

**CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
RULES, 1987**

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**CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
RULES, 1987**

G.S.R. 17 (E), dated 6th January, 1987.-In exercise of the powers conferred by CIs. (d), (e) and (f) of sub-section (2) of Section 35

and Cl. (c) of S, and in supersession of the Central Administrative Tribunal (Procedure) Rules, 1985, except as respects things done or omitted to be done before such supersession, 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, 1987 .

(2) They shall come into force on the Fifteenth day of January, 1987.

2. Definitions :-

In these rules, unless the context otherwise requires,-

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

¹(b) "agent" means a person duly authorised by a party to present an application, written reply, rejoinder or any other document on its behalf before the Tribunal:]

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

(d) "form" means a form specified in Appendix A:

(e) "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);

¹ (f) "legal representative" means a person who in law represents the estate of the deceased person and includes a person or persons in whom the right to receive pensionary, retirement, terminal or

other benefits or family pension vests ;]

(g) "registrar" means in relation to the Tribunal the Registrar appointed to the Principal Bench and in relation to each of the other Benches of the Tribunal shall mean the Registrar appointed to the particular Bench and include any officer to whom the powers and functions of the Registrar may be delegated under CIs. (2) and (3) of rule 28.

(h) "Registry" means the Registry of the Tribunal or of the Bench of the Tribunal as the case may be;

(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) or sub-section (2) of Section 29 ;

(k) "Tribunal" means the Central Administrative Tribunal established under sub-section (1) of Section 4 of the Act :

(1) the words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

1. Subs. by G.S.R. 1000 (E), dated 1st October, 1988 (w.e.f. 24th October, 1988), published in the Gazette of India. Extraordinary, Pt. II, Sec. 3 (i). dated 1st October, 1989.

3. Language of the Tribunal :-

¹[(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) a Bench may, in its discretion permit the use of Hindi in the proceedings. ²[* *]:

(b) the Bench, hearing the matter, may in its discretion, direct English translation of pleading and documents to be filed.

³[(c) the Benches ⁴[* *] may, in their discretion, make final orders either in Hindi or in English.]

³ [(2) Notwithstanding anything contained in sub-rule (1), where a final order is made in Hindi, an authenticated English translation thereof shall simultaneously be prepared and kept on record.]

1. Renumbered by G.S.R. 756 (E), dated 18th October, 1994 (w.e.f. 18th October, 1994).

2. Omitted by G.S.R. 756 (E), dated 18th October, 1994 (w.e.f. 18th October, 1994).

3. Ins. by G.S.R. 756 (E), dated 18th October, 1994 (w.e.f. 18th October, 1994).

4. Omitted by G.S.R. 41 (E), dated 22nd January, 1996 (w.e.f. 22nd January, 1996).

4. Procedure for filing 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 legal practitioner to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment due addressed to the Registrar of the Bench concerned.

¹[(2) The application under sub-rule (1) shall be presented in triplicate in the following two compilations-

(i) compilation number I.-application along with the Impugned

order, if any;

(ii) compilation number 2.-all other documents and annexures referred to in the application in a paper-book form.]

(3). Where the number of respondents is more than one, as many extra copies of the application in paper-book form as there are respondents together with unused file size envelope bearing the full address of each respondent shall be furnished by the applicant : Provided that where the number of respondent is more than five, the Registrar may permit the applicant to file the extra copies of the application at the time of issue of notice to the respondents.

(4) The applicant may attach to and present with his application a receipt slip In Form II which shall be signed by the Registrar or the officer receiving the application on behalf of the Registrar in acknowledgment of the receipt of the application.

(5)

(a) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit 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 a common interest In the matter.

(b) Such permission may also be granted to an association, representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class, grade, categories of persons on whose behalf it has been filed :

² [Provided that at least one affected person joins such as application.]

1. Subs. by G.S.R. 1000 (E), dated 11th October, 1988 (w.e.f. 24th October, 1988).

2. Added by G.S.R. 1000 (E), dated 11th October, 1988 (w.e.f. 24th October, 1988).

5. Presumption and scrutiny of applications :-

(1) The Registrar, or 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. ¹[Where an application is received by registered post, the applicant shall be informed of the defects. If any, and he shall be required to rectify the same within such time as may be stipulated by the Registrar.

²[(4)

(a) 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 and place the matter before the Bench for appropriate orders.

(b) ³ [* * *]

1. Added by G.S.R. 1000 (E), dated 11th October, 1988 (w.e.f. 24th October, 1988).

2. Subs. by G.S.R. 1000 (E), dated 11th October, 1988 (w.e.f. 24th October, 1988).

3. Omitted by G.S.R. 99 (E), dated 26th February, 1991 (w.e.f. 27th February, 1991).

6. Place of filing application :-

[

(1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction-

(i) the applicant is posted for the time being, or

(ii) the cause of action, wholly or in part, has arisen :Section 25 , such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything contained in sub-rule (1) persons who have ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.]

7. Application fee :-

Every application filed with the Registrar shall be accompanied by a fee of rupees fifty to be remitted either in the form of crossed demand draft on a nationalised bank in favour of the Registrar of the concerned Bench and payable at the main Branch of the bank at the station when the seat of the said Bench is situate or remitted through a crossed Indian Postal Order drawn in favour of the Registrar of the concerned Bench and payable at the post office of the station where the said Bench is situate : 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 rupees fifty: Provided further that where the Tribunal is satisfied that an applicant is unable to pay the prescribed fee on ground of indigence, it may exempt such an applicant from the payment of fee.

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. Every application, including any miscellaneous application shall be typed in double space on one side on thick paper of good quality.

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

(3) An applicant may, subsequent to the filing of an application under Section 19 of the Act¹, apply for an interim order or direction. Such an application shall, as far as possible, be in Form III.

² [(4) Where the applicant seeks condonation of delay, he shall file a separate application supported by an affidavit.]

1. State of Punjab. KailashNath, 1989(I)C.L.R.60atp.64(S.C.).

2. Ins. by G.S.R. 1000 (E), dated 1st October, 1988 (w.e.f. 24th October, 1988).

9. Documents to accompany the application :-

(1) Every application shall be accompanied by ¹ [the following documents]-

(i) an attested true copy of the order against which the application is filed:

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

(iii) an index of the documents.

(2) The documents referred to in sub-rule (1) may be attested by a legal practitioner or by a gazetted officer and each document shall be marked serially as Annexures A-1, A-2, A-3 and so on.

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

1. Subs.by G.S.R. 1000(E), dated 11th October, 1988, for the words "a paper book containing".

10. Plural remedies :-

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

11. Service of notices and processes Issued by the Tribunal :-

¹[(1) Notices to be issued by the Tribunal may be served by any of the following modes :

(i) Service by the party itself ;

(ii) By hand delivery (dasti) through process server ;

(iii) By registered post with acknowledgment due;

²[(iv) through the concerned head of office of the same Department:] Provided that if the Tribunal does not specify the mode of service, notice may be sent by registered post with acknowledgment due, and the provision of sub-rule (2) of rule 19-A or Order V of the First Schedule to the Code of Civil Procedure,

1908 (5 of 1908), shall apply to such mode of service.]

(2) Where notice issued by the Tribunal is served by the party himself by "hand delivery" (dasti), he shall file with the Registry of the Tribunal, the acknowledgment, together with an affidavit of service.

(3) Notwithstanding anything contained in sub-rule (1) the Tribunal, 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 appears to the Tribunal just and convenient.

¹ [(4) Notwithstanding anything contained in sub-rule (1), the Tribunal may, in its discretion, having regard to the nature of the case, direct the service of the notice on the Standing Counsel, authorised to accept the service, for any Department or organisation of the Central Government, or an authority, a corporation, a body owned or controlled by the Central Government.

(5) Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the application and a copy of the impugned order.]

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

(i) a sum of rupees five for each respondent in excess of five respondents: or

(ii) where the service is in such a manner as the Tribunal may direct under sub-rule (3) such a sum, not exceeding the actual charges incurred in effecting the service, as may be determined by

the Tribunal.

(7) The fee for the service or execution of processes under sub-rule (3) shall be remitted in the manner prescribed in rule 7 within one week of the date of the order determining, the fee or within such extended time as the Registrar may permit.

(8) Not with standing anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of 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 or the State Government, if such 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.

1. Subs. by ibib. dated I 1th October, 1988 (w.e.f. 24th October, 1988).

2. Subs.by G.S.R. 99(E). dated 26th February, 1991 (w.e.f. 27 th February. 1991).

12. Filing of reply and other documents by the respondents

:-

(1) Each respondent Intending to contest the application, shall file

in triplicate the reply to the application and the documents relied upon in paper-book form with the Registry within one month of the service of notice of the application on him.

(2) In the reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the applicant in his application and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed and verified as a written statement by the respondent or any other person duly authorised by him in writing in the same manner as provided for in Order VI, R.15 of the Code of Civil Procedure, 1908.

(3) The document referred to in sub-rule (2) shall also be filed alongwith the reply and the same shall be marked as R 1, R 2, R 3 and so on.

(4) The respondent shall also serve a copy of the reply alongwith documents as mentioned in sub-rule (1) on the applicant or his legal practitioner, if any, and file proof of such service in the Registry.

(5) The Tribunal may allow filing of the reply after the expiry of the prescribed period.

¹ [(6) The Tribunal may permit the parties to amend the pleadings in the same manner as provided under Order VI, R.17 of the Code of Civil Procedure, 1908.]

1. Added by G.S.R. 99 (E), dated 26th February, 1991 (w.e.f. 27th February, 1991).

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 in such manner as the Chairman may by general or special order direct.

14. Calendar of cases :-

(1) Each Bench 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 from the date of its registration.

(3) The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments

15. 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 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 files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause of his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same : Provided, however, where the case was disposed of on merits the decision shall not be responded except by way of review.

16. Ex-parte hearing and disposal of application :-

(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 for hearing the Tribunal may, in its discretion adjourn the hearing or hear and decide the application ex parte.

¹ [(2) Where an application has been heard ex-parte against a respondent or respondents such respondent or respondents may apply within 30 days from the date of the order 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 application was called for hearing the Tribunal may make an order setting aside the ex-parte order 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 order 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 in cases covered by sub-rule (8) of rule 11, the Tribunal shall not set aside ex-parte order of an application merely on the ground that it was not served upon a respondent or respondents.]

1. Subs. by G.S.R. 99 (E), dated 26th February, 1991 (w.e.f. 27th February, 1991).

17. Application for review :-

[

(1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

(2) A review/application shall ordinarily be heard by the same Bench which has passed the order, unless the Chairman may, for reasons to be recorded in writing, direct it to be heard by any other Bench.

(3) Unless otherwise ordered by the Bench concerned a review-application shall be disposed of by circulation and the Bench may

either dismiss the application or direct notice to the opposite party.

(4) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained in the same manner.

(5) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise, and also those which are sworn on the basis of the legal advice. The counter/affidavit in review/application will also be a duly sworn affidavit wherever any averment of fact is disputed.)

18. Substitution of legal representatives :-

(1) In the case of death of a party during the pendency of the proceedings before the Tribunal, the legal representatives of the deceased party may apply within ¹ [ninety days] of the date of such death for being brought on record as necessary parties.

(2) Where no application is received from the legal representatives within the period specified in sub-rule (1), the proceedings against the deceased party shall abate:

1. Subs. by G.S.R. 1000 (E), dated 11th October, 1988, for the words "thirty days" (w.e.f. 24th October, 1988).

19. Adjournment of hearing :-

. The Tribunal may if sufficient cause is shown at any stage of proceedings grant time to the parties or any of them, and adjourn the hearing of the application. The Tribunal may make such order as it thinks fit with respect to the costs occasioned by the adjournment.

20. Order to be signed and dated :-

(i) Every order of the Tribunal shall be in writing and shall be signed by the Member or Members constituting the Bench, which pronounced the order

(ii) The orders shall be pronounced in open Court.

21. Publication of orders :-

(i) The Tribunal may publish its decision which are deemed fit for publication, in a report entitled "Indian Law Report-- Central Administrative Tribunal 19 (for short ILR-CAT- 19-)." ."

(ii) Such of the orders of Tribunal, as are deemed fit for publication in any other authoritative report or the press, may be released for such publication on such terms and conditions as the Chairman may specify by general or special order.]

22. Communication of orders to the parties :-

[Every interim order granting or refusing or modifying interim relief and final order shall be communicated to the applicant and to the concerned respondent or to their counsels. either by hand delivery or by post free of cost : Provided that unless ordered otherwise by a Bench a copy of the final order need not be sent to any respondent who has not entered appearance: Provided further that when the petitioners or the respondents is represented by a counsel, under a single vakalatnama, only one copy shall be supplied to such counsel as named therein.]

23. Inspection of the records :-

(1) The parties to any case or their counsel may be allowed to inspect the record of the case on making an application in writing

to the Registrar.

(2) Subject to such terms and conditions as may be prescribed by the Chairman by a general or special order a person who is not a party to the proceeding, may also be allowed to inspect the proceedings after obtaining the permission of the Registrar in writing.

24. 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.

25. Registration of legal practitioners clerks :-

(1) No clerk employed by a legal practitioner shall act as such in the Tribunal or be permitted to have access to the records and obtain copies of the orders of the Bench of the Tribunal in which the legal practitioner ordinarily practises unless his name is entered in the register of clerks maintained by the said Bench. Such clerk 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 IV. On such application being allowed by the Registrar, his name shall be entered in the Register of Clerks.

(3) 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 other employees of the Tribunal authorised in this behalf. The identity card shall be issued under the signature of the Deputy Registrar of the Bench concerned.

(4) A register of all the clerks registered under sub-rule (2) shall be

maintained in the office of the Registrar of each Bench.

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

(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 said registered clerk shall be struck off from the register.

26. Working hours of the Tribunal :-

Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman remain open from 9.30 a.m. to 6 p.m.

27. Sitting hours of the Tribunal :-

The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30 to 1.30 p.m. and 2.30 p.m. to 5 p.m. subject to any general or special order made by the Chairman, or by Vice-Chairman concerned with the prior approval of the Chairman.

28. 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 are assigned to him under these rules or by the Chairman or the Vice-Chairman of the Bench concerned by separate order.

(2) The Registrar may, with the approval of the Chairman or of the Vice-Chairman of the Bench concerned delegate to the Deputy Registrar any function or power required by these rules to be performed or exercised by the Registrar.

¹ [(3) In the absence of the Registrar, the Deputy Registrar or any other officer to whom the powers and functions of the Registrar are delegated by the Chairman or Vice-Chairman, as the case may be, may exercise the powers and 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 of the Registrar or the Deputy Registrar.

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

1. Subs.by G.S.R. 1000(E).dated 11thOctober. 1988(w.e.f. 24th October, 1988).

29. Additional powers and duties of Registrar :-

In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following power 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 direction of the respective Benches, to fix the

date of first 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 to the proceedings ;

(vii) to grant leave to inspect the records of the Tribunals :

(viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices and for extending the time for filing such applications and to grant time not exceeding ¹[30 days] for filing a reply or rejoinder, if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period :

(ix) to requisition record from the custody of the Court or other authority ;

² [(x) to receive applications within ninety days from the date of death for substitution of legal representatives of the deceased parties during the pendency of the application.]

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

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

1. Subs by G.S.R. 1000(E).dated 11thOctober. 1988(w.e.f. 24th October, 1988) for the word "15 days" (w.e.f. 24th October. 1988).

2. Subs. by G.S.R. 99 (E), dated 26thFebruary, 1991 (w.e.f. 27th

February, 1991).

30. Additional powers of the Registrar of the Principal Bench :-

The Registrar of Principal Bench shall have the power to call for information and records and to inspect or cause to be inspected the Registry of the other Benches under general or special orders as may be issued by the Chairman from time to time.

31. Seal and emblem :-

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

32. Dress of 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.

33. Dress of 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 closed collared coat and trousers or in a lounge suit:

(ii) if a female, in a saree or any other customary dress of a sober colour.