

**CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
RULES, 1985**

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**CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
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GSR 7/3.-(New Delhi, the 26th July, 1985).- In exercise of the powers conferred by clause (d), (e) and (f) of sub-section (2) of section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :-

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

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

2. Definitions :-

In these rules, unless the context otherwise requires:-

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

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

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

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

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

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

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

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

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

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

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

3. Language of the Tribunal :-

(1) The language of the Tribunal shall be English : Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi if they so desire : Provided further that a Bench may in its discretion, permit the use of Hindi in the proceeding ; However, the final order shall be in English.

(2) Notwithstanding anything contained in rule 1, the Tribunal may pass such order in Hindi, as and when it deems fit : Provided that any such order shall be accompanied by translation in English of the same, duly attested by the Bench concerned.

4. Procedure for filing applications :-

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

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

5. Presentation and scrutiny of applications :-

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

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

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

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

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

6. Place of filing applications :-

The application shall be filed by the applicant either with the

Registrar of the additional Bench within whose jurisdiction the applicant is posted for the time being or with the Registrar of the principal Bench.

7. Application fee :-

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

8. Contents of application :-

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

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

9. What to accompany the application :-

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

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

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

(iii) details of the crossed Demand Draft or crossed Indian Postal Order representing the application fee :

(iv) index of documents.

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

(3) Where the parties to the suit or proceeding are being represented by an agent, documents authorising such agent shall also be appended to the application: Provided that where the agent

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

10. Plural remedies :-

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

11. Endorsing copy of application to the respondent :-

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

12. Filing of reply and other documents by the respondent :-

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

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

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

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

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

14. Hearing of applications :-

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

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

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

15. Action on application for applicants default :-

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

16. Hearing on application ex-parte :-

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

17. Adjournment of application :-

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

18. Order to be signed and dated :-

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

19. Publication of orders :-

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

20. Communication of orders to parties :-

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

21. No fee for inspection of records :-

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

22. 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 its orders or to prevent abuse of its process or to secure the ends of justice.

23. Registration of legal practitioners clerks :-

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

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

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

(4) A register of all the registered 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 each registered clerk which shall be non-transferable and shall be produced by the holder upon request by any officer or other employee of the Tribunal authorised in this behalf.

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

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

24. Working hours of the Tribunal :-

Except on Saturdays, Sundays and other public holidays, the offices of the Tribunal shall, subject to any order made by the Chairman, remain open daily from 10.00 am. to 6.00 p.m. but no work, unless of an urgent nature, shall be admitted after 4.30 p.m. on any working day.

25. Sitting hours of the Tribunal :-

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

26. Powers and functions of the Registrar :-

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

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

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

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

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

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

27. Additional powers and duties of Registrar :-

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

(iv) subject to the directions of the respective Benches to fix date of hearing of the applications or other proceeding and issue notices thereof ;

(v) to direct any formal amendment of records ;

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

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

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

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

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

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

(xii) applications by parties for return of documents ;

28. Seal and emblem :-

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

29. Dress for the Members and staff of the Tribunal :-

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

30. Dress for the parties :-

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

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

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