

**HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL
(PROCEDURE) RULES, 1986**

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**HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL
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¹1. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i) dated 22nd August, 1986 G.S.R. 1016 (E).- In exercise of the powers conferred by Cls. (d), (e) and (f) of sub-section (2), of Section 35 and Cl. (c), of Sec. 36 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 Himachal Pradesh, Administrative Tribunal (Procedure) Rules, 1986.

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

2. Definition :-

In these rules, unless the context other wise requires,-

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

(b) "advocate" means an advocate entered in any roll under the provisions of the Advocate Act, 1961 (25 of 1961) ;

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

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

(e) "application" means an application made to the Tribunal under Section 19 ;

(f) "Form" means the Form annexed to these rules ;

(g) "Government" means the Government of Himachal Pradesh ;

(h) "Legal Practitioner" shall have the same meanings as is assigned to it in the Advocates Act, 1961 (25 of 1961) ;

(i) "Registrar" means the Registrar of the tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under Cl. (2) of rule 27;

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

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

(1) "Tribunal" means the Himachal Pradesh Administrative Tribunal established under sub-section (2) of 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 the Hindi in the proceedings. However, the final order shall be in English.

4. Procedure for tiling applications :-

(1) An application to the Tribunal shall be presented in Form I by the applicant in person or by an agent or by a duly authorised advocate, to the Registrar or any other officer authorised by the Registrar to receive applications or sent by registered post with the acknowledgment due addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in three complete sets in a paper-book form along with one empty File size envelope bearing full address of the respondent. Where the number of respondents is more than one, as many extra copies of the application in paper book form as the number of respondents together with required number of empty File size envelop bearing the full address of each respondent shall be furnished by the applicant.

(3) The applicant may attach to and present with his application a receipt slip as in Form No. 1 which shall be signed by the Registrar or the officer receiving the application on behalf of the Registrar in acknowledgement of the receipt of the application.

(4) Notwithstanding anything, contained in sub rules, (1), (2), and (3), the Tribunal may permit:

(a) more than one person to join together and file a single application if it is satisfied having regard to the cause of action and the nature of relief prayed for, that they have the same interest in the service matter, or

(b) An association representing the persons desirous, of joining in a single application provided, however, that the application shall disclose, the names of all the persons on whose behalf it has been Filed.

5. Presentation and scrutiny of application :-

(1) The Registrar or the officer authorised by the Registrar 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 may deem fit.

(4) If the applicant fails to rectify the defect within the time allowed under 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 tribunal whose decision thereon shall be final.

6. Place of filing application :-

The application shall ordinarily be filed by the applicant with the Registrar.

7. Application fee :-

Every application filed with the Registrar shall be accompanied by a fee of Rs. 50/- (Rupees Fifty only) which shall be paid in court fee stamps: Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be Rs. 50/- (Rupees Fifty only).

8. Contents of application :-

(1) Every application filed under rule 4 shall set forth concisely under distinct heads the grounds for such application. Such grounds shall be numbered consecutively and typed in double space.

(2) It shall not be necessary to present a separate application to seek an interim order or direction if the application contains a prayer seeking an interim order or direction pending final disposal of the application.

(3) An applicant may, subsequent to the filing of application under Section 19 of the Act, apply for an interim order or direction. Such application shall, as far as possible, be in the same form as is

prescribed for an application under Section 19 and shall be accompanied by a fee of Rs. 2/- (Rupees two only) which shall be payable in court fee stamps affixed on such application.

9. Paper book etc. to accompany the application :-

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

(i) an attested true copy of the order against which the application has been Filed;

(ii) copies of the documents relied upon by the applicant and referred to in the application ; and

(iii) an index of documents.

(2) The documents referred to in sub-rule (1) may be attested by an advocate or by a Gazetted Officer.

(3) Where the application is Filed by an agent, documents authorising him to act as such agent shall also be appended to the application: Provided that where an application is Filed by an advocate, it shall be accompanied by a duly executed 'vakalatnama'.

10. Plural remedies :-

An application shall be based upon a single cause of action and may seek one or more reliefs provided they are consequential to one another.

11. Service of notice of application on the respondent :-

(1) A copy of the application in the paper book shall ordinarily be served on each of the respondents by the Registrar in one of the following modes:

(i) hand delivery (dasti) through the applicant or through a process server; or

(ii) through registered post with acknowledgement due.

(2) Notwithstanding anything contained in sub-rule (1), the Registrar may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service as it appear to the Registrar just and convenient.

(3) Every applicant shall pay a fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five, as under,-

(i) a sum of Rs. 5 (Rupees five) for each respondent in excess of Five respondents; or

(ii) where the service is in such manner as the Registrar may direct under sub-rule (2), a sum not exceeding the actual charges incurred in affecting the service as may be determined by the Registrar.

(4) The fee for the service or execution of processes under sub-rule (3) shall be remitted by the applicant in the form of court fee stamps.

(5) Notwithstanding anything contained in sub-rules (1), (2), (3) and (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of the application upon all the respondents. It may, for reasons to be recorded in writing direct that the application shall be heard notwithstanding that some of the respondents have not been served with notice of the application, provided that no application shall be heard unless,-

(i) notice of the application has been served on the Central Government if Government is a respondent;

(ii) notice of the application has been served on the authority which passed the order against which the application has been filed; and

(iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. Filing of reply and other documents by the respondents

:-

(1) The respondents shall file three complete sets containing the reply to the application alongwith the documents relied upon by him, in a paper book form, with the Registrar within one month of the date of service of the notice of the application on him.

(2) The respondent shall also serve a copy of the reply alongwith copies of documents as mentioned in sub-rule (1) on the applicant or his advocate, if any and file proof of such service with the

Registrar. The Registrar may, on application by the respondent allow filing of the reply after the expiry of the period of one month.

13. Date and place of hearing to be notified :-

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

14. Silting of the Tribunal :-

The Tribunal shall ordinarily hold its sittings at Shimla: Provided that if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary to have sittings of the Tribunal at any place other than Shimla the Chairman may direct to hold the sittings at any such appropriate place.

15. Decision on application :-

(1) The Tribunal shall draw up a calendar for the hearing of transferred cases and as far as possible hear and decide the cases according to the calendar.

(2) Every application shall be heard and decided as far as possible, within six months of the date of its presentation.

(3) For purposes of sub-rules (1) and (2), the Tribunal shall have the power to decline an adjournment and to limit the time for oral arguments.

16. Action on application for applicants default :-

(1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called 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 causes for his non-appearance when the application was called on for hearing, the Tribunal may make an order setting aside the order dismissing the application and restore the same.

17. Hearing of application ex parte :-

(1) Where on the date fixed for hearing the application or on any other date to which such hearing may be 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.

(2) Where an application has been heard ex parte against a respondent or respondents such respondent or respondents may apply to the Tribunal for an order to set it aside; and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the application was called on for hearing, the Tribunal may make an order setting aside the ex parte hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the application: Provided that where the ex parte hearing of the application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also; Provided further that no Tribunal shall set aside ex parte hearing of an application merely on the ground that there has been an irregularity in the service of notice, if it is satisfied that the respondent had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim.

18. Adjournment of application :-

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

19. 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.

20. 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 conditions as the Tribunal may lay down.

21. 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.

22. No fee for inspection of records :-

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

23. Orders and directions in certain cases :-

The Tribunal may make such orders or give such directions as may

be necessary or expedient to give effect, to or in relation to its orders or to prevent abuse of its process or to secure the ends of justice.

24. Registration of legal practitioners clerks :-

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

(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form 2.

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

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

(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 issued to his clerk and on receipt of such letter the name of the said registered clerk shall be struck off from the register.

25. Working hours of the Tribunal :-

Except on Second Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman, remain open from 10.00 a.m to 5.00 p.m. but no work unless it is of an urgent nature, shall be admitted after 3.30 p.m. on any working day.

26. 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 4.30 p.m. subject to any order made by the Chairman.

27. 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 may be assigned to him under these rules or by the Chairman.

(2) The Registrar may, with the approval of the Chairman, delegate to Deputy Registrar any function required by these rules to be exercised by the Registrar.

(3) In the absence of the Registrar, the Deputy Registrar or any other officer of the Tribunal authorised in writing by the Chairman in this behalf may perform or exercise all or any of the functions and power of the Registrar.

(4) The Registrar shall keep in his custody official seal of the Tribunal.

(5) The Registrar shall, subject to any general or special direction by the Chairman, affix the official seal of the Tribunal on any order, notice or other process.

(6) The Registrar shall have the power to authorise in writing the affixing the seal of the Tribunal on a certified copy of any order of the Tribunal.

28. 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 Chairman or the Vice-Chairman of the Bench concerned, 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 require any application presented to the Tribunal to be amended in accordance with the Act and the Rules :

(iv) subject to the directions of the Tribunal to fix dates of hearing of the applications 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 of the proceedings ;

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

(viii) to dispose of all matters relating to the service of notices or other processes, applications for the issues of fresh notices or for extending the time therefor;

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

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

(xi) to receive and dispose of application for substitution, except where the substitution would involve setting aside an order of abatement; and

(xii) to receive and dispose of application by parties for return of documents.

29. Seal and emblem :-

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

30. Dress for the Members and stall 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.

31. Dress for the parties :-

A legal practitioner or, as the case may be, a presenting officer shall appear before the Tribunal in his professional dress if any, and if there is no such dress.-

(i) if a male, in a close collared coat or in an open collared coat with white shirt, trousers and a tie ;

(ii) if a female, in a saree or in any other dress in white or any other light colour.