

IndiaCode

The Administrative Tribunals Act, 1985

(ACT NO. 13 OF 1985)

[*As on the* 1*st July*, 2026]

AMENDING ACT

1. The Administrative Tribunals (Amendment) Act, 1986 (19 of 1986).
2. The Administrative Tribunals (Amendment) Act, 1987 (51 of 1987).
3. The Administrative Tribunal (Amendment) Act, 2006 (1 of 2007).
4. The Finance Act, 2017 (7 of 2017).

LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE ADMINISTRATIVE TRIBUNALS ACT, 1985

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THE ADMINISTRATIVE TRIBUNALS ACT, 1985

ACT NO. 13 OF 1985

[27*th February,* 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 of any local or other authority within the territory of India or under the control of the Government of India or of [1][any corporation or society owned or controlled by the Government in pursuance of article 323A of the Constitution] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follow:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Administrative Tribunals Act, 1985.

(*2*) It extends,—

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

[2]* * * * *.

(*3*) The provisions of this Act, in so far as they relate to the Central Administrative Tribunal, shall come into force on such date[3] 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.

2. Act not to apply to certain persons.—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;

[4]* * * * *

(*c*) any officer or servant of the Supreme Court or of any High Court [5][or courts subordinate thereto];

(*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.

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

[6][(*a*) *"*Administrative Member" means a Member of a Tribunal who is not a Judicial Member within the meaning of clause (*i*);]

[7][(*aa*)] "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;

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1. Subs. by Act 19 of 1986, s. 2, for "any corporation owned or controlled by the Government" (w.e.f. 22-1-1986).
2. Cl. (*b*) omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10- 2019).
3. 1st July, 1985, *vide* Notifn. No. G.S.R. 527(E), dated by 1st July, 1985, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).
4. Cl. (*b*) omitted by Act 19 of 1986, s. 3 (w.e.f. 1-11-1985).
5. Ins. by Act 51 of 1987, s. 2 (w.e.f.22-12-1987).
6. Ins. by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).
7. Cl. (*a*) re-lettered as clause (*aa*) thereof by s. 4, *ibid.* (w.e.f. 22-1-1986).

(*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 (*1*) 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;

[1][(*i*) "Judicial Member" means a Member of a Tribunal appointed as such under this Act, and includes [2][the Chairman] who possesses any of the qualifications specified in sub-section (*3*) of section 6;

(*ia*) "Member" means a Member (whether Judicial or Administrative) of a Tribunal, and includes the Chairman [3]***;]

(*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;

[4]* * * * *

(*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 [5][or society] 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;

1. Subs. by Act 19 of 1986, s. 4, for cl. (*i*) (w.e.f. 22-1-1986).
2. Subs. by Act 1 of 2007, s. 2, for "the Chairman or a Vice-Chairman" (w.e.f. 19-2-2007).
3. The words "and a Vice-Chairman" omitted by s. 2, *ibid.* (w.e.f. 19-2-2007).
4. Cl. (*n*) omitted by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).
5. Ins. by s. 4, *ibid.* (w.e.f. 22-1-1986).

[1][(*rr*) "society" means a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State;]

(*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;

[2][(*u*) "Vice-Chairman" means a Member who has been authorised by the appropriate Government to perform administrative functions at each of the places where Benches of the Tribunal have been set up.]

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

CHAPTER II

ESTABLISHMENT OF TRIBUNALS AND BENCHES THEREOF

4. Establishment of Administrative Tribunals.—(*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.

(*2*) The Central Government may, on receipt of a request in this behalf from any State Government, establish, by notification, an 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 States may, notwithstanding anything contained in sub-section (*2*) and notwithstanding that any or all of those States has or have Tribunals established under that sub-section, enter into an agreement 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 jurisdiction, 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 [3][Chairman and other Members] of the Joint Administrative Tribunal, the places at which the Bench or Benches of 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 supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

[4][(*5*) Notwithstanding anything contained in the foregoing provisions of this section or sub-section (*1*) of section 5, the Central Government may,—

(*a*) with the concurrence of any State Government, designate, by notification, all or any of the Members of the Bench or Benches of the State Administrative Tribunal established for that State under sub-section (*2*) as Members of the Bench or Benches of the Central Administrative Tribunal in respect of that State and the same shall exercise the jurisdiction, powers and authority conferred on the Central Administrative Tribunal by or under this Act;

(*b*) on receipt of a request in this behalf from any State Government, designate, by notification, all or any of the Members of the Bench or Benches of the Central Administrative Tribunal functioning in that State as the Members of the Bench or Benches of the State Administrative

1. Ins. by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).
2. Subs. by Act 1 of 2007, s. 2, for cl. (*u*) (w.e.f. 19-2-2007).
3. Subs. by s. 3, *ibid*., for "Chairman, Vice-Chairman and other Members" (w.e.f. 19-2-2007).
4. Ins. by Act 19 of 1986, s. 5 (w.e.f. 22-1-1986).

Tribunal for that State and the same shall exercise the jurisdiction, powers and authority conferred on the Administrative Tribunal for that State by or under this Act,

and upon such designation, the Bench or Benches of the State Administrative Tribunal or, as the case may be, the Bench or Benches of the Central Administrative Tribunal shall be deemed, in all respects, to be the Central Administrative Tribunal, or the State Administrative Tribunal for that State established under the provisions of article 323A of the Constitution and this Act.

(*6*) Every notification under sub-section (*5*) shall also provide for the apportionment between the State concerned and the Central Government of the expenditure in connection with the Members common to the Central Administrative Tribunal and the State Administrative Tribunal and such other incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient.]

5. Composition of Tribunals and Benches thereof.—(*1*) Each Tribunal shall consist of [1][a Chairman and such number of Judicial and Administrative 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][(*2*) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Administrative Member.]

[3]* * * * *

(*4*) Notwithstanding anything contained in sub-section (*1*), [4]*** the Chairman—

[5][(*a*) may, in addition to discharging the functions of the Judicial Member or the Administrative Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Administrative Member, of any other Bench;]

(*b*) may transfer [6][a Member] from one Bench to another Bench;

[7][(*c*) may authorise [8][the Judicial Member] or the Administrative Member appointed to one Bench to discharge also the functions of [9][the Judicial Member or the Administrative Member, as the case may be] 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 [10][two members], issue such general or special orders, as he may deem fit.

[11][Provided that every Bench constituted in pursuance of this clause shall include at least one Judicial Member and one Administrative Member.]

[12]* * * * *

(*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 [13][a Bench] consisting of a single Member and exercise the jurisdiction, powers and authority of the

1. Subs. by Act 1 of 2007, s. 4, for "a Chairman and such number of Vice-Chairman and Judicial and Administrative Members" (w.e.f 19-2-2007).
2. Subs. by Act 19 of 1986, s. 6, for sub-section (*2*) (w.e.f. 1-11-1985).
3. Sub-section (*3*) omitted by s. 6, *ibid.* (w.e.f. 1-11-1985).
4. The words, brackets and figure "or sub-section (*3*)" omitted by s. 6, *ibid.* (w.e.f.1-11-1985).
5. Subs. by s. 6, *ibid*., for cl. (*a*) (w.e.f. 1-11-1985).
6. Subs. by Act 1 of 2007, s. 4, for "the Vice-Chairman or other Members" (w.e.f. 19-2-2007).
7. Subs. by Act 19 of 1986, s. 6, for cl. (*c*) (w.e.f. 1-11-1985).
8. Subs. by Act 1 of 2007, s. 4, for "the Vice-Chairman or the Judicial Member" (w.e.f. 19-2-2007).
9. Subs. by s. 4, *ibid*., for "the Vice-Chairman or, as the case may be, the Judicial Member or the Administrative Member" (w.e.f. 19-2-2007).
10. Subs. by Act 19 of 1986, s. 6, for "three Members" (w.e.f. 1-11-1985).
11. Ins. by s. 6, *ibid*. (w.e.f. 1-11-1985).
12. Sub-section (*5*) omitted by s. 6, *ibid.* (w.e.f. 1-11-1985).
13. Subs. by s. 6, *ibid*., for "an additional Bench" (w.e.f. 1-11-1985).

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 [1][two 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.

[2][(*7*) Subject to the other provisions of this Act, the Benches of the Central Administrative Tribunal shall ordinarily sit at New Delhi (which shall be known as the principal Bench), Allahabad, Calcutta, Madras, New Bombay and at such other places as the Central Government may, by notification, specify.

(*8*) Subject to the other provisions of this Act, the places at which the principal Bench and other Benches of a State Administrative Tribunal shall ordinarily sit shall be such as the State Government may, by notification, specify.]

[3]**[6. Qualifications for appointment as Chairman, Vice-Chairman and other members**.—(*1*) A person shall not be qualified for appointment as the Chairman unless he is, or has been, a Judge of a High Court:

Provided that a person appointed as Vice-Chairman before the commencement of this Act shall be qualified for appointment as Chairman if such person has held the office of the Vice-Chairman at least for a period of two years.

(*2*) A person shall not be qualified for appointment,—

(*a*) as an Administrative Member, unless he has held for at least two years the post of Secretary to the Government of India or any other post under the Central or State Government and carrying the scale of pay which is not less than that of a Secretary to the Government of India for at least two years or held a post of Additional Secretary to the Government of India for at least five years or any other post under the Central or State Government carrying the scale of pay which is not less than that of Additional Secretary to the Government of India at least for a period of five years:

Provided that the officers belonging to All-India services who were or are on Central deputation to a lower post shall be deemed to have held the post of Secretary or Additional Secretary, as the case may be, from the date such officers were granted proforma promotion or actual promotion whichever is earlier to the level of Secretary or Additional Secretary, as the case may be, and the period spent on Central deputation after such date shall count for qualifying service for the purposes of this clause;

(*b*) as a Judicial Member, unless he is or qualified to be a Judge of a High Court or he has for at least two years held the post of a Secretary to the Government of India in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law Commission of India or held a post of Additional Secretary to the Government of India in the Department of Legal Affairs and Legislative Department at least for a period of five years.

(*3*) The Chairman and every other Member of the Central Administrative Tribunal shall be appointed after consultation with the Chief Justice of India by the President.

(*4*) Subject to the provision of sub-section (*3*), the 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.

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

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1. Subs. by Act 19 of 1986, s. 6, for "three Members" (w.e.f. 1-11-1985).
2. Subs. by s. 6, *ibid.*, for sub-section (*7*) (w.e.f. 1-11-1985).
3. Subs. by Act 1 of 2007, s. 5, for section 6 (w.e.f. 19-2-2007).

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

7. Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.—(*1*) In the event of the occurrance of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, [1][such one of the Members] 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.

[2][**8. Term of office.**—(*1*) The Chairman shall hold office as such for a term of five years from the date on which he enters upon his office:

Provided that no Chairman shall hold office as such after he has attained the age of sixty-eight years.

(*2*) A Member shall hold office as such for a term of five years from the dale on which he enters upon his office extendable by one more term of five years:

Provided that no Member shall hold office as such after he has attained the age of sixty-five years.

(*3*) The conditions of service of Chairman and Members shall be the same as applicable to Judges of the High Court.]

9. Resignation and removal.—(*1*) The Chairman, [3]*** or other Member may, by notice in writing under his hand addressed to the President, resign his office:

Provided that the Chairman, [3]*** 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 months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(*2*) The Chairman, [3]*** 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, [3]*** 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, [3]*** or other Member referred to in sub-section (*2*).

10. Salaries and allowances and other terms and conditions of service of Chairman, [4]* and other Members.**—The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, [4]*** and other Members shall be such as may be prescribed by the Central Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, [4]*** or other Member shall be varied to his disadvantage after his appointment.

[5][Provided further that where a serving Government officer is appointed as a Member, he shall be deemed to have retired from the service to which he belonged on the date on which he assumed the

1. Subs. by Act 1 of 2007, s. 6, for "Vice-Chairman or, as the case may be, such one of the Vice-Chairman" (w.e.f. 19-2-2007).
2. Subs. by s. 7, *ibid*., for section 8 (w.e.f. 19-2-2007).
3. The word "Vice-Chairman" omitted by s. 8, *ibid.* (w.e.f. 19-2-2007).
4. The word "Vice-Chairman" omitted by s. 9, *ibid.* (w.e.f. 19-2-2007).
5. Ins. by s. 9, *ibid.* (w.e.f. 19-2-2007).

charge of the Member but his subsequent service as Member shall, at his option, be reckoned as a post-retirement re-employment counting for pension and other retirement benefits in the service to which he belonged.]

[1][**10A. Saving terms and conditions of service of Vice-Chairman.**—The Chairman, Vice-Chairman and Member of a Tribunal appointed before the commencement of the Administrative Tribunals (Amendment) Act, 2006 (1 of 2007) shall continue to be governed by the provisions of the Act, and the rules made thereunder as if the Administrative Tribunals (Amendment) Act, 2006 had not come into force:

Provided that, however, such Chairman and the Members appointed before the coming into force of Administrative Tribunals (Amendment) Act, 2006 (1 of 2007), may on completion of their term or attainment of the age of sixty-five or sixty-two years, as the case may be, whichever is earlier may, if eligible in terms of section 8 as amended by the Administrative Tribunals (Amendment) Act, 2006 be considered for a fresh appointment in accordance with the selection procedure laid down for such appointments subject to the condition that the total term in office of the Chairman shall not exceed five years and that of the Members, ten years.]

[2][**10B. Qualifications, terms and conditions of service of Chairman and Member.—**Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairman and other Members of the Tribunal appointed after the commencement of [3][the Tribunals Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act]:

Provided that the Chairman and Member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force.]

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

(*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 [4]*** 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;

[5]* * * * *

(*e*) a Member (other than the Chairman [6]***) of any Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman [6]*** of such Tribunal or as the Chairman, Vice-Chairman or other Member of 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, [7]*** or other Member shall not appear, act or plead before any Tribunal of which he was the Chairman, [7]*** 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 [8][or society] owned or controlled by the Government.

[9][**12. Financial and administrative powers of the Chairman.**—(*1*) The Chairman shall exercise such financial and administrative powers over the Benches as may be vested in him under the rules made by the appropriate Government.

1. Ins. by Act 1 of 2007, s. 10 (w.e.f. 19-2-2007).
2. Ins. by Act 7 of 2017, s. 176 (w.e.f. 26-5-2017).
3. Subs. by Act 33 of 2021, s. 15, for "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act" (w.e.f. 4-4-2021).
4. The words "Vice-Chairman or" omitted by Act 1 of 2007, s. 11 (w.e.f. 19-2-2007).
5. Cls. (*c*) and (*d*) omitted by s. 11, *ibid.* (w.e.f. 19-2-2007).
6. The words "or Vice-Chairman" omitted by s. 11, *ibid.* (w.e.f. 19-2-2007).
7. The word "Vice-Chairman" omitted by s. 11, *ibid.* (w.e.f. 19-2-2007).
8. Ins. by 19 of 1986, s. 8 (w.e.f. 22-1-1986).
9. Subs. by Act 1 of 2007, s. 12, for section 12 (w.e.f. 19-2-2007).

(*2*) The appropriate Government may designate one or more Members to be the Vice-Chairman or, as the case may be, Vice-Chairman thereof and the Members so designated shall exercise such of the powers and perform such of the functions of the Chairman as may be delegated to him by the Chairman by a general or special order in writing.]

13. Staff of the Tribunal.—(*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.

[1][(*1A*) The officers and other employees of a Tribunal shall discharge their functions under the general superintendence of the Chairman.]

(*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

14. Jurisdiction, powers and authority of the Central Administrative Tribunal.—(*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 [2]***) 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 to 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; or

(*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 [3][or society] 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 [3][or society] or other body, at the disposal of the Central Government for such appointment.

[4][*Explanation*.—For the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.]

(*2*) The Central 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 within the territory of India or under the control of the Government of India and to corporations [3][or societies] owned or controlled by Government, not being a local or other authority or corporation [3][or society] 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

1. Ins. by Act 19 of 1986, s. 10 (w.e.f. 22-1-1986).
2. The words and figures "under article 136 of the Constitution" omitted by s. 11, *ibid*. (w.e.f. 22-1-1986).
3. Ins. by s. 11, *ibid*. (w.e.f. 22-1-1986).
4. Ins. by s. 11, *ibid*. (w.e.f. 1-11-1985).

sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [1][or societies].

(*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 [1][or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court [2]***) 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 [1][or society]; 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 [1][or society] and pertaining to the service of such person in connection with such affairs.

15. Jurisdiction, powers and authority of State Administrative Tribunals.—(*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 [3]***) in relation to—

(*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 [4][or society] 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 service have been placed by any such local or other authority or corporation [4][or society] 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 [4][or societies] 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 [4][or societies].

(*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 [4][or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court [3]***) 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 [4][or society]; and

(*b*) all service matters concerning a person [other than a person referred to in clause (*b*) of sub-section (*1*) of this section or a member, person or civilian referred to in clause (*b*) of sub-section (*1*) of section 14] appointed to any service or post in connection with the affairs of such local or other authority or corporation [4][or society] and pertaining to the service of such person in connection with such affairs.

1. Ins. by Act 19 of 1986, s. 11 (w.e.f. 22-1-1986).
2. The words and figures "under article 136 of the Constitution" omitted by s. 11, *ibid*. (w.e.f. 22-1-1986).
3. The words and figures "under article 136 of the Constitution" omitted by s. 12, *ibid*. (w.e.f. 22-1-1986).
4. Ins. by s. 12, *ibid*. (w.e.f. 22-1-1986).

(*4*) For the removal of doubts, it is hereby declared that the jurisdiction, powers and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any matter in relation to which the jurisdiction, powers and authority of the Central Administrative Tribunal extends or is exercisable.

16. Jurisdiction, powers and authority of a Joint Administrative Tribunal.—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.

17. Power to punish for contempt.—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 (70 of 1971), shall have effect subject to the modifications that—

(*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. Distribution of business amongst the Benches.—(*1*) Where [1][any Benches of a Tribunal 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 [2]*** Benches and specify the matters which may be dealt with by each Bench.

(*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 thereon 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. Applications to tribunals.—(*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.

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 or by any corporation [3][or society] 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 [3][or society] 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) [4][in respect of the filing of such application and by such other fees for the service or execution of processes, as may be prescribed by the Central Government].

[5][(*3*) On receipt of an application under sub-section (*1*), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit

1. Subs. by Act 19 of 1986, s. 13, for "any additional Bench or Benches of a Tribunal is or are constituted" (w.e.f. 22-1-1986).
2. The words "principal Bench and the additional Bench or additional" omitted by s. 13, *ibid.* (w.e.f. 22-1-1986).
3. Ins. by s. 14, *ibid.* (w.e.f. 22-1-1986).
4. Subs. by s. 14, *ibid.*, for "as may be prescribed by the Central Government" (w.e.f. 22-1-1986).
5. Subs. by s. 14, *ibid.*, for sub-section (*3*) (w.e.f. 22-1-1986).

such application; but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.]

(*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.

20. Applications not to be admitted unless other remedies exhausted.—(*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 of one of the remedies which are available unless the applicant had elected to submit such memorial.

21. Limitation.—(*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 satisfies the Tribunal that he had sufficient cause for not making the application within such period.

22. Procedure and powers of Tribunals.—(*1*) A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 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,

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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.

(*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 [1][after hearing such oral arguments as may be advanced].

(*3*) A Tribunal shall have, for the purposes of [2][discharging its functions under this Act], the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(*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;

(*d*) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;

(*e*) issuing commissions for the examination of witness 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 by the Central Government.

23. Right of applicant to take assistance of legal practitioner and of Government, etc., to appoint presenting officers.—(*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 [3][or society], to which the provisions of sub-section (*3*) of section 14 or sub-section (*3*) of section 15 apply, [4][may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised by it may present its case with respect to any application before a Tribunal.]

24. Conditions as to making of interim orders.— 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 matter:

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

1. Subs. by Act 19 of 1986, s. 15, for "after hearing of oral arguments, if any, allowed by the Tribunal in the circumstances of the case" (w.e.f. 22-1-1986).
2. Subs. by s. 15, *ibid.*, for "holding any inquiry" (w.e.f. 22-1-1986).
3. Ins. by s. 16, *ibid.* (w.e.f. 22-1-1986).
4. Subs. by s. 16, *ibid*., for "may appoint" (w.e.f. 22-1-1986).

have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

[1][**25. Power of Chairman to transfer cases from one Bench to another.**—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 transfer any case pending before one Bench, for disposal, to any other Bench.

26. Decision to be by majority.—If the Members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Tribunal and such point or points shall be decided according to the opinion of the majority of the Members of the Tribunal who have heard the case, including those who first heard it.]

27. Execution of orders of a Tribunal.—Subject to the other provisions of this Act and the rules, [2][the order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any court (including a High Court) and such order] 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.

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CHAPTER V

MISCELLANEOUS

28. Exclusion of jurisdiction of courts except the Supreme Court under article 136 of the Constitution.—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, [3][no court except—

(*a*) the Supreme Court; or

(*b*) any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 (14 of 1947) or any other corresponding law for the time being in force,

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.

29. Transfer of pending cases.—(*1*) Every suit or other proceeding pending 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:

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court [4]***.

(*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 [5][or society], 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:

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1. Subs. by Act 19 of 1986, s. 17, for sections 25 and 26 (w.e.f. 22-1-1986).
2. Subs. by s. 18, *ibid.*, for "the order of a Tribunal finally disposing of an application" (w.e.f. 22-1-1986).
3. Subs. by s. 19, *ibid*., for "no court (except the Supreme Court under article 136 of the Constitution) shall have" (w.e.f. 1-11-1985).
4. The words "or the Supreme Court" omitted by s. 20, *ibid.* (w.e.f. 22-1-1986).
5. Ins. by s. 20, *ibid*. (w.e.f. 22-1-1986).

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court [1]***

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 [2][or society], 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 [2][or society].

(*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 stands 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.

[3][(*6*) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987 (51 of 1987), being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any court, shall, together with the records thereof, stand transferred on such commencement to such court.

(*7*) Where any case stands transferred to a court under sub-section (*6*), that court may proceed to deal with such case from the stage which was reached before it stood so transferred.]

[4][**29A. Provision for filing of certain appeals.**—Where any decree or order has been made or passed by any court (other than a High Court) in any suit or proceeding before the establishment of a Tribunal, 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, and no appeal has been preferred against such decree or order before such establishment and the time for preferring such appeal under any law for the time being in force had not expired before such establishment, such appeal shall lie—

(*a*) to the Central Administrative Tribunal, within ninety days from the date on which the Administrative Tribunals (Amendment) Bill, 1986 receives the assent of the President, or within ninety days from the date of receipt of the copy of such decree or order, whichever is later, or

(*b*) to any other Tribunal, within ninety days from its establishment or within ninety days from the date of receipt of the copy of such decree or order, whichever is later.]

30. Proceedings before a Tribunal to be judicial proceedings.—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).

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1. The words "or the Supreme Court" omitted by Act 19 of 1986, s. 20 (w.e.f. 22-1-1986).
2. Ins. by s. 20, *ibid.* (w.e.f. 22-1-1986).
3. Ins. by Act 51 of 1987, s. 5 (w.e.f. 22-12-1987).
4. Ins. by Act 19 of 1986, s. 21 (w.e.f. 22-1-1986).

31. Members and staff of Tribunal to be public servants.—The [1][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).

32. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central or State Government or against the Chairman, [2]*** or other Member of any Central or Joint or State Administrative Tribunal, or any other person authorised by such Chairman, [2]*** 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 thereunder.

33. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith 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.

34. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the 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.

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

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

(*a*) the case or cases which shall be decided by a Bench composed of more than [3][two 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 [4][Chairman or other Member];

(*c*) the salaries and allowances payable to, and the other terms and conditions of, the [5][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 [6][and the fees payable in respect of the filing of such application or for the service or execution of processes;]

(*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. Power of the appropriate Government to make rules.— 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 [7]*** Benches of the Tribunal under 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

1. Subs. by Act 1 of 2007, s. 13, for "Chairman, Vive-Chairman and other Members" (w.e.f. 19-2-2007).
2. The word "Vice-Chairman" omitted by s. 14, *ibid.* (w.e.f. 19-2-2007).
3. Subs. by Act 19 of 1986, s. 22, for "three Members" (w.e.f. 22-1-1986).
4. Subs. by Act 1 of 2007, s. 15, for "Chairman, Vice-Chairman or other Member" (w.e.f. 19-2-2007).
5. Subs. by s. 15, *ibid.*, for "Chairman, Vice-Chairman and other Member" (w.e.f. 19-2-2007).
6. Subs. by Act 19 of 1986, s. 22, for "and the fees payable in respect of such application" (w.e.f. 22-1-1986).
7. The words "principal Bench and the additional" omitted by s. 23, *ibid.* (w.e.f. 22-1-1986).

(*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.

[1][**36A. Power to make rules retrospectively.**—The power to make rules under clause (*c*) of sub-section (*2*) of section 35 or clause (*b*) of section 36 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable].

37. Laying of rules.—(*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 thereafter 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, before the State Legislature.

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1. Ins. by Act 51 of 1987, s. 6 (w.e.f. 22-12-1987).

STATEMENT OF OBJECTS AND REASONS

Article 323A of the Constitution stipulates that Parliament may, by law, 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 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.

2. The Bill seeks to give effect to the aforesaid constitutional provision by providing for the establishment of an Administrative Tribunal for the Union and a separate Administrative Tribunal for a State or a Joint Administrative Tribunal for two or more States. The Bill also provides for—

(*a*) the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each Tribunal;

(*b*) the procedure (including provision as to limitation and rules of evidence) to be followed by the State Tribunals;

(*c*) exclusion of the jurisdiction of all courts, except that of the Supreme Court under article 136 of the Constitution relating to service matters;

(*d*) the transfer to each Administrative Tribunal of any suit or other proceedings pending before any court or other authority immediately before the establishment of such Tribunal as would have been within the jurisdiction of such Tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment.

3. The establishment of Administrative Tribunal under the aforesaid provision of the Constitution has become necessary since a large number of cases relating to service matters are pending before the various courts. It is expected that the setting up of such Administrative Tribunals to deal exclusively with service matters would go a long way in not only reducing the burden of the various courts and thereby giving them more time to deal with other cases expeditiously but would also provide to the persons covered by the Administrative Tribunals speedy relief in respect of their grievances.

NEW DELHI;
The 21*st January*, 1985.

K. P. SINGH DEO.