

6288

11

No.A.11013/25/98-AT  
Government of India  
Ministry of Personnel, P.G. & Pensions  
Department of Personnel and Training.

.....  
North Block, New Delhi-110001, the 16 Nov, 98

OFFICE MEMORANDUM

**Subject:-** Challenge to various provisions of the Administrative Tribunals Act, 1985 and related matters in various Courts/Tribunals - Intimation to Department of Personnel and Training regarding.

.....  
As the Department of Telecom etc. are aware quite often service matter cases are filed by Government servants in various Courts/Tribunals challenging inter-alia various provisions of the Administrative Tribunals Act., 1985 and/or matters connected therewith e.g. setting up of additional Benches, filling up of vacancies of chairman, vice-chairman and Members in various Tribunals setup under the Administrative Tribunals Act, 1985 etc. Quite often directions are passed by such Courts/Tribunals in respect of these issues. As this Deptt. is the nodal Ministry for administration of the Administrative Tribunals Act, 1985, no other Ministry of the Government of India is in a position to take any action on such directions except otherwise under instructions of this Department.

2. It has come to notice of this Department that in some cases where Union of India is represented by another Ministry/Department of the Government of India and orders are passed by Courts/Tribunals having a bearing on the above mentioned aspects, those are not brought to the notice of this Department which results in such directions remaining uncomplied for a long time or till such directions come to the notice of this Department through some other quarters. This type of unintentional delay in compliance of the Court directions sometimes attracts adverse notice from Courts/Tribunals which can be avoided if such directions are brought to the notice of this Department as soon as the litigant Department (on behalf of UOI) becomes aware of the same.

3. The Ministries/Departments are therefore, requested that as and when any direction is given by a Court/Tribunals in any matter concerning application etc. of specific provisions of the Administrative Tribunals Act, 1985 or when provisions of the Act are challenged before any Court/Tribunals, the same should be brought to the notice of this Department and further action be taken in the light of the advice of this

17 NOV 1998  
Dept. of Personnel & Training  
Receipts & Issue Section  
ISSUED  
RECEIVED/Sig

Department. It is requested that these instructions may also be brought to the notice of all organizations may also be brought to the notice of all organizations etc. which fall within the jurisdiction of the Central Administrative Tribunal.

*Budh Nakan*  
(Budh Prakash)  
Director (AT)  
Tele: 301 1906

1. All Ministries/ Departments of Government of India.
2. All Attached/ Subordinate Offices of Ministry of Home Affairs/ Department of Personnel and Training.

Department. It is requested that these instructions may also be brought to the notice of all organizations may also be brought to the notice of all organizations etc. which fall within the jurisdiction of the Central Administrative Tribunal.

1. All Ministries/ Departments of Government of India.
2. All Attached/ Subordinate Offices of Ministry of Home Affairs/ Department of Personnel and Training.