditions of service has been under consideration of Government. As a first step in this direction the Administrative Tribunals Act, 1985 (13 of 1985) was enacted early this year. A copy of the Act is enclosed. The Act provides for the establishment of Administrative Tribunals for the adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union and the States. In pursuance of the provisions of the Act, it has been decided to establish the Central Administrative Tribunal to adjudicate the complaints and grievance of the employees in services and posts under the Union. The Central Administrative Tribunal shall have the Principal Bench located at Delhi and a number of additional Benches elsewhere. Initially, the additional Benches shall be located at Allahabad, Bombay, Bangalore, Calcutta, Gauhati, Madras and Nagpur. Later, the number of Benches could be increased if found necessary.

2. The Central Administrative Tribunal with its Principal Bench and the additional Benches shall be established on the 2nd September, 1985. On and from the date, all the jurisdiction, powers and authority exercisable immediately before that date by all Courts in the country (except the Supreme Court under article 136 of the Constitution) in relation to recruitment and matters relating to all service matters in respect of Officers belonging to all India Services or of members of the civil service of the Union or holding a civil post under the Union or a civil post connected with defence or in the defence services shall vest with the Tribunal. As a corollary, on and from the end of September, 1985, no court (except the Supreme Court under article 136 of the Constitution) shall have or be entitled to exercise any jurisdiction, powers or authority in relation to recruitment or matters concerning such recruitment or such service matters. Further, every suit or other proceedings pending before any court or other authority immediately before the 2nd September, 1985 shall stand transferred to the Tribunal on this date except the appeals pending before a High Court or the Supreme Court.

3. The Tribunal shall have no jurisdiction over the following categories of employees :-

- (a) any member of the naval, military or air forces or of any other armed forces of the Union ;
- (b) any person governed by the provisions of the Industrial Disputes Act, 1947, in regard to such matters in respect of which he is so governed ;
- (c) any officer or servant of the Supreme Court or any High Court ;
- (d) any person appointed to the Secretariat staff of either House of Parliament or to the Secretariat staff of any State Legislature or a House thereof, or in the case of a Union Territory having Legislature, of that Legislature.

4. A person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal may make an application to the Tribunal for the redressal of his grievance. The application shall conform to the format prescribed in the proforma specially designed for the purpose. The application can be sent by registered post or presented personally or through an agent at the appropriate Bench of the Tribunal within whose territorial jurisdiction the office where the applicant is working is situated. The applicant has also the option to file the application at the Principal Bench at Delhi. The territorial jurisdiction of the additional Benches is given below :-

Sl NO.	BENCH SITUATED AT	JURISDICTION OF THE BENCH
1.	Delhi (Principal Bench)	States of Jammu and Kashmir, Haryana, Himachal Pradesh, Punjab, Rajasthan and the Union Territories of Chandigarh and Delhi.
2.	Allahabad (additional Bench)	States of Bihar and Uttar Pradesh
3.	Bangalore (additional Bench)	States of Andhra Pradesh and Karnataka.
4.	Bombay (additional Bench)	States of Gujarat and Maharashtra (excluding areas falling within the jurisdiction of Nagpur Bench) and Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu.
5.	Calcutta (additional Bench)	States of Orissa, Sikkim and West Bengal and Union Territory of Andaman and Nicobar Islands.
6.	Gauhati (additional Bench)	States of Assam, Manipur, Meghalaya, Nagaland and Tripura.

and Union Territories of Arunachal Pradesh and Mizoram.

7. Madras (additional Bench)

States of Kerela and Tamilnadu and Union Territories of Lakshadweep and Pondicherry.

8. Nagpur (additional Bench)

States of Madhya Pradesh and Judicial Districts of Akola, Amravati, Bhandara, Duldana, Chanda, Nagpur, Wardha, Yeotmal and Gadchiroli of the State of Maharashtra.

5. The exact location of the above Benches giving the postal address will follow.

6. An application fee of Rupees fifty has been prescribed which shall have to be remitted along with the application in the form of a Bank Draft or in Indian Postal Order. No other fee is required to be paid.

7. The application should be accompanied by the following documents, complete in all respects and should be filed (six copies) in paper book form at the concerned additional Bench.

1. i) The certified copy of an order against which the application has been filed;
- ii) all documents relied upon by the applicant and mentioned in the application;
- iii) details of the crossed Demand Draft or crossed Indian Postal Order presenting the application fee ;
- iv) index of documents.

2. The documents referred to at (I) shall be neatly type in double space on one side of the paper, duly attested by a Gazetted Officer and numbered accordingly.

3. Where the parties to the suit or proceedings are being represented by an agent, documents authorising such agent shall also be appended to the application. Where the agent is a legal practitioner, such document of authorisation shall be in the form of a duly executed Vakalatnama.

8. In order to ensure speedy settlement of cases, a special procedure has been devised. Full details are available in the Central Administrative Tribunal (Procedure) Rules, 1985 issued separately, a copy of which is enclosed. It will be in the interest of applicant to ensure that the application filed is in the prescribed format and the accompanying documents are complete in all respects. Once the registry is satisfied about the completeness of the application, it will be placed before the Tribunal for final hearing without going through stage of formal admission. The Tribunal shall decide every application on a perusal of documents

and written representations and oral arguments, if any, shall be allowed in the special circumstances of the case. It is, therefore, in the interest of the applicant to ensure that full and complete material is placed before the Tribunal.

9. The Act provides limitation of time on applications to be submitted to the Tribunal. Ordinarily, the Tribunal shall admit application which have been filed within one year from the date of the final order which has been the cause of the grievance. However, under section 21 (2) of the Administrative Tribunal Act, the Tribunal may accept applications in respect of a grievance which has arisen by reason of any order made within a period of three years preceding the date of the establishment of the Tribunal. The Tribunal may admit time barred applications provided sufficient cause for not making the applications within the prescribed period is given to the satisfaction of the Tribunal.

10. The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Govt. All proceedings before the Tribunal shall be judicial proceedings within the meaning of sections 198, 219 and 228 of the Indian Penal Code. The Tribunal shall have powers and authority to punish in respect of contempt of itself as a High Court.

11. A person making an application to the Tribunal may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

12. Central Government Counsels are being appointed in different Benches of the Central Administrative Tribunal to defend the cases on behalf of Government of India. As per section 23(2) of the Act, the Central Government may appoint any person (not necessarily a legal practitioner) to act as a presenting officer. The various Ministries may earmark one or two senior officers of the different Departments under their control by designation in respect of each Bench of the Central Administrative Tribunal who can act as presenting officer whenever there is need. The particulars of such posts may please be forwarded to this Department for issue of a notification, authorising the holders of such post to function as presenting officers so that they will be competent to appear before the Benches to present the cases on behalf of the concerned Department. In respect of any particular application, if it is considered necessary to appoint a specific or a particular presenting officer, the proposal should be made to the Department of personnel and Training well in advance who after considering the merits of the proposal may issue notification appointing such person as the presenting officer in the case. It is reiterated that unless a notification under the Act is issued by this Department, no person shall be competent to act as a presenting officer.

13. The order of the Tribunal shall be final and binding on both the parties. The order of the Tribunal should be complied with within the time limit prescribed in the order or within six months of the receipt of the order where no such time limit is indicated in the order.

14. It is requested that wide publicity to the contents of the circular be given so that every Government Administrative Tribunal and the broad rules governing its function. Adequate number of printed copies of the Central Administrative Tribunal (Procedure) Rules 1985 referred to in para 8 above will be sent to the Ministries shortly for the use by the Subordinate Officer and, therefore, they need not be circulated to them at this stage. However, since the application to be filed before the Tribunal should conform to the format prescribed in Annexure to Central Administrative Tribunal (Procedure) Rules 1985, a specimen copy of the proforma should be circulated to all offices immediately.

15. The receipt of this communication may kindly be acknowledged. Hindi version will follow.

S.K. Parthasarathy,
Officer on Special Duty.

NO. 31/94/85-JUS
Government of India
Ministry of Law & Justice
(Department of Justice)

North Block,
New Delhi-110 001.

Dated the 1st August. 19

To,

1. The Registrar,
Supreme Court of India,
NEW DELHI.
2. The Registrar, (as per list attached)
High Court.

Subj:- Establishment of Central Administrative Tribunal in pursuance of the Administrative Tribunal Act, 1985-Transfer of records-Regarding.

Sir,

I am directed to say that pursuant to the Administrative Tribunal Act, 1985 (Act No. 13 of 1985) (Which was passed by the Lok Sabha on 29th January 1985 and by Rajya Sabha on 31st January 1985 and assented by the President on 27 February, 1985) the Central Government are establishing the Central Administrative Tribunal with its Principal seat at Delhi and benches in various State. Under section 1 (3) of the Act of Notification was issued on 1st July, 1985 bringing the provisions of the Act, in so far as they relate to the Central Administrative Tribunal, into force from the date of Notification. A copy of the Notification is

enclosed. A subsequent Notification GSR 608 (E) dated 26th July, 1985 has also been issued establishing the Central Administrative Tribunal with effect from 2nd September, 1985. Copies of GSR 600 (E) 609 (E) and GSR (610) (E) dated 26th July, 1985 are also enclosed for your information,

2. As per the provisions of Section 14 (1) of the Administrative Tribunals Act, 1985, the Central Administrative Tribunal, from the date of its establishment, will exercise all the Jurisdiction, power and authority exerciseable immediately before that date by all Court (Except the Supreme Court under Article 136 of the Constitution) in relation to recruitment and all service matters of various Central Govt. personnel as described in that Section.

3. Under section 28 of the Act, on and from the date of establishment of the Central Administrative Tribunal, no Court (except the Supreme Court under Art, 136 of the Constitution) shall have any jurisdiction, powers and authority in relation recruitment and service matters. Section 29 (1) of the Act also provides that all relevant suits and other proceedings pending before any Court before the date of establishment of Tribunal shall stand Transferred on that date that such Tribunal Section 29 (1) however, Provides that appeals pending before High Court or the Supreme Court shall, not stand transferred.

4. The places at which the Principal Seat and the Benches of the Central Administrative Tribunal will be situated and the territorial jurisdiction of the Benches are indicated in GSR 610 (E) at 26. 7. 85.

5. You are, accordingly, requested to arrange for the Transfer of records of all such pending cases/in the High Court as Lower Court under the control of the High Court to the Registrar concerned of the Central Administrative Tribunal on intimation from him in accordance with jurisdiction of various Benches as indicated in Annexure 'A'. You may kindly direct the Lower court also for immediate transfer of all such cases.

6. In view of the large number of cases pending in the High Court, the transfer of records may take some time and may not be possible to hold over all the relevant records to the concerned Bench of Tribunal by 1st September, 1985. In that event, it is requested that, it may kindly be arranged to transfer, records of maximum possible number of cases by 1st September 1985 to the Registrar concerned of Tribunal to staff functioning.

7. A copy of the Administrative Tribunals Act, 1985 is enclosed for ready reference.

Yours Faithfully,

Surendra Singh,
Dy. Secretary to the Govt. of India

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL AND TRAINING
ADMINISTRATIVE REFORMS & PUBLIC GRIEVANCES AND PENSION
DEPARTMENT OF PERSONNEL AND TRAINING.

New Delhi, the 1st July, 1985

NOTIFICATION

G.S.R. In exercise of the powers conferred by sub-section (3) of section 1 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby appoints the 1st day of July, 1985, as the date on which the provisions of the Act, in so far as they relate to the Central Administrative Tribunal, shall come into Force.

(A. 11019/13/85-AT)

R. Mahadevan,
Under Secretary to the Govt. of India.

Government of India
Ministry of Personnel and Training
Administrative Reforms & Public Grievances and Pension
(Department of Personnel & Training)

New Delhi, the 26th July, 1985.

NOTIFICATION

GSR 608 (E) In exercise of the powers conferred by sub-section (I) of section 4 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby establishes the Central Administrative Tribunal with effect from the 2nd day of September, 1985, which shall be the 'appointed day' within the meaning of clause (c) of section 3 of the Act.

(A. 11019/13/85-AT)

R. Mahadevan,
Under Secretary to the Govt. of India.

No. A. 11019/31/85-AT
 Government of India
 Ministry of Personnel & Training
 Administrative Reforms & Public Grievances and Pension
 (Deptt. of Personnel & Training)

New Delhi, the 26th July, 1985.

NOTIFICATION

G.S.R. 609 (E) In exercise of the powers conferred by sub-section (7) of section 5 of the Administrative Tribunals, Act, 1985 (13 of 1985), the Central Government hereby specifies, -

- 1) Delhi as the place at which the Principal Bench of the Central Administrative Tribunal shall ordinarily sit, and
- 2) Allahabad, Bangalore, Bombay, Calcutta, Gauhati, Madras and Nagpur as the places at which the additional Benches of the Central Administrative Tribunal shall ordinarily sit.

R. Mahadevan,
 Under Secretary to the Govt. of India.

NO. A-11019/31/(2)/85-AT
 Government of India,
 Ministry of Personnel and Training
 Administrative Reforms and Public
 Grievances and Pension
 (Department of Personnel & Training)

New Delhi, the 26th July, 1985.

NOTIFICATION

G.S.R. 610 (E) Whereas the Principal bench and the additional benches of the Central Administrative Tribunal have since been constituted.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 18 of the Administrative Tribunals Acts, 1985 (13 of 1985), the Central Government hereby directs that the Principal bench and the additional benches specified in column (2) of the Table hereto annexed shall deal with all matters falling within the purview of the Central Administrative Tribunal with the territories specified against the Principal bench and each of the additional benches in column (3) of the said Table;

Provided that nothing contained in this notification shall debar the Principal bench to entertain applications under rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1985.

TABLE

S. NO. (1)	Bench situated at (2)	Jurisdiction of the Bench (3)
1.	Delhi (Principal Bench)	States of Jammu & Kashmir, Haryana, Himachal Pradesh, Punjab, Rajasthan and the Union Territories of Chandigarh and Delhi.
2.	Allahabad (Addl. Bench)	States of Bihar & Uttar Pradesh.
3.	Bangalore (Addl. Bench)	State of Andhra Pradesh Karnataka.
4.	Bombay (Addl. Bench)	States of Gujarat and Maharashtra (Excluding areas falling within the Jurisdiction of Nagpur Bench) and Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu.
5.	Calcutta (Addl. Bench)	States of Orissa, Sikkim and West Bengal and Union Territory of Andaman and Nicobar Islands.
6.	Gauhati (Addl. Bench)	States of Assam, Manipur, Meghalaya, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram.
7.	Madras (Addl. Bench)	States of Kerala and Tamilnadu and Union Territories of Lakshadweep and Pondicherry.

8. Nagpur (Addl. Bench)

States of Madhya Pradesh
and Judicial Districts of
Akola, Amravati, Bhandara,
Buldana, Chanda, Nagpur,
Wardha, Yeatmal and Gad-
chiroli of the State of
Maharastra.

.. .. . No. A-11019/31/(2)/85-AT.

R. Mahadevan,
Under Secy. to the Govt. of India.