

MOST IMMEDIATE

No.A-11019/37/85-AT
Government of India
Ministry of Personnel & Training, Administrative
Reforms and Public Grievances and Pensions
(Department of Personnel and 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 on 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 grievances 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 2nd 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.

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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 persons 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 secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof, 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 & 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.	Guwahati (Additional Bench)	States of Assam, Manipur, Meghalaya, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram.

7. Madras (Additional Bench) States of Kerala 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, Wardhe, 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 alongwith 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 representing the application fee;
- (iv) index of documents.

2. The documents referred to at (1) shall be neatly typed 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 proscribed format, and the accompanying documents to be complete in all respects. Once the registry is satisfied with 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 applications 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 application 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 Government. 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 the Government of India. As per Section 23(2) of the Act, the Central Government may appoint any person (not necessarily a legal practitioners) 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 Deptt. for issue of a notification, authorising the holders of such posts 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 Departments. 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 orders 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.

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14. It is requested that wide publicity to the contents of the circular be given so that every Government employee will be aware of the establishment of the Central 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 Offices 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-I 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.

Sd/-
(S.K. PARTHASARATHY)
OFFICER ON SPECIAL DUTY.

To

All Ministries of the Government of India, etc. etc. and the Union Territories.