

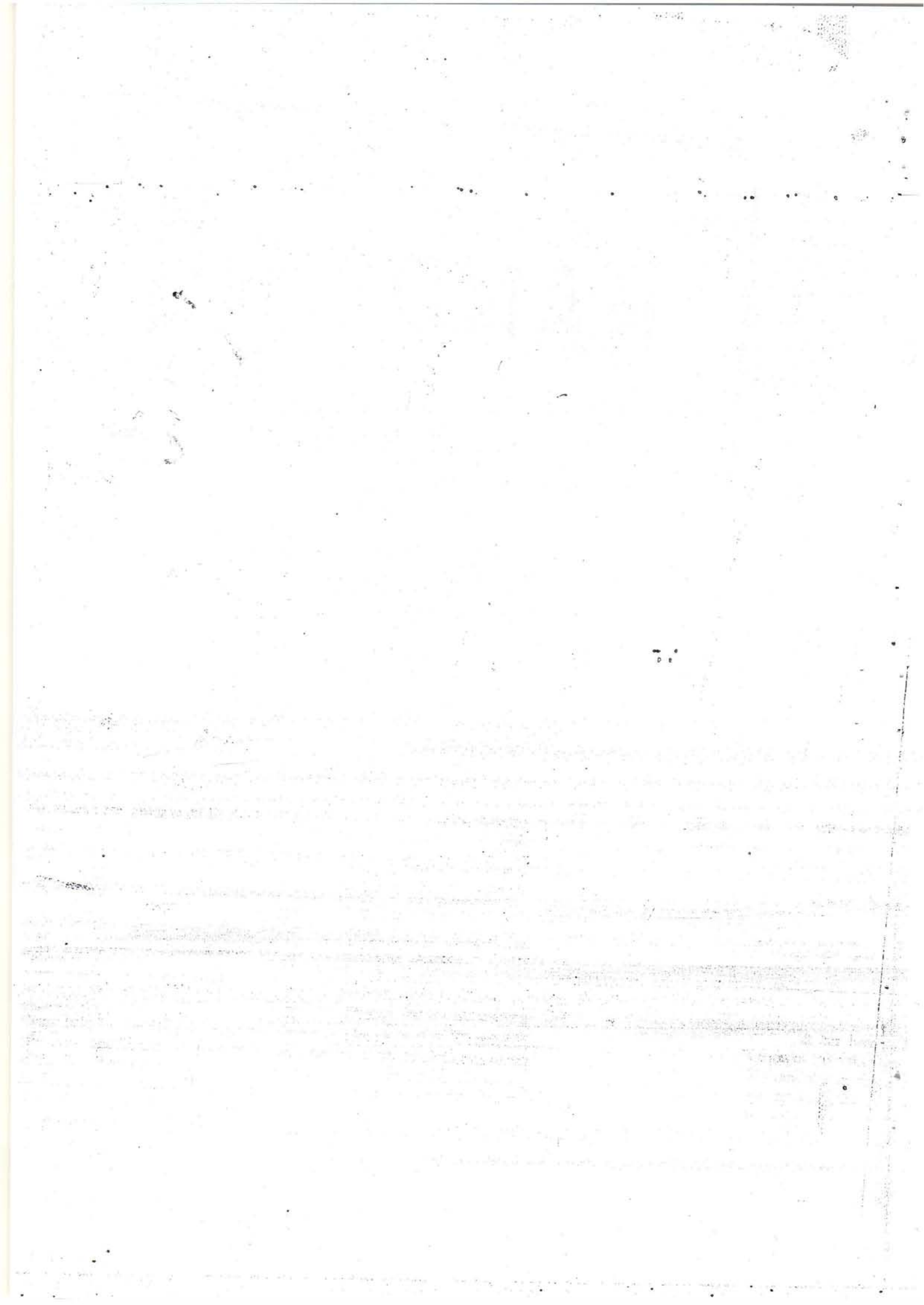
# HANDLING



# CAT CASES

**INSTITUTE OF SECRETARIAL TRAINING & MANAGEMENT**

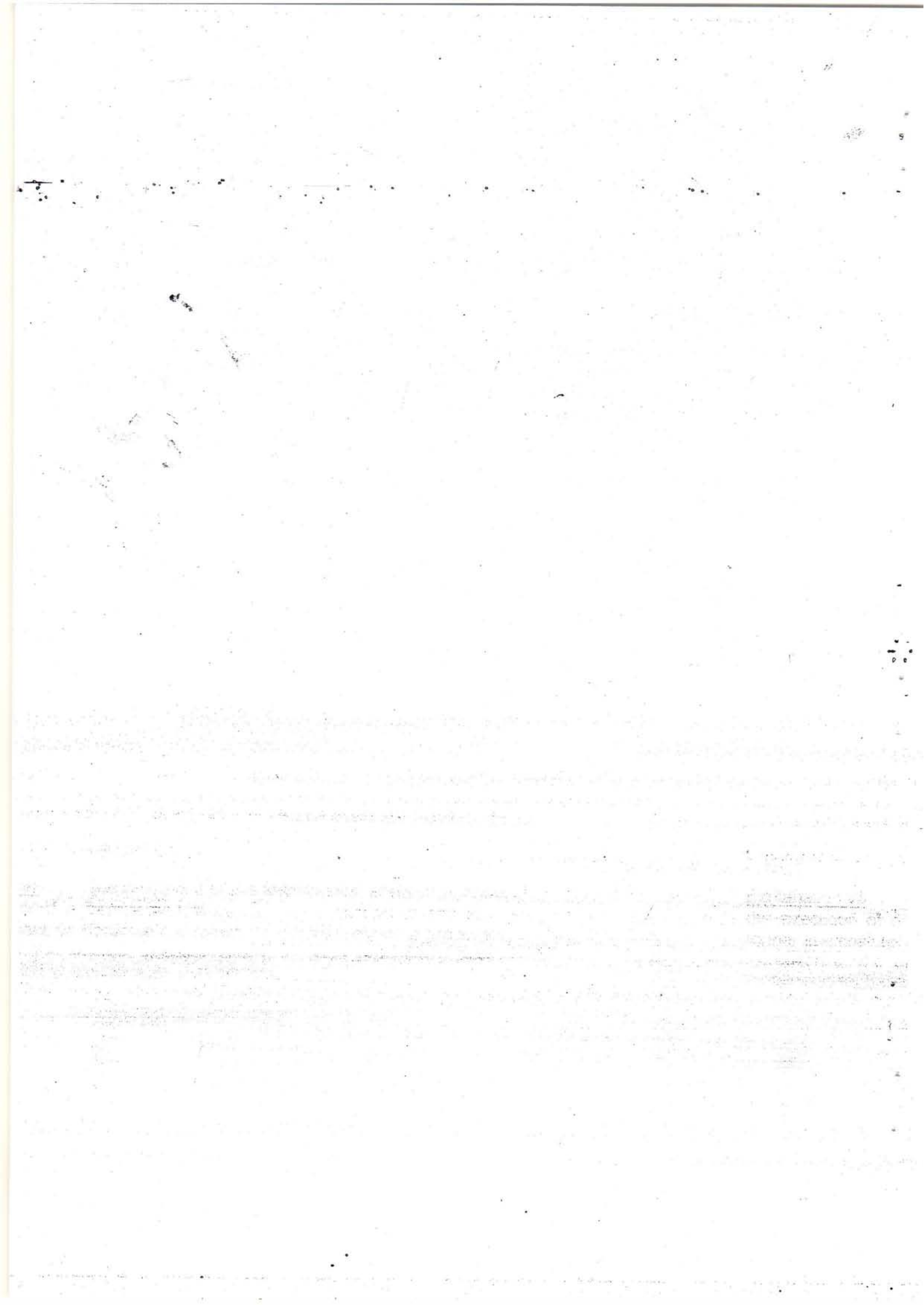
**DEPARTMENT OF PERSONNEL & TRAINING**





## TABLE OF CONTENTS

<b>Section – I</b>		
<b>EXTRACTS OF STATUTORY PROVISIONS</b>		
<b>Sl.No.</b>	<b>TOPIC</b>	<b>Page No.</b>
1.	Article 323-A of the Constitution	1
2.	Indian Evidence Act – 1872	3
3.	Civil Procedure Code – 1908	5 – 6
4.	Administrative Tribunals Act. 1985	7 – 13
5.	CAT (Procedure) Rules 1987	15 – 19
6.	CAT Rules of Practice 1993	21 – 22
<b>Section – II</b>		
<b>HANDOUTS</b>		
1.	Role and Functions of Administrative Tribunals	23 – 27
2.	List of Organisations brought within the purview of Central Administrative Tribunal	29 – 30
3.	Types of Application	31 – 32
4.	Action on Receipt of Notice	33 35
5.	Listing and posting of Cases	37 – 38
6.	Preliminary Objections	39 – 45
7.	Preparation and Filing of reply	47 – 52
8.	Action after Final Orders	53 – 55
9.	Review Application	57 – 58
10.	CAT Terms	59 – 62
<b>Section – III</b>		
<b>FORMS AND SPECIMEN COPIES</b>		
1.	Form I ( INDEX SHEET)	63
2.	Form I (Form of OA)	65 – 68
3.	Form III (Form of MA)	69
4.	Form 10 (Application for Inspection of Documents)	71
5.	Form 11 (Form of Memo of Appearance)	73
6.	Form 14 (Form of Affidavit)	75
7.	Form 22 (Application for certified copies)	77
8.	Specimen of OA	79 – 86
9.	Check list for scrutiny of OA	87 – 88
10.	Specimen of Cause List	89 – 91





**EXTRACT FROM THE CONSTITUTION OF INDIA**

**Article 323-A**

**Administrative Tribunals**

- (1) 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) A law made under clause (1) may –
  - (a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;
  - (b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;
  - (c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;
  - (d) exclude the jurisdiction of all courts except the jurisdiction of the Supreme Court under Article 136, with respect to the disputes or complaints referred to in clause (1)
  - (e) provide for the transfer to each such administrative tribunal of any cases 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;
  - (f) repeal or amend any order made by the President under clause (3) of Article 371 -D;
  - (g) contain such supplemental, incidental or consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and enforcement of the orders of, such tribunals.
- (3) The provisions of this Article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

**Note:**

It has been held by the Hon'ble Supreme Court, in the case of L. Chandrakumar Vs Union of India the provision for the exclusion of the Jurisdiction of the High Courts under Article 226 and that of the Supreme Court under Article 32 provided under Clause (2) (d) is invalid. Accordingly, the CAT will continue to be the court of first of instance and a party aggrieved by the decision of the CAT will have the option of moving the High Court.



## INDIAN EVIDENCE ACT. 1872

### Estoppel

115. Estoppel. – When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

#### Illustration

A intentionally and falsely leads B to believe that certain land belongs to A, and hereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

X X X X X

Sec.123. — Evidence as to affairs of State: No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Sec.124. Official communications: No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.



CIVIL PROCEDURE CODE

Sec. 11 Res Judicata: No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I: The expression "Former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II: For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such court.

Explanation III: The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV: Any matter which might and ought to have been made ground of defence or attack in such former suit, shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V: Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section be deemed to have been refused.

Explanation VI: Where persons litigate bonafide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

Explanation VII: The provisions of this section shall apply to a proceeding for the execution of a decree and reference in this section to any suit, issue or former suit shall be construed as reference, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of what decree.



**Explanation VIII:** An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.

**Notes:** Section 11 is so amended as to ensure that the principles of res judicata may apply, in its full amplitude, to a proceeding in execution.



**EXTRACTS FROM THE ADMINISTRATIVE TRIBUNALS ACT. 1985**

Sec.2. Act not be 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;
- b) deleted.
- c) Any officer or servant of the Supreme Court or of any High Court [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.

Sec.3 (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 [or society] owned or controlled by the Government, as respects –

- i) remuneration (including allowances), pension and 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;



## JURISDICTION, POWERS AND AUTHORITY OF TRIBUNALS

10. 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 ( ) 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 [or society] owned or controlled by the Govt.;

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



[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 [or societies] owned or controlled by Government, not being a local or other authority or corporation [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 sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [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 (or societies) all the jurisdiction, powers and authority exercisable immediately before that date by all courts [except the Supreme Court] ( ) 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 [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 [or society] and pertaining to the service of such person in connection with such affairs.



## PROCEDURE

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

- 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) whether 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 purpose of sub-section (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 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 has 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, 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 [after hearing such oral arguments, as may be advanced].

(3) A Tribunal shall have, for the purposes of [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:

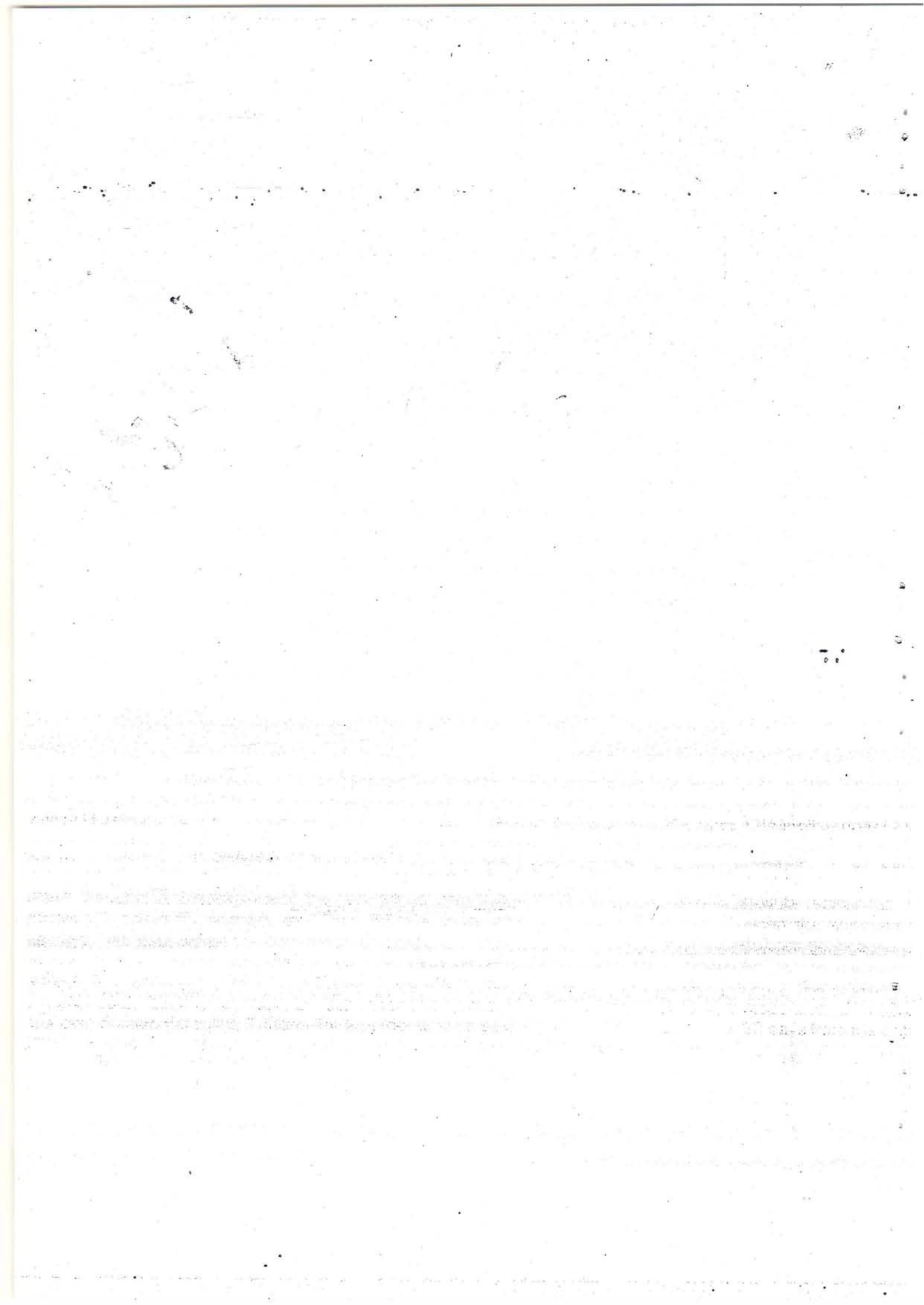
- a) Summoning and enforcing the attendance of any person and examining him on oath;
- b) Requiring the discovery and production of documents;
- c) Receiving evidence on affidavits;



- 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 witnesses 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 [or society] to which the provisions of sub-section (3) of Section 14 or sub-section (3) of Section 15 apply, [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].





**EXTRACTS FROM THE ADMINISTRATIVE TRIBUNALS ACT. 1985**

Sec.2. Act not be 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;
- b) deleted.
- c) Any officer or servant of the Supreme Court or of any High Court [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.

Sec.3 (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 [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;



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

Rule 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 to receive the same or be sent by registered post with acknowledgement due addressed to the Registrar of the Bench concerned.

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

- (i) Compilation number 1. – 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 respondents 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 acknowledgement 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 [provided that at least one affected person joins such an application].



Rule 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.

Rule 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, Rule 15 of the code of civil Procedure, 1908 (5 of 1908).

(3) The documents referred to in sub-rule (2) shall also be filed along with the reply and the same shall be marked as R1, R2, R3 and so on.

(4) The respondent shall also serve a copy of the reply along with 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.

(6) The Tribunal may permit the parties to amend the pleadings in the same manner as provided under October 6, Rule 17 of the Code of Civil Procedure, 1908 (5 of 1908).

Rule 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.

(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 the 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.

Rule 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) Where 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 matter.

(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.

Rule 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 are represented by a Counsel, under a single Vakalatnama, only one copy shall be supplied to such Counsel as named therein.

(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.

.....

.....



**THE CENTRAL ADMINISTRATIVE TRIBUNAL RULES OF PRACTICE, 1993**

Rule 4. Preparation of pleadings and other papers. – All pleadings, affidavits, memoranda and other papers filed in the Tribunal shall be fairly and legibly typewritten or printed in English or Hindi language on durable white foolscap folio paper of Metric A-4 size (30.5 cm long and 21.5 cm wide) on one side only in double space with a left margin of 5 cm and right margin of 2.5 cm duly paginated, indexed and stitched together in the paper-book form. The index shall be in Form No.1.

(b) English translation of documents / pleadings shall be duly authenticated by any legal practitioner.

Rule 7. Production of authorisation for and on behalf of an Association. – Where an application / pleading or other proceeding purported to be filed is by an Association, the person or persons who sign(s) / verify(ies) the same shall produce along with such application, etc. for verification by the Registry, a true copy of the resolution of the Association empowering such person(s) to do so.

Provided the Registrar may at any time call upon the party to produce such further materials as he deems fit for satisfying himself about due authorisation.

Rule 62: Appearance on behalf of Government, etc. -- (a) Any legal practitioner appearing on behalf of the Central Government or State Government or any Government servant sued or suing in his official capacity or any authority / corporation / society notified under Section 14 of the Act shall not be required to file a vakalathnama but he shall file in to Tribunal a Memo of Appearance in Form No.11 duly signed by him.

(b) A presenting officer other than a legal practitioner representing any of the parties referred to in sub-rule (a) shall also file a memo of appearance in Form No.11.

**AFFIDAVITS**

Rule 80. Title of affidavits. – Every shall be entitled "In the Central Administrative Tribunal, ..... Bench at ....." Followed by the cause title of the application or other proceeding in which the affidavit is sought to be used.



Rule 81. Form and contents of the affidavit. – (a) Every affidavit shall be drawn up in Form No.14 in the first person and divided into paragraphs numbered consecutively.

(b) Every affidavit shall contain the full name, occupation, age, father's / mother's / husband's name and address of the deponent. The deponent shall be described with such other particulars as may be necessary to identify him. He shall affix his signature / mark on each page.

Rule 82. Corrections / erasures, etc. – Corrections, erasures and inter lineations shall be initialed by the attesor and the number of corrections made on each page indicated.

Rule 83. Persons authorised to attest. – Affidavits shall be sworn or affirmed before any Judicial Officer, Registrar, Joint Registrar and Deputy Registrar of the Tribunal. Notary, District Registrar of Sub-Registrar, the Chief Ministerial Officer of any civil or criminal court in the State or any Advocate.

Rule 86. Annexure to the affidavit. – Document accompanying an affidavit shall be referred to therein as Annexure No..... The attesor shall make the following endorsement thereon:-

"This is the document marked as Annexure No ..... in the Affidavit of ....."

( SIGNATURE )  
Name and Designation of the  
attesor with date"



## ROLE AND FUNCTIONS OF THE ADMINISTRATIVE TRIBUNALS

\*M. SETHU RAMLINGAM  
Deputy Director, ISTM

### 1. INTRODUCTION

1.1 Establishment of the Administrative Tribunals has ushered in a new era in service related litigation. Although the original objective of disposing the grievance 'as early as possible and within six months' continues to be a far cry, there cannot be two opinions that the Administrative Tribunals provide a cheap and procedurally simple mechanism for the redressal of the grievances of the employees. Besides, the settlement of the disputes has become faster. Facilities provided by the Tribunal has probably encouraged more and more employees to go in for judicial settlement of their grievances. Consequently, there is a spurt in the number of employees filing cases against the Govt. Earlier, only the perseverant few were prepared to file civil suits, that too, only after a cautious comparison of the cost of litigation and the benefits likely to accrue from the case. As the cost of litigation has drastically come down, there is a tendency to go in for judicial settlement. Besides, the growing awareness about one's rights is another factor which has contributed to the increase in the quantum of service related cases being filed against the Govt.

1.2 As regards the Govt. officials entrusted with the task of defending these cases, their workload has increased considerably after the establishment of the Administrative Tribunals. It would, however be incorrect to view that the Administrative Tribunals have only added to the workload of officials who are defending the cases on behalf of the Govt. Tribunals have simultaneously offered a number of other facilities for the defending Department, as well. Procedural simplicity is a common advantage for the employee as well as defending department. Besides, there are provisions for defending the cases through departmental officials. As a result of all these factors, the Govt. officials who are entrusted with the defence of cases in the Administrative Tribunals play a more constructive role than what they could do earlier when the cases were being fought in the civil courts.



## 2. GENESIS

2.1 Present era is one of specialization for litigation. Unlike the trend in yesteryears when all the disputes relating to the rights and liabilities of the parties used to go to civil courts, of late, we have a number of fora which adjudicate on cases relating to a limited area. Some such fora are:-

- a) Consumer disputes redressal forum.
- b) Motor vehicle Accident claim tribunal.
- c) Monopolies and Restrictive Trade Practices Commission.

2.2 The need for a specialized forum for adjudication of services related disputes of the Govt. employees was being felt for a long time. One of the items in the Forty Second Amendment of the Constitution was the insertion of a new Article 323A. This Article has empowered the Parliament to create the Administrative Tribunals for adjudication of "disputes and complaints with respect to recruitment and condition of services of persons appointed to provide 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 Govt."

Clause (2) of Article 323 A further provides guidelines for certain specific terms for the law which Parliament would enact in this connection. Some of them are as under:-

- a) Establishment of an Administrative Tribunal for the union and a separate Administrative Tribunal for each state or for two or more state.
- b) Specifying the jurisdiction, power (including the power to punish for contempt) and authority of tribunal.
- c) Excluding the jurisdiction of all courts except the jurisdiction of the Supreme Court under Article 136 with reference to the disputes and complaints on recruitment and conditions of service. [The position with regard to jurisdiction of other courts has undergone a change consequent to a ruling of the Supreme Court dt.18.3.97 in Chandrakumar Vs Union of India and other.



2.3 In exercise of the power conferred under Article 323A, the Parliament enacted the Administrative Tribunals Act, 1985. Accordingly, the Central Administrative Tribunals came into being on 1.11.85 with its principal office at New Delhi. Subsequently, more benches of the CAT were also created. The Benches of the CAT and the jurisdiction of the various Benches are as under

Sl. No.	Bench	Jurisdiction of the Bench
1.	Principal Bench (New Delhi)	Union Territory of Delhi
2.	Ahmedabad Bench	State of Gujarat
3.	(a)Allahabad Bench b)Lucknow Bench	State of Uttar Pradesh, excluding 12 districts mentioned under S.No.3(b) under the jurisdiction of Lucknow Bench. Lucknow,Hardoi,Kheri,RaiBareilly,Sitapur,Unnao,Faizabad,Bahraich, Barabanki,Gonda,Pratapgarh & Sultanpur
4.	Banglore Bench	State of Karnataka
5.	Calcutta Bench	States of Sikkim and West Bengal and Union Territory of Andaman & Nicobar Islands
6.	Chandigarh Bench	States of Jammu & Kashmir,Haryana,Himachal Pradesh, Punjab & the Union Territory of Chandigarh
7.	Cuttack Bench	State of Orissa
8.	Ernakulam Bench	State of Kerala and Union Territory of Lakshdweep
9.	Guwahati Bench	State of Assam, Manipur, Meghalaya, Nagaland, Arunachal Oradesh and Assam
10.	Hyderabad Bench	State of Andhra Pradesh
11.	Jabalpur Bench	State of Madhya Pradesh
12.	(a)Jodhpur Bench (b)Jaipur Bench	State of Rajasthan, excluding 11 districts mentioned in S.No.12(b) under the jurisdiction of Jaipur Bench Ajmer, Alwar, Bharatpur, Bundi, Jaipur, Jhalawar, Jhunjhunu, Kota, Sawai Madhopur, Sikar and Tonk
13.	Madras Bench	State of Tamil Nadu and the Union Territory of Pondicherry
14.	Bombay Bench	States of Maharastra, Goa and the Union Territories of Dadra and Nagar Haveli and Daman and Diu
15.	Patna Bench	State of Bihar



2.4 Major amendments to the Administrative Tribunals Act were made in 1986 and 1987. The act also provides for creation of Rules. Accordingly, a number of Rules have been framed under the powers conferred on the Central Government vide Sec.35 of the Administrative Tribunals Act, 1985. Presently, the statutory provisions relating to the CAT are available in: -

- a) Article 323A of the Constitution.
- b) Administrative Tribunals Act, 1985.
- c) Central Administrative Tribunal (Procedure) Rules, 1987.
- d) Central Administrative Tribunal Rules of Practice, 1987.
- e) Central Administrative Tribunal (Destruction of Records) Rules, 1987.
- f) Central Administrative Tribunal (Grant of Certified Copies) Regulations, 1988.
- g) Central Administrative Tribunal (Contempt of Court) Rules, 1986.
- h) CAT (Financial and Administrative Powers) Rules, 1985

3. **Administrative set up:**

3.1 Central Administrative Tribunal is headed by a Chairman whose office is in the Principal Bench. The Chairman used to sit in other benches as well for adjudication of the cases. Apart from being the presiding judge in the court, the Chairman has certain administrative functions also such as requests for transfer of cases from one bench to another, allowing requests for early hearings, constitution of File Bench etc.

3.2 As mentioned above, the benches of the CAT are located in various places all over the country. Every Bench has a Registry which performs the administrative functions relating to the disposal of the cases, such as the following:-

- a) Receipt of the application filed in the Bench and acknowledging the same.
- b) Listing the cases before the Benches.
- c) Issue of copies of the orders.
- d) Issue of notice to the parties.



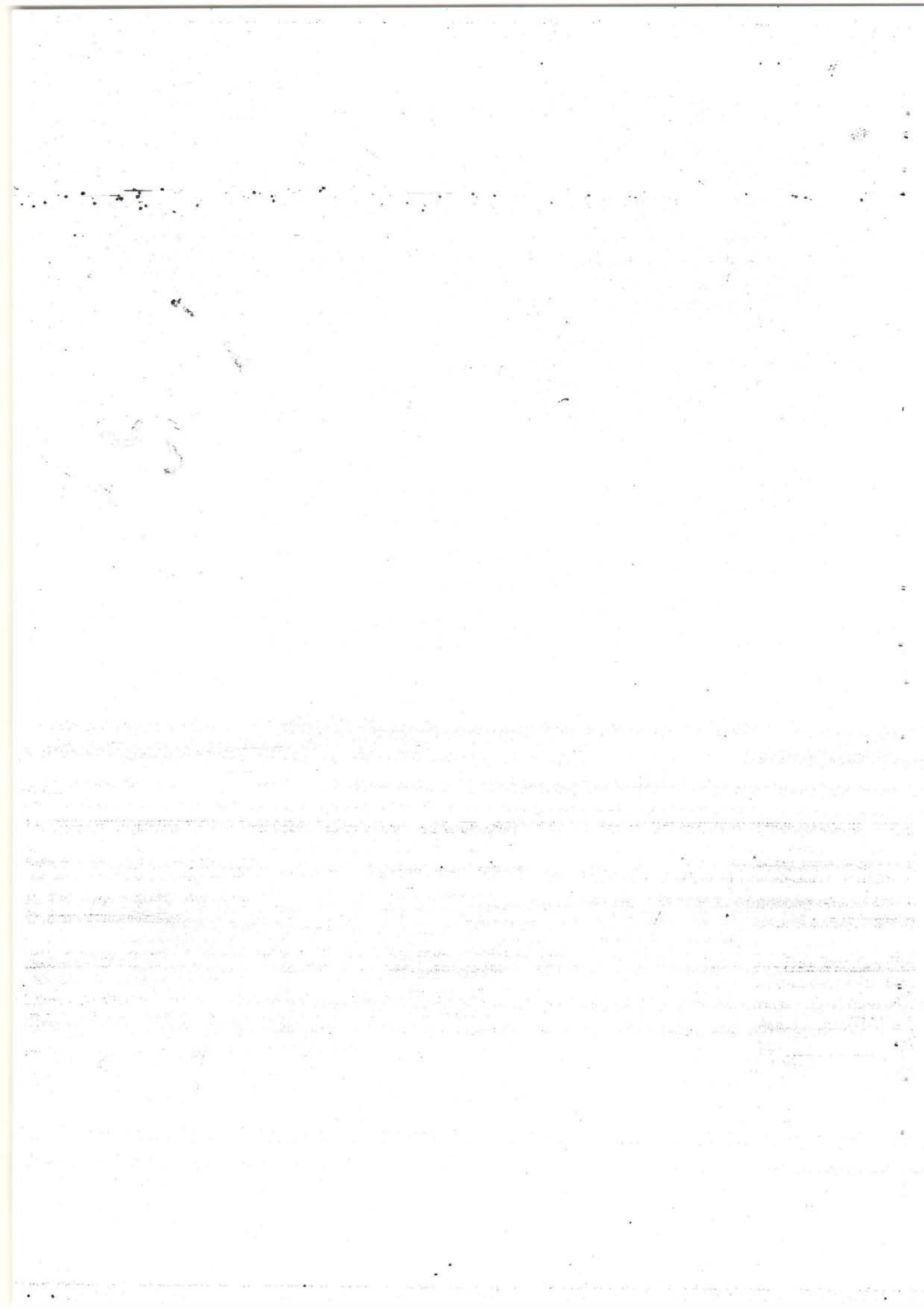
#### 4. Functioning of the CAT

4.1 Central Administrative Tribunals Rules of Practice, 1993 provides that depending on the nature of relief sought in a case, the same will be listed before a single Division Bench. Presently the matter falling within the purview of a single and Divisional Bench are as under:-

- a) **Single Bench: -**
  - i) Change of date of birth
  - ii) Adverse entries in ACR.
  - iii) Compassionate Appointment
  - iv) Allowances
  - v) LTC.
  - vi) Transfer
  - vii) Pension
  - viii) GPF
  
- b) **Division Bench:-**
  - i) Seniority
  - ii) Promotion
  - iii) Termination
  - iv) Disciplinary Proceedings.

4.2 In addition to the above two Benches, at times the Full Bench is also constituted to decide certain specific issues wherein there have been conflicting order on various occasions in the past. A case is referred to the Full Bench only on the basis of the order of another Bench. Single and Division Benches are constituted regularly, on day to day basis. Cases are listed before these benches depending upon the subject matter of the cases. On the other hand, Full Bench is constituted on as and when required basis. Besides, there is no specified subject, which is meant for disposal by the Full Bench.

4.3 The CAT functions on five days a week. The courts commence at 10.30 AM and breaks at 1300 hrs for lunch. Post lunch session commences at 1400 hrs and goes on up to 1630 hrs. Normally, the benches of the CAT have summer vacation for three weeks in June and winter vacation during the last week of December. During the vacation period also, there used to be a vacation bench wherein urgent matter can be moved.





**LIST OF ORGANISATIONS BROUGHT WITHIN THE PURVIEW OF  
CENTRAL ADMINISTRATIVE TRIBUNAL**

1. Central Board of Trustees constituted under the Employees Provident Funds and Miscellaneous Provisions Act, 1952, New Delhi.
2. Employees State Insurance Corporation, New Delhi.
3. Central Board for Workers' Education, Nagpur.
4. National Council of Safety in Mines, Dhanbad.
5. National Labour Institute, Noida.
6. Council of Scientific and Industrial Research, New Delhi.
7. Central Social Welfare Board, New Delhi.
8. Indian Council of Agricultural Research, New Delhi.
9. Sports Authority of India, New Delhi.
10. National Council for Hotel Management and Catering Technology, New Delhi.
11. Institute of Hotel Management, Catering and Nutrition, New Delhi.
12. Institute of Hotel Management, Catering Technology and Applied Nutrition, Mumbai.
13. Institute of Hotel Management, Catering Technology and Applied Nutrition, Chennai.
14. Institute of Hotel Management, Catering Technology and Applied Nutrition, Calcutta.
15. Institute of Hotel Management, Catering Technology and Applied Nutrition, Goa.
16. Institute of Hotel Management, Catering Technology and Applied Nutrition, Bangalore.
17. Institute of Hotel Management, Catering Technology and Applied Nutrition, Lucknow.
18. Institute of Hotel Management, Catering Technology and Applied Nutrition, Hyderabad.
19. Institute of Hotel Management, Catering Technology and Applied Nutrition, Ahmedabad.



20. Institute of Hotel Management, Catering Technology and Applied Nutrition, Bhubaneswar.
21. Institute of Hotel Management, Catering Technology and Applied Nutrition, Jaipur.
22. Institute of Hotel Management, Catering Technology and Applied Nutrition, Bhopal.
23. Institute of Hotel Management, Catering Technology and Applied Nutrition, Srinagar.
24. Institute of Hotel Management, Catering Technology and Applied Nutrition, Guwahati.
25. Institute of Hotel Management, Catering Technology and Applied Nutrition, Gwalior.
26. Institute of Hotel Management, Catering Technology and Applied Nutrition, Thiruvananthapuram.
27. Institute of Hotel Management, Catering Technology and Applied Nutrition, Chandigarh.
28. Institute of Hotel Management, Catering Technology and Applied Nutrition, Gurdaspur.
29. Institute of Hotel Management, Catering Technology and Applied Nutrition, Shimla.
30. Institute of Hotel Management, Catering Technology and Applied Nutrition, Patna.
31. National Power Training Institute, Faridabad.
32. Central Pollution Control Board, Delhi.
33. Indian Institute of Advanced Study, Shimla.
34. Kendriya Vidyalaya Sangathan, New Delhi.
35. Novodaya Vidyalaya Samiti, New Delhi.
36. Indian Council of Medical Research, New Delhi.
37. Film and Television Institute of India, Pune.
38. Satyajit Ray Film and Television Institute, Calcutta.



## TYPES OF APPLICATIONS

**M.Sethu Ramlingam**  
**Deputy Director, ISTM**

1. As you are aware, an aggrieved person moves the Tribunal with a prayer for relief. The application wherein he submits his grievance, and prays for relief is known as Original Application (OA). In the course of disposal of the Original Application, written submissions of several other types are also filed before the Tribunal, which are incidental to the process of adjudication of grievances. The details of the various applications/petitions which are filed before the Tribunals are explained in the succeeding paragraphs:

2. **Original Application:(OA)** This marks the commencement of the litigation. This is filed by person(s) "aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal." OAs are filed under Section 19 of the Administrative Tribunals Act, 1985. The OA should conform to the form prescribed in the Rules. The OAs are numbered serially throughout the year. OA No: e.g. OA No: 1/1997, OA No.2/1997 etc. OA is referred to through the serial number and the year of filing e.g. 2049/95, 1831/96 etc. The number and year together, are capable of uniquely identifying an application. All references to the OA are made through this number only and hence this is of utmost importance in dealing with the case.

3. **Transferred Application:(TA)** As per Section 29 of the Administrative Tribunals Act, 1985, every suit or other proceedings pending in any court before the establishment of the Tribunal should stand transferred to the CAT after the establishment of the Tribunal. As you are aware, the Central Government has got powers to bring in more organizations (PSUs, Autonomous bodies etc.) within the jurisdiction of the CAT. As and when any such new organization is brought within the jurisdiction of CAT, any suit or proceeding relating to such organization (on service matter only) should be transferred to the CAT. Such applications which are transferred from other courts to CAT are numbered as Transferred Applications No:...../199 .

4. **Review Application(RA):** Parties before the Tribunal may file applications for Review of the orders of the Tribunal. Such applications which pray for review of any Order of the Tribunal are known as Review Application(RA) and are referred to as RA No. \_\_\_\_\_ of /19 in OA No: \_\_\_\_\_ /19



5. **Contempt Petition:** Parties may file contempt petition against each other. Generally, such petitions are filed by the applicant in OA alleging that the Orders of the Tribunal in the OA have not been complied with by the respondent and thus, the respondent is guilty of Contempt of Court. There are two kinds of Contempt of Court viz., Civil and Criminal. The petitions are numbered as CCP(Civil/Criminal) and are generally referred to as (CP No:..... of 19 .... in OA No..... of 19... Contempt petitions are filed by name against the official who is alleged to have committed contempt of court. In case contempt is established, the official concerned may be sentenced to pay fine or imprisonment. At times the CAT may direct personal appearance of the official alleged to have committed contempt.

6. **Petition for Transfer:** As per Section 25 of the Administrative Tribunals Act, 1985 any of the parties to an application may request the Chairman for transfer of a case from one bench to another. Such requests for transfer of Bench are numbered as PT No...../19...

7. **Miscellaneous Application(MA):** In addition to the applications/petitions, which are for specific purposes, there may be occasion for the parties before the Tribunal to make written submissions for many other purpose such as the following:

- a) vacating interim orders
- b) Making Amendments to the Pleading.
- c) An applicant may like to add more respondents to the case.
- d) A party may like to apprise the Tribunal of further developments which have a bearing on the case.
- e) Seeking extra time for implementing order.

8. The above list is purely illustrative and not exhaustive. Whenever a need arises for additional written submission to the Tribunal the same is met through Miscellaneous Applications. They are numbered as MA NO. of 19..... and are referred to as MA No..... of .....in OA No..... of .....

9. While discussing the case with the Counsel or while inquiring about the case from the court officials, one must quote the complete OA number i.e. number of the year and also the detail of the application i.e. CCP No.....or MA No.....etc.



## ON RECEIPT OF NOTICE

**M.Sethu Ramlingam**  
Deputy Director, ISTM

1. Notices may be received from the Tribunal either by post or through the officials of the Tribunals. At times even the party to a OA may also bring the notices. The notices brought by the party are known as DASTI and the same are of urgent nature.
2. As per the instructions contained in Government of India Deptt. of Personnel and Training OM No.A 11029/21/88-AT dated August 1988, the officer receiving the notice should indicate his name and designation alongwith the office stamp, date and time of receipt on the acknowledgement slip. These instructions must be scrupulously complied with.
3. Normally Notices are received by the Govt. Departments under the following circumstances:-
  - (a) Notice to show cause against admission.
  - (b) Notice after admission- for the purpose of contesting the case.
  - (c) Notice meant for the employees working under the responder department.
4. The provisions relating to the service of notice are contained in Rule 11 of the CAT Procedure Rules 1987 and Chapter V of the CAT Rules of Practice 1993.
5. In the types of cases mentioned under Para (c) above, the Head of the Department receiving the notice is required to get the notices served on the private respondents urgently and obtain their acknowledgement. Thereafter an affidavit may be filed in the Registry confirming compliance and enclosing the copies of the acknowledgement.
6. As regards the notices mentioned at paras (a) and (b) above these are meant for the respondent department and call for elaborate action on the part of the recipient. The first issue that arises for determination by the recipient is the extent to which he is involved in the case. At times an applicant may sue more than one department in the same OA. e.g. an applicant who moves the Tribunal regarding allotment of his Govt. accommodation in favour of his son or daughter may include in the array of parties, Ministry of Urban Affairs, Dte of Estates, the Department in which he was serving and the Department wherein the son/daughter is working. Or, an employee serving in the Ministry of Industry may challenge the validity of the provisions in the guidelines issued by the DOP&T for conducting the DPC because the DPC held in his department has not selected him for promotion. Thus there may be two types of circumstances wherein more than one department is impleaded by an applicant.



- (a) Where he has challenged the action of one department based on the guidelines issued by another Department.
- (b) Where the facts of the case relate to more than one Department.

7. In all such cases a common defence will be put up on behalf of the Government of India. There should not be any contradictory statements or stands by various departments. As per Govt. of India, Deptt. of Pers. & Trg OM No 20036/23/68-Estt dated 6 June 89 the primary responsibility for contesting the cases will be with the Administrative Ministry/Department concerned on the basis of the specific facts pertaining to them.

8. As regards the case wherein the applicant has impleaded more than one department which have played various roles in the transaction which has resulted in the grievance of the applicant, it would be appropriate that the defence of the case is handled by the Deptt whose order is being challenged. Under such circumstances, the defending department will pursue the case in consultation with other co-respondents. The recipient of the notice will decide the extent and the level of his involvement in the case and accordingly decide as to who will handle the case before the Tribunal. In case you feel that the case is required to be handled by you, you will have to get in touch with other govt. respondents and appraise them suitably. The comments of other departments will be obtained on the specific paragraphs pertaining to them and incorporated in the reply. Draft reply, when prepared will also be shown to other respondent departments. The progress of the case will be intimated to all the respondent departments from time to time. Alternatively, if you feel that your involvement is limited and the case is required to be handled by some other respondent, you will have to write to the primary respondent accordingly, preferably alongwith the reply on the paragraphs pertaining to you. You will also request the primary respondent to keep you informed of the progress of the case from time to time. During the course of the case also there may be occasion when a respondent other than the one who is pursuing the case before the Tribunal may be required to produce records. Such requirements will have to be complied with through the co-ordinated action of all the respondents in the case.

9. The above mentioned procedure applies only in respect of the official respondents which includes respondents who are impleaded by name for action taken by them in discharge of official capacity. It is also likely that the respondent who is aggrieved by the seniority position assigned to him, may sue his colleagues who have been, according to him, wrongly placed above him in the seniority list. Such persons are known as private respondents. Defending department is not required to take any action on behalf of such respondents.

10. After writing to the co-respondents, the primary respondent will initiate action for engagement of Government Counsel. In respect of the Principal Bench, engagement of Counsel is done by the Dy Legal Advisor whose office is located in the premises of the

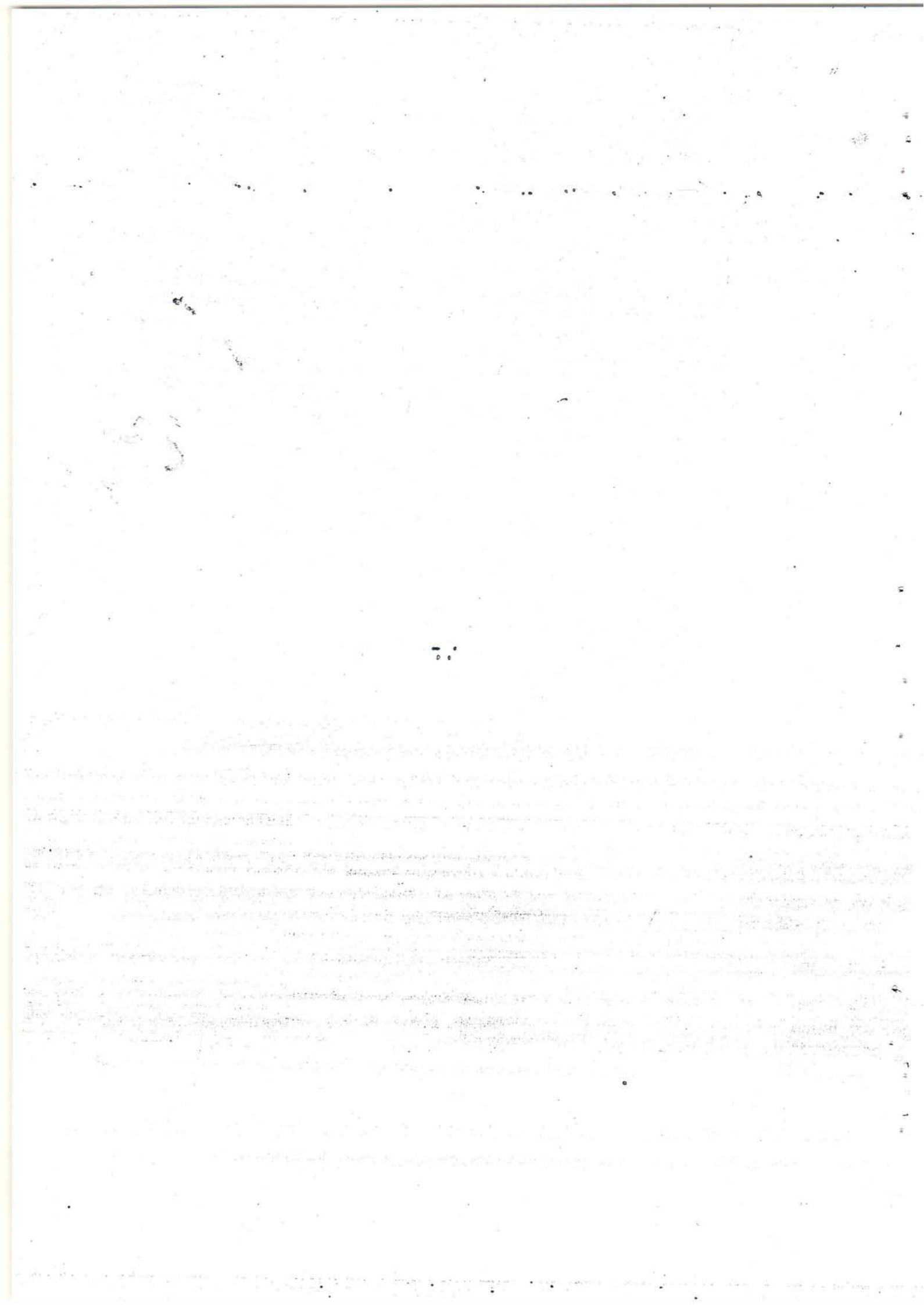


High Court. The defending department will have to pursue the case with the Dy Legal Advisor for engagement of counsel.

11. In case the date of hearing mentioned in the notice is so short that the counsel could not be appointed by them, an officer of suitable level, well conversant with the facts of the case should appear before the Tribunal on the appointed day. When the case is called, the officer will have to present himself, reveal his identity, establish the same by production of identity card and pray for extension of time for filing reply, stating that action for engagement of counsel is being taken and that the respondents will be contesting the case through the counsel. In case the applicant has prayed for any interim relief, the hearing may not be as simple as above. Under such circumstances, the official appearing for the respondent will have to be fully prepared to argue against the grant of interim relief. Alternatively, efforts for engagement of the counsel should have been stepped up so as to ensure that the counsel is available well in time before the date of hearing. Nevertheless, on receipt of a notice, there is no harm in looking into the case once again keeping in mind the facts brought by the applicant. If the relief sought is found to be due and admissible to the applicant, at this stage also case can be reviewed and the decision brought to the notice of the Tribunal.

12. Section 23(2) of the Administrative Tribunals Act, 1985 provides that the defending department 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 the case with respect to any application before a Tribunal.' Rule 62(b) of the CAT Rules of Practice provides 'a presenting officer other than a legal practitioner representing any of the parties.....shall also file a memo of appearance in Form II.' As per DOP&T instructions on the subject, a Group A Officer may be nominated as Presenting Officer with the approval of the Minister concerned. The appointment of such presenting officer is required to be communicated to the Registry. The presenting officer so appointed can file reply on behalf of the department and argue the case before the Tribunal. While filing the reply, the Presenting Officer is required to file a memo of appearance as specified in the rules.

13. In case it is decided that the case will be defended through the departmental presenting officer, he must be contacted with full facts of the case and his guidance be obtained for preparation of reply. As regards the engagement of Govt. Counsels, the office of Dy. Legal Advisor, M/o Law endorses a copy of the order engaging the counsel, to the respondent also. The counsel concerned must be contacted immediately on receipt of information about his/her appointment and the case be pursued as per his advice. Without waiting for the appointment of counsel, action for drafting reply should be pursued so that the respondent may have the draft reply ready even before their first meeting with the counsel. It will be a good practice to keep meeting the counsel regularly, well in time before each hearing.





## LISTING AND POSTING OF CASES

**M. Sethu Ramlingam**  
**Deputy Director, ISTM**

1. For effectively pursuing the cases, one must be familiar with the listing procedure of the CAT. As per the CAT Rules of practice, 1993, the Registry of the Tribunal prepares three kinds of lists viz., Ready list, Warning list and Daily cause list. While Ready list is prepared by the Registry for internal use, Warning list and Daily cause list are displayed by the Registry and are of great use for the litigants.
2. Warning list contains cases which are likely to be listed for regular hearing shortly. The list is displayed on the notice board.
3. Daily cause list is published by the Registry on every working day by 5.30 PM giving details of the cases to be heard on the next day. The following information is available in the Daily cause list.
  - a) Quorum indicating the names of the Chairman/Vice Chairman/Member constituting the Bench.
  - b) Court Hall Numbers.
  - c) The cases which will be taken up for hearing, the MA/OA/CCP number, names of the parties and the names of the legal practitioners representing the parties.
4. The cases in the Cause list can be categorised under the following groups:-
  - a) Other than Regular matters i.e. cases for pronouncement of Order, for admission, for direction etc.
  - b) Regular matter
5. Before the cases in the list are taken up, permission may be granted for mentioning. Generally this is done after the pronouncement of order. At this stage, legal practitioners or parties of the cases in the list may represent that the case may be adjourned to some other day, on allotment of some unavoidable reason.



6. Normally, the pronouncement of order is taken up first. Thereafter the parties are allowed to "mention" their cases for adjournments. Thereafter cases listed for admission, direction etc. are taken up before the regular matters. The cases under this category i.e. other than Regular matters are called one after another. In case, any of the parties is not present when the case is called, normally the case is "passed over" and the next case is taken up. After exhausting the list, the passed over cases, if any will be called one after another and will be disposed off. The cases included in this part of the list may also be finally disposed off.
7. After the matters for admission, directions etc. are disposed off, the Regular matters are taken up for disposal. Cases in this part of the list are those which are drawn from the warning list. These cases may also be allowed as "pass over". During this stage, any one of the following outcomes are possible:-
  - a) If the applicant is absent, the case may be dismissed in default.  
Or  
May be decided on merit after hearing the respondent.
  - b) If the respondent is absent, the case may be decided ex-parte by hearing the applicant.
  - c) If both the parties are absent, the case may be dismissed for default of appearance of the applicant  
Or  
May be decided on merit by perusal of the written submission.
  - d) If both the parties are present, the case will be heard.
8. As the cases included in this part of the list are argued at length, the list may not be exhausted. The cases which are left over are said to be "On Board" and will figure in the Daily Cause list for the subsequent day, unless it has been adjourned to a different day.
9. At times, the arguments in respect of a case under this category may be incomplete at the end of the day. Such cases are known as "Part heard" cases. "Part Heard" cases figure on top of the Regular matters in the Daily Cause List of the subsequent day. Besides, part heard cases will be heard only by the same bench, which has heard the case on the earlier occasion unless ordered otherwise by the Chairman.



## PRELIMINARY OBJECTION

M. Sethu Ramalingam  
Deputy Director, ISTM

1.1 Legal proceedings may be contested in two distinct ways-viz., on merit and on maintainability. The objection to an OA on the merits of the case rests on the facts and circumstances of the case and the law relating to the same. On the other hand, there are some general aspects relating to the maintainability of the OA without going into the merits of the averments made therein. In effect it means that irrespective of the merits of the applicant's case the applicant is not entitled to approach the court and get any relief. Accordingly, it should be the endeavour of the respondent to attack the proceedings on both the grounds. The objection relating to the maintainability of the application is also known as Preliminary Objection. Such objections are to be disposed off before the court takes up hearing on the merits of the case. Some of the Preliminary objections which are available to the respondent are explained in the succeeding paragraphs.

2.1. **Jurisdiction:-** The Court moved by the litigant must have jurisdiction to adjudicate on the matter raised by the applicant. In case, the applicant moves any Court other than the Tribunal for redressal of his grievance relating to service matters, the proceedings can be resisted on the ground of lack of jurisdiction. In this connection Sec. 28 of the Administrative Tribunals Act, 1985 is relevant and the same is reproduced below:-

### ***Exclusion of jurisdiction of courts except the Supreme Court.-***

*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, 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.*

2.2. The above statutory provision has to be viewed in the light of the recent judgement of the Hon'ble Supreme Court in L. Chandra Kumar Vs. Union of India and Others, 1997(3) SCC 261. Extract of the judgement is reproduced as under:-

2.3. "In view of the reasoning adopted by us, we hold that clause 2(d) of Article 323A and clause 3(d) of Article 323B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323 A and 323B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Article 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging then powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323A and Article 323B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls. The Tribunals will, nevertheless, continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal. Section 5(6) of the Act is valid and constitution and is to be interpreted in the manner we have indicated".

### 2.3 Jurisdiction w.r.t. Bench Rule 6 of CAT Procedure Rules, 1987

**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:*



*Provide that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under 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) a person who has 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.*

**3.1 Limitation:** Section 21 of the Administrative Tribunals Act, 1985, prescribes the period of limitation for moving the Tribunal. The above Section is reproduced below for ready reference.-

(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.

3.2. In case an application has been filed beyond the period of limitation, the respondent can challenge the maintainability of the same on this ground alone. However, it must be remembered that the applicant who files an application beyond then period of limitation, generally files a MA for condonation of delay. If the applicant has admitted that the application is being files beyond the period of limitation and has moved a MA for condonation of delay, the respondent should also file a separate reply to the MA. The applicant would have endeavoured in the MA for condonation of delay that he had "sufficient cause" for not filing the OA within the period of limitations. Accordingly, the respondents' stand in the reply to this MA should be that the applicant has not shown "sufficient cause" for the delay.

3.3 With regard to limitation, the following points are relevant:-

(a) Repeated unsuccessful representations do not extend the period of limitation. Assume that an employee's request for stepping up of pay has been rejected in Oct. 88 by competent authority. Also assume that he makes repeated representations in Jan, 89, Jul. 89, Feb. 1990 and June 1990 on the same issue and the last of such representations was rejected in Aug. 90. The employee can not move the Tribunal in Sept. 1990 or Oct., 1990 contending that his case was rejected only August 1990.

(b) Where an appeal has been prescribed through statutory provisions, the employee is required to exhaust this remedy before moving the court. S.S. Rathore Vs. State of M.P. (1989) ATC 913(SC) is an important case in this regard.

(c) It has been held in a number of cases that an application in which cause of action accrued prior to 1.11.82(CAT was established w.e.f. 1.11.85) is time barred and that this infirmity is incurable.

3.4. There are a number of issues relating to limitation such as continuing cause of action, limitation against void order etc., which are beyond the scope of this write-up. It is essential to bear in mind that limitation is a strong preliminary objection in the hands of the respondent and any fact having a bearing on limitation should, therefore, promptly be brought to the notice of the counsel so that he can draw the best advantage out of it.



4.1. **Mis-joinder & non-joinder of parties:** An applicant is required to include, in the array of respondents, all those who are likely to be affected if the relief prayed for by him is granted. This is over and above those parties from whom the relief is claimed. If an applicant has failed in this respect, the respondent may raise the objection of mis-joinder/non-joinder of necessary parties. e.g. when an employee contends that he has been wrongly denied promotion and in his place certain ineligible persons have been promoted. If he has not impleaded such persons, who, according to him have been wrongly promoted, the respondent may oppose the OA on the ground of non-joinder of necessary parties.

4.2. However, it is relevant to know that generally, the OA is not dismissed on this ground. Normally, the CAT directs the applicant to include the necessary parties in the array of respondent. Nevertheless, it is appropriate for the respondents to bring to the notice of the court, the fact regarding non-joinder of parties, so as to avoid any future complications.

5.1. **Res-judicata:-** The term Res-judicata literally mean "a thing which has been decided". It is based on the Roman Maxim that "it concerns the state that there should be an end to litigation". The principle is also based on the maxim that "no man should be vexed twice over the same cause". According to the doctrine of Res-judicata if a matter has been directly and substantially in issue under the same set of parties and has been decided by a court of competent jurisdiction, then it will not be entertained by any other court in future. This doctrine is contained in Section 11 of the Code of Civil Procedure (CPC). While one does not expect the same applicant to move the Tribunal for the second time, after losing an earlier case, there are certain other aspects like constructive Res-judicata which may be available for the respondents on several occasions. The explanations below Sec.11 of CPC provide the circumstances under which the plea of constructive - Res-judicata will lie.

e.g. If an employee moves the Tribunal initially for revision of seniority, and after winning this case, for holding of review DPC and after winning this case, on the third occasion for payment of arrears of salary, it may be possible to contend that he ought to have claimed all the relief in the first OA itself and failure on the part to do so results in the latter OA being hit by the doctrine of Constructive Res-judicata.

5.2. It is however, necessary to bear in mind that this is a legal concept and there are several delicate points which are liable to be raised by the contesting parties for and against the application of this principle. It is the duty of every official pursuing the case on behalf of the respondents to bring to the notice of the counsel, every fact that may help in setting up a successful plea of Res-judicata.



6.1 **Estoppel:-** Estoppel is also a legal concept which prohibits a party from raising a plea on certain circumstances. As per section 115 of Indian Evidence Act 1972, when one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representatives, to deny the truth of that thing. As in the case of Res-judicata, the applicability of estoppel also depends upon a number of circumstances. However, a diligent litigant is under a duty to bring to the knowledge of his counsel any information which will help in raising this plea e.g., if an applicant has got employment by misrepresenting his date of birth, he cannot at a later time question the act of the employer which is based on the fact presented by the employee.

7.1 **Non-exhausting of official remedies:-** Section 20 of the Administrative Tribunals Act, 1985 provides that the "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 grievance" subsequent Sub Rules of the above section also clarify that a person shall be deemed to have availed of the remedies after expiry of six months from the date of making appeal, if any, preferred by him, even if no final order has been made. If any applicant has rushed to the court against his suspension, the same can be resisted, without going into the merits of the application on the ground that the applicant has not availed of the departmental remedy open to him by way of statutory appeal under CCA Rules.

8.1 **Suggestio falsi and suppressio veri** - Every person is expected to approach the court with clean hands. In case, the court is convinced that the applicant has suppressed material information from the court or has made some misleading statements, in his OA, the same will be a very good ground for seeking dismissal of the OA without going into the merits. In all such instances, every effort must be made to raise the plea of suggestio falsi and suppressio veri with adequate evidence

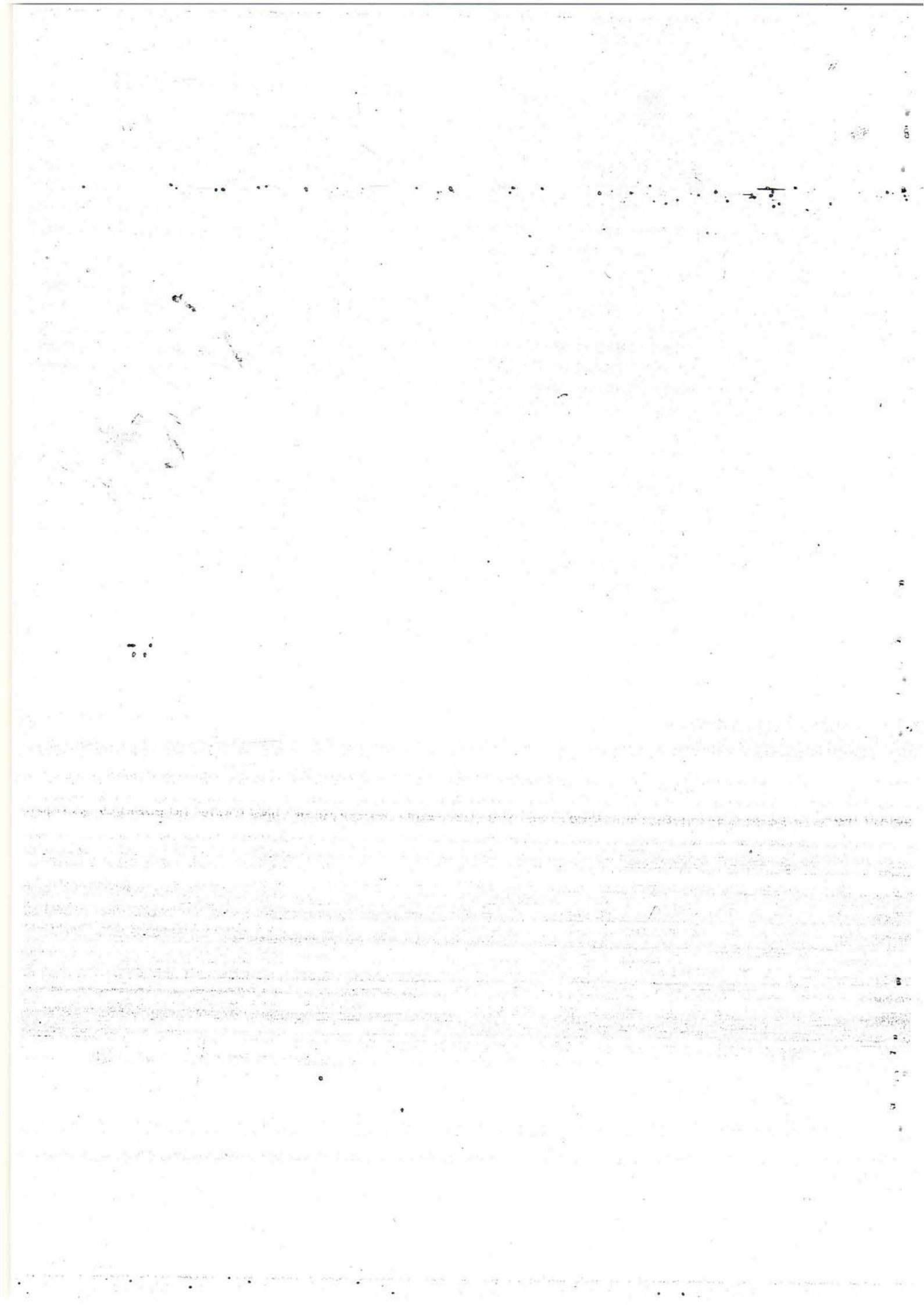
9.1 **Plural remedies:-** As per Rule 10 of the CAT procedure Rules, 1987, an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another." Thus, it will be lawful for an applicant to seek quashing of an existing seniority list, revision of his seniority, holding of review DPCs for promotion as per revised seniority and arrears of pay and allowances. All these reliefs can be claimed in the same OA because they are consequential to one another. If on the other hand an applicant requests for revision of date of birth and counting of past service rendered in some other department in one OA, the same can be challenged for being violative of Rule 10 of the CAT procedure Rules, 1987



9.2 Normally, an OA is not likely to be dismissed on the ground that it contains plural remedies. It is also open to the court to admit the OA in respect of only those remedies. Notwithstanding this position, it is the duty of the officials pursuing the case to bring to the notice of the CAT that the applicant has prayed for unconnected plural remedies and the OA is liable to be dismissed on this ground.

10. Preliminary objection is a powerful weapon at the hands of the respondents. Successful plea of limitation, Res-judicata etc. will enable the respondents to get the OA dismissed without going into the merits of it. Besides, winning a case on preliminary objection will save considerable time and effort as well. Hence a conscious attempt must be made to look for possible preliminary objection and raise the same.

11. At times, if prayed for, the court may permit the filing of a short reply opposing maintainability of the OA. Under such circumstances, the short reply should be filed in time reserving the right to file detailed parawise reply, if needed, after the question of maintainability is decided. Respondents will be required to file detailed parawise reply only if the question of maintainability is decided in favour of the applicant. Alternatively, preliminary objection can be listed in the counter reply as well. This should be brought to the notice of the court at the time of admission itself. The court may hear the preliminary objection at the time deciding the admission of the OA or at the time of final disposal.





**PREPARATION AND FILING OF REPLY**

**M.Sethu Ramlingam**  
**Deputy Director, ISTM**

1. Respondents are required to file reply to OA as well as the MAs filed by the applicant so that the averments made by the applicant are clarified and the correct position is placed before the court. Reply of the respondents is required to be drafted with utmost care because the same forms the basis of the respondent's defence. In case a point is not brought out in the reply, it may become difficult to effectively contest the case at a later stage and hence it is essential that the case of the respondents is brought out in its entirety with all the supporting documents. It may be appreciated that at the time of final disposal of the case reliance can be made only on the documents forming part of the records of the case and hence no document which will help the case of the respondents should be left out at the time of making the reply. Besides, the reply is required to be filed within the time allowed by the court, because a reply filed after expiry of time granted by the Tribunal will not form part of the records of the case and will not be taken into account for the purpose of disposal of the case.

2. Rule 12 of the CAT Procedure Rules, 1987 prescribes that each respondent intending to contest the application shall file, in triplicate, the reply to the application and the documents relied upon in the paper book form with the registry. Although each respondent has a right to file a reply, it would be appropriate to file a common reply in respect of all the official respondents. This must be done with the consent of the departments concerned after ascertaining the views of the respective departments and also after showing the draft to them. The rule further prescribes that the respondent shall specifically admit, deny or explain the facts stated in the application and may also state additional facts as may be found necessary for the just decision of the case.

3. It may seem from the above that the following tasks are involved in the preparation of reply:-

- (a) ascertaining the veracity of the facts narrated by the applicant.
- (b) Ascertaining the correct facts relating to the issue agitated in the OA.



(c) Exploring the possibility of raising any preliminary objections regarding the maintainability of the OA.

(d) Collection of documents in support of the case of the respondents.

(e) Identification of any identical case filed by any other employee of the department for similar relief. This will not only facilitate easy preparation of the reply but also enable the respondents to move the Tribunal for linking the identical cases to be heard and disposed off together.

(f) Identification of any precedent especially unreported cases which will be known only to the department. This will strengthen the case of the respondents if the earlier decision was in favour of the respondents. Alternatively, it will help the respondents to effectively resist the present OA by removing the defects, which were present on the earlier occasions.

4. After the facts and documents are collected, the process of drafting reply begins. Before the material portion of the reply, there are certain introductory paragraphs required in the reply and the same are as under:-

(a) The identity of the official filing the reply should be given in the opening paragraph.

(b) There should be a recitation to the effect that the officer filing reply is competent and has been duly authorised to file the reply on behalf of the respondents.

(c) There should be confirmation to the effect that he has read the OA and has understood the contents. It is generally stated that 'except as has been expressly admitted hereunder, all the material averments in the OA are denied'. This may serve as a saving clause in case the respondents have failed to answer any of the averments made by the applicant.

5. Often it may not be sufficient for the respondent to simply admit or deny what has been stated by the applicant in the OA. It will be of great advantage if the facts of the case are presented in chronological or logical order in a cohesive manner in its entirety so that the complete details of the case could be understood in one go. It will be a good practice to open the reply of the respondents (after the paragraphs mentioned above), with



"Brief Background of the Case". This portion should contain all the relevant facts-of course only the relevant facts-which are essential for acquiring complete knowledge about of the case. It may be appreciated that the applicant would be interested only in his case and will be presenting the facts of the case as known to him or as suitable to him. The respondent, being responsible for larger issues, would have taken decision based on certain guidelines by the nodal agencies or as a result of the policy decision, etc. which may not be even known to the applicant. Further, the respondents would also know the repercussions if the applicant's request is accepted. Presentation of these facts in proper perspective goes a long way in enabling the court to appreciate the case of the respondents. It is also worth remembering to 'state such additional facts as may be found for the just decision of the case'. Maximum benefit may be drawn from the facility provided to the respondent.

6. The third part of the reply should contain preliminary objection, if any to the respondents desire to take.

7. Thereafter, parawise reply on merits, on the averments made by the applicant in his OA is given. This is perhaps the most crucial part in the respondent's reply. Every averment made by the applicant must be viewed in its proper perspective and the respondent's version of the same may be given. For example, assume that an applicant has stated in Para I of his OA 'This applicant is being filed against the illegal order of suspension passed by Respondent No.2 vide order No.....dated..... annexed and marked as Annexure A-1'. On the face of it, it may appear that there is nothing to counter or contradict what has been stated by the applicant because he has only cited the order against which he is moving the Tribunal. While referring to the order of suspension, he has described the same as 'illegal'. It would be appropriate to place on record that the impugned order is valid in the eyes of law.

8. The following points may be kept in view while drafting reply:

(a) In order to avoid repetition of facts, the respondents may invite the attention of the Tribunal to the relevant paragraph.

(b) At times, the applicant might have mentioned certain facts, which are not essential for the purpose of the case and the same may not be within the knowledge of the respondents. For example, an applicant whose pension has been withheld, would have stated



facts relating to his domestic problems as well. Under such circumstances the respondents may plead ignorance of the facts simultaneously pointing out that the domestic circumstances are not relevant for determining the legal validity of the impugned order.

(c) On certain occasions, the respondents may not be in a position to comment on the truth or otherwise of the contention of the applicant even though the contention may have a bearing on the case. For example, a person may be pleading that he could not file OA in time because he was suffering from some ailment and hence his prayer for condonation of delay be allowed. Under such circumstances, the respondents may plead ignorance and also submit that 'the applicant be put to strict proof of the averments made by him'.

(d) There may be paragraphs which are formal in nature such as the details of the IPO, etc. Against respondents may state 'being formal, does not call for any reply from the answering respondents.'

9. Finally, the respondents are required to make a formal prayer for the dismissal of the OA. The prayer may be in the following form:

#### PRAYER

In view of the submissions made hereinabove, in the Brief background of the case, preliminary objections and the parawise comments, the applicant is not entitled to any of the reliefs prayed for and the applicant is liable to be dismissed with costs.

It is prayed accordingly.

10. This is required to be followed by a verification by the officer who signs the reply.

11. In the course of the reply, whenever supporting documents are available for substantiating the contention of the respondents, a reference should be made in the body of the reply to the appropriate annexure. The documents annexed to the reply are to be marked as R-1, R-2, R-3, etc. The copies of the documents are required to be attested by a legal practitioner or a gazetted officer as under:



This annexure ..... is the True copy of the original document.

Sd/-

Name and Designation

12. The language of the reply has to be clear, precise and free from ambiguity. The following points may be kept in mind while preparing the reply.

(a) The names of persons and places must be spelt accurately, throughout the reply.

(b) Abbreviations should be avoided as far as possible, especially when they pertain only to Govt. Departments.

(c) Generally pronouns like he, she etc. are avoided in pleadings. Parties are referred through their legal positions e.f. "Applicant No.3 joined service under Respondent No.3 with effect from...."

(d) Whenever a statutory provision is referred to, the exact language of the statute should be used. e.g., as per CCS(CCA) Rules, 1965, reduction to lower stage in the time scale for a period not exceeding three years is a minor penalty. Although the phrase 'not exceeding three years' more or less means the same as 'for a maximum period of three years' such conversations should be strictly avoided while drafting pleadings for the court.

13. After the draft reply is made, the same must be got approved by the Govt. Counsel who has been engaged for defending the case. After clearance from the counsel, the draft is required to be got vetted by the Legal Advisor.

14. Rule 4 of the Central Administrative Tribunal Rules of Practice, 1992, relating to the preparation of pleadings is reproduced hereunder for ready reference:

"4. Preparation of pleadings and other papers -(a) All pleadings, affidavit, memoranda and other papers filed in the Tribunal shall be fairly and legibly typewritten or printed in English or Hindi Language on durable white foolscap paper of Metric A-4 size (30.5 cm long and 21.5 cm wide) on right margin of 2.5 cm duly paginated, indexed and stitched together in the paper-book form. The index shall be in form No.1.



(b) English translation of documents/pleadings shall be duly authenticated by any legal practitioner.

15. The reply can be signed by any of the officers authorised for the purpose. The instructions in this regard are contained in Government of India, Department of Personnel and Training Notification No.A-11019/105/87-AT dated 28<sup>th</sup> September, 1993 published as GSR 630(R) in the Gazette of India at the same time. As per the above notification, any Group 'A' Officer in any Ministry/Department of the Government of India or any Desk Officer in any Ministry/Department of the Government of India or any Group 'A' Officer in any Non-Secretariat office of the Government of India are authorised to sign all pleadings and other documents to be filed for and on behalf of the Union of India before the Central Administrative Tribunal. The above officers as are acquainted with the facts of the case also are authorised to verify the pleadings. In respect of Contempt Proceedings, however, the officers impleaded by name are required to file the reply.
16. After the reply is complete in all respects and duly signed by the authorised officer, a copy of the same is delivered by hand or sent by registered post, to the applicant or his counsel. The proof of delivery or despatch of the reply to the applicant must be produced before the Registry at the time of filing of reply. The registry gives acknowledgement for receipt of reply.



## ACTION AFTER FINAL ORDERS

**M.Sethu Ramlingam**  
Deputy Director, ISTM

1. As you are aware, a case may be dismissed even before you become aware of the fact that the same has been initiated against you. Even after notice, it may be dismissed at the admission stage or after final hearing, due to non-maintainability or lack of merit. Besides, the final order may be dictated immediately on conclusion of the hearing. Such orders are called ORAL orders, (the copies of which will be available in due course) or the case may be reserved for pronouncement of orders. In the later event, the case will figure in the cause list for the day on which it is listed for pronouncement of orders. Such cases, which are listed for the pronouncement for orders, are taken up as the first item of the day. In case, the bench, which pronounces the order, sits only in the afternoon, the list will indicate the same and the order will be pronounced as the first item in the afternoon.

2. In view of the above, it is necessary for the officials pursuing the case to be present in the appropriate courtroom well in time on the pronouncement of orders. Normally only the operative portion of the order, running for a few sentences is read in the court e.g.,

"In view of the foregoing, the OA is dismissed, being devoid of merit, without any order as to cost."

3. There may be occasions when the OA may relate to several alternative remedies or the Judgement may partly allow the OA. Under such circumstances, substantial part of the judgement may be read in the court.

4. In all cases, effort must be made to secure the copy of the judgement at the earliest. The need for obtaining the copy of the judgement is all the more urgent in cases, which have gone against the respondent. Rule 22 of the CAT(Procedure) Rules 1987 provides for the supply of free copies of the interim as well as final orders to the applicant and to the concerned respondent. Generally such copies are given to the Counsels. Officials dealing with the case will have to be constantly in touch with the counsels for obtaining the copy of the judgement at the earliest opportunity. Chapter XVIII of the CAT Rules of Practice 1993 also contains provisions relating to the grant of Certified and Free Copies. As per Rule 118 of the above Rules "A party to an application/petition or his legal practitioner shall be entitled to obtain certified copy of the record, proceedings or original documents filed in



- case, on payment of prescribed fee". (Strangers are also entitled to receive copy of the orders on payment of fees under Rule 119). Applications for copies of order are to be made in prescribed forms and are to be deposited alongwith a fee of Rs.5/-. Copying charges are levied @ Re.1/- per page for ordinary copies and @ Rs.2/- per page for urgent copies. These facilities may also be availed in case of need, without waiting for the free copy supplied by the Tribunal to the counsel. The date of receipt of the certified copy of the Judgement by the party or counsel is crucial in determining the right of the party for filing Appeal/Review Application. Thus, every effort must be made to obtain the copy of the orders at the earliest as and when the same is ready with the registry.
5. If a OA has been dismissed without any relief to the applicant and without any observation pertaining to the respondent, there may not be any action due on the part of the respondent. Such cases may help as precedent in the event of any subsequent OA being filed on the same issue.
  6. At times, even though the applicant is not granted any relief, there may be observations or suggestions for the respondents. Such issues will have to be identified from the orders and pursued diligently.
  7. In case the order grants any relief to the applicant, the following courses of action are open to the respondents:-
    - (a) Implementation of the order
    - (b) Seeking review of the order
    - (c) Preferring appeal against the order.
  8. Legal advice is obtained before decision regarding implementation of the order is taken. Implementation of the order is required to be made within the time allowed by the Tribunal. In case no time limit is prescribed, the orders must be complied with at the earliest, at any rate within six months of the date of receipt of the order. Failure to comply with the orders within the prescribed time limit may result in the applicant moving the Tribunal through Contempt Proceedings.
  9. As per Article 323A of the Constitution and Section 17 of the Administrative Tribunals have power and authority to punish for contempt, In this regard, CAT exercises the same jurisdiction, power and authority as a High Court under Contempt of Court Act 1971. The Act provides for imprisonment of the party held guilty of contempt. Contempt petitions are required to be dealt with



utmost diligence. Any failure in this regard may result in the Tribunal passing order for the personal appearance of the senior officers, besides the final order for contempt. To obviate this difficulty, it would be advisable to request the Tribunal through a MA for grant of extension of time. MA for this purpose should bring about the following:-

- (a) The efforts made by the respondents for early implementation of the Judgement.
- (b) The difficulties faced by the respondents in complying with the directions within the prescribed time limit.
- (c) Justification for the additional time prayed for.

10. Provisions and procedure relating to the Review of an order of the Tribunal are dealt with separately.

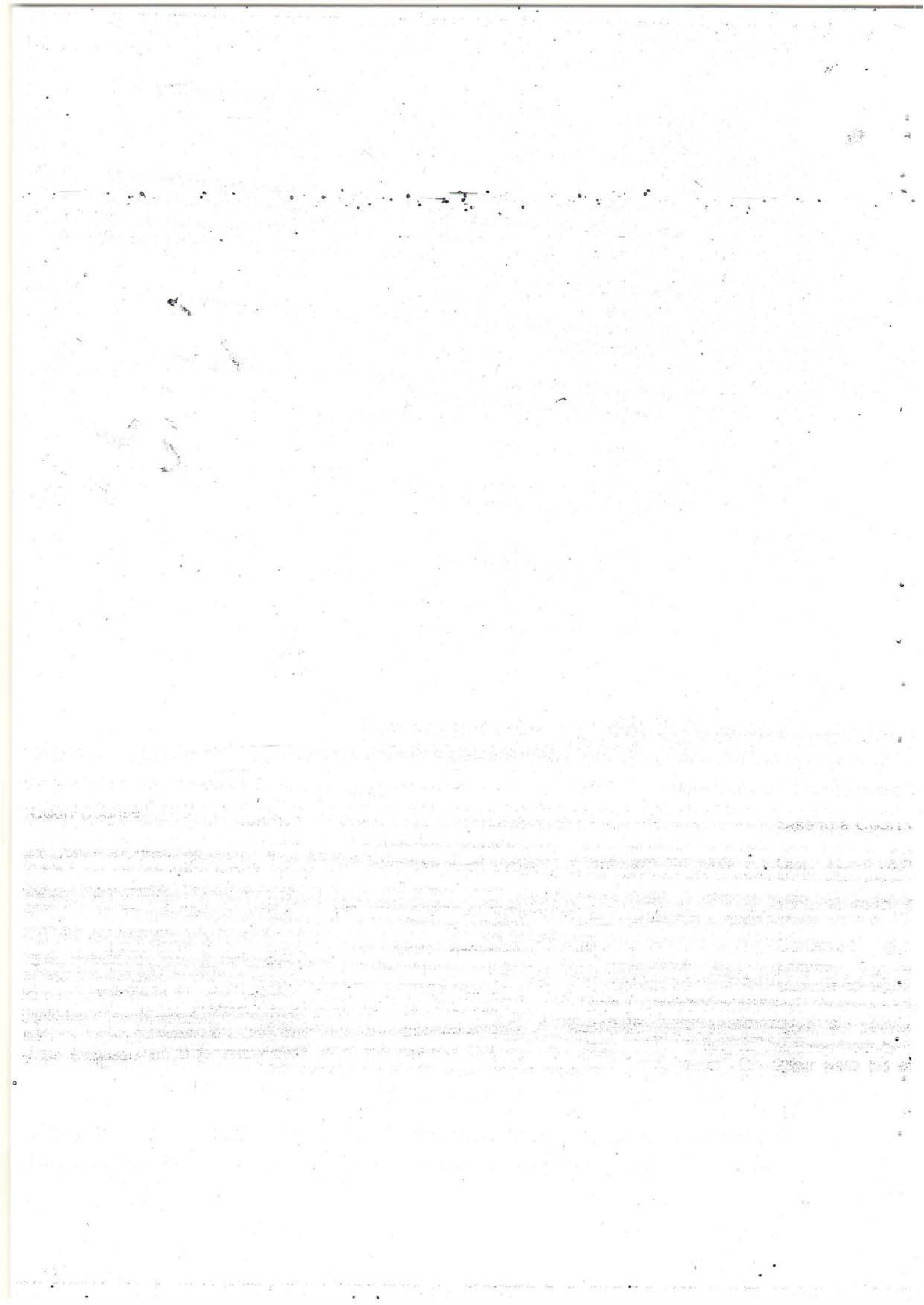
11. As per the original provisions of Administrative Tribunals Act 1985 (Section 28), Special Leave Petition (SLP) to the Hon'ble Supreme Court, under Article 136 was the only remedy available to a party aggrieved by the orders of the Tribunal. However, the position has undergone a change with the recent decision of the Hon'ble Supreme Court in L Chandra Kumar Vs Union of India & others (1997(3) SCC 261) wherein the Apex court has laid down as under:-

"All decisions of the Tribunal will, however be subject to scrutiny before a division Bench of the High Court within whose jurisdiction the concerned Tribunal falls."

12. Thus, presently, a party claiming to be aggrieved by a decision of the Tribunal may be able to move the High Court as well.

13. Any decision to seek remedy by way of Review of Appeal will have to be taken in consultation with the Law Ministry and the case pursued in accordance with the procedure laid down for the purpose.

14. It is also relevant to note that the above mentioned provisions are not confined only to the case of final orders of the Tribunal. An interim order is also required to be complied with within the time limit prescribed by the Tribunal. Extension of time can be prayed in such cases also. In case a party feels aggrieved by the interim order of the Tribunal, the above mentioned remedies can be resorted to.





REVIEW APPLICATION

**M.Sethu Ramlingam**  
**Deputy Director,ISTM**

1. Section 22 of the Administrative Tribunals Act, 1985 relates to the Procedures and Powers of the Tribunals. This section provides that Power of reviewing its decision is one of the matters in which the Tribunal shall have the same power as are vested in a Civil Court under the code of Civil Procedure 1908(5 of 1908)
2. Under the Civil Procedure Code, Review of an order is permissible under the following circumstances:-
  - (a) On the basis of discovery of new and important matter of evidence which after exercise of due diligence, was not within the applicant's knowledge or could not be produced by the party at the time when the order was passed.
  - (b) On account of mistake or error apparent on the face of the judgement.
  - (c) Or for any other sufficient reason.
3. It must be appreciated that the scope of review is much limited as compared to appeal. A review cannot be sought for fresh hearing of the argument or for correction of allegedly erroneous view taken earlier, but only for correction of a patent error of fact which stares in the face without any need for elaborate arguments e.g.; if it is stated in an order that,  
"the respondents are therefore directed to refix the pay of the applicant to the post of Assistant, in the scale of 2000-3500 on par with respondent No.5 with effect from 1-10-92 and to suitably revise the pay of the applicant in the scale of Section Officer with effect from his date of promotion i.e. 20.01.95"  
Detailed argument is not necessary to establish that there is an error in the face of the judgement.
4. It must be appreciated that a party will not be allowed to re-open a case under the guise of review. A plea not taken in the OA cannot be raised as ground of review. Further, review cannot be granted on the ground that the Govt. file was shown only to the Tribunal and not to the applicant; such



a request should have been made at the time of hearing of the OA himself.

5. As per Rule 17 of the CAT(Procedure) Rules, 1988 a Review application is required to be filed within 30 days from the date of receipt of the copy of the order which is sought to be reviewed. This period is counted from the date of receipt of order by the party or its counsel. There are also provisions for seeking condonation of delay. The delay caused on account of complying with the procedural requirements of the Government machinery, (Consultation with Law Ministry, obtaining approval of the Competent Authority, etc.) have been accepted as sufficient cause for condonation of delay. (Union of India Vs Dharampal [1989] 11ATC256) Notwithstanding such liberal approach by the courts, it is imperative that the case for filing of review application is processed with due urgency. Every effort must be made to file the Review Application within the prescribed period of limitation.
6. As per the above mentioned rule, a review application can be disposed off without listing it for hearing. Under such circumstances, the case is decided by circulation among the members who heard the case in the first instance.
7. As per Rule 17(5) of CAT Procedure Rules, 1987, a review application is required to be supported by a duly sworn affidavit, indicating therein the source of knowledge, person or otherwise (i.e. based on official records in the custody of the deponent) and also those which are sworn on the basis of legal advice. The Counter-Affidavit in Review application is also required to be a sworn affidavit whenever any averment of fact is disputed.
8. The right of a party to seek review is without prejudice of its right to appeal. It has also been held that a review application can be pursued even after losing an SLP against the same judgement. However, the party is required to keep the courts informed of the fact that he is pursuing an alternative remedy as well.
9. Normally, the pendency of a review application is accepted as a valid defence in contempt proceedings arising on the plea of non-implementation of the judgement. As a measure of caution, it would be appropriate to bring this fact to the notice of the court and pray for extension of time for implementation or stay of the judgement.



CAT TERMS

M. Sethu Ramlingam  
Deputy Director, ISTM

**Affidavit:** A written declaration on oath.

**Applicant:** The person who files an application before the tribunal. It is also relevant to note that the person who files a suit in the civil court is known as a Plaintiff and the one who files a writ petition is known as Petitioner.

**Application:** The basic document from which a litigation before the Tribunal commences. Full form is Original Application(OA). See also: Review Application, Miscellaneous Application, Reply, Rejoinder and CCP.

**Members:** This term includes Chairman Vice Chairman & Members when they are performing judicial function.

**Bench:** The word is used in three different senses:

- (i) Judge e.g. one must have utmost respect for the Bench;
- (ii) The Station where a part of the court/Tribunal is located e.g. Lucknow bench of the Allahabad High Court; Ernakulam Bench of the CAT.
- (iii) The composition of the judicial body hearing/deciding a case e.g. the case was heard by a division bench.

**Cause List:** The list issued by the court every day indicating the items which will be taken up on the next day.

**BTF:** Brief Transmission form-The form under which the Law Ministry assigns a case to a Court Counsel.

**CCP:** (Civil Contempt Petition) A petition filed by a party alleging that some one has committed an act of contempt against the court. Normally, the delay in implementation of the order of the CAT may result in the filing of CCP.

**Contempt:** An act through which a person has displayed lack of respect for the judiciary e.g. disobedience of the order of the court, making derogatory statements against the judiciary etc.

**Cost:** As per rule 111 of the CAT Rules of practice, 1993, the CAT has power to levy cost on a party. Normally, the cost may be imposed on the applicant. Cost may be imposed on the respondent, if in the opinion of the court, th



respondent has acted unreasonably and has forced the applicant to seek judicial redressal

**Division Bench:** A Body comprising two judicial personnel for hearing and deciding an issue.

**Default:** In general term it means absence. If a party who files an application fails to pursue it, the case may be lost by default. See also restoration.

**Deponent:** The person who signs an affidavit.

**Estoppel:** A Principle by which a party to a proceedings is precluded from making certain contention. For details please see Section 115 of the Indian Evidence Act, 1872. Estoppel can be taken as a Preliminary Objection.

**Ex-parte:** Without the participation of a party. If a party to a case is absent when the case is taken up for hearing, the case may be heard and decided ex-parte.

**Interim Order:** The order passed by the court pending disposal of the main issue e.g. the applicant shall not be reverted from his present post pending disposal of the OA.

**Index:** The covering page for paper(OA, reply, affidavit etc.) filed before the Tribunal. The form of the Index sheet has been prescribed under Rule 11(a) of the CAT Rules of Practice, 1993.

**Jurisdiction:** The geographic area and the subjects over which a court's powers extend e.g.:

- (1) Calcutta Bench of the CAT has jurisdiction over West Bengal and Andaman and Nicobar Islands.
- (2) Consumer Court does not have any jurisdiction to decide an issue relating to the seniority of Central Secretariat Employees

**Limitation:** The period prescribed by law within which an aggrieved party should move the court e.g. Review application must be filed within 30 days of the receipt of the order.

**On board:** After the written submission are completed, i.e. OA, Reply and rejoinder are filed, the case is said to go 'on board' to be taken up for final hearing in its turn. Similarly, the cases listed for Regular hearing, if they could not be taken up due to paucity of time, will remain on board, i.e. they will figure in the



list for the next day, unless a request is made by either of the parties for taking up the case some time later.

**Oral Order:** The order dictated by the bench in the open court as and when the hearing is concluded. Such orders are also reduced to writing and copies sent to the parties in due course.

**Part heard:** If the final hearing of a case cannot be concluded on the same day on which it was taken up, hearing will be continued on some other day. Such cases are known as part heard cases. Further hearing of these cases will be heard only by the same bench which heard it on the earlier occasion. These cases will appear on top of the cause list.

**Pleadings:** A word used to refer collectively to the written submissions in a case e.g. Pleadings in the case are complete i.e. the Reply and Rejoinder have been filed (or the right to file Reply/Rejoinder has been forfeited). It is also relevant to note that as opposed to the noun pleadings, the verb 'plead' means argue, content etc. e.g. He pleaded his case very efficiently.

**Preliminary Objection:** A case can be contested on merit as well as on maintainability. At times, the opposing party may be able to win the case without going into or commenting upon the merits of the case e.g.: A claim for revision of seniority may be objected on the ground that the applicant has failed to agitate the matter for a long time and the case is hit by delay and laches. Such objections which do not have a bearing on the merits of the cases are known as preliminary objections. Limitation, Rejudicata, estoppel etc. are some preliminary objections.

**Presenting Officer:** As per section 23(2) of the Administrative Tribunal's Act, 1985 ..... or through one of its officers known as Presenting Officer. As per DoP&T's instruction on the subject, a Group A officer can be nominated as Presenting Officer, with the approval of the Minister concerned. Presenting Officer can file reply and argue the case on behalf of the respondents.

**Rejoinder:** The document through which party who files an application before the Tribunal rebuts the averments made by the respondent in 'reply'. Thus, the applicant files the OA. The respondent files his 'reply' wherein he can refute the statements made in the OA. In response to the 'reply' of the respondent.

**Reply:** The document filed by the respondent wherein he admits or denies or clarified the averments made in the OA.

**Res-judicata:** A doctrine which prevents repetition of litigation between the same parties over the same issue. If a OA filed by an applicant has a direct bearing



on an earlier case, the respondent may consider setting up the plea of Res-judicata as a preliminary objection.

For details please see Rule 11 of the Civil Procedure Code, 1908.

**Respondent:** The party against whom the proceedings have been initiated. There may be more than one respondent in a case. It is also likely that some of the respondents in a case may be private parties who are not impleaded on account of any official act. Such parties are known as Private respondents.

**Restoration:** If an application is dismissed in default i.e. for non-appearance of the applicant or his counsel to pursue the case, the applicant is entitled to move the Tribunal within 30 days for restoring (or reviving) the dismissed applications, by showing reasons for his absence on the previous occasion. Such a process is known as restoration. An application filed for this purpose is termed as MA for restoration. The provision in this regard are contained in Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987.

**Review Application (RA):** A party who is aggrieved by an order of the court may, without prejudice to his right for appeal, file an application before the same court (with whose judgement he is aggrieved) for review of the earlier order. Review is permissible under certain select grounds only and its scope is much limited as compared to appeal. Period of limitation of filing RA is 30 days.

**Single Bench:** A judicial body comprising only one authority (judge, member etc.) for hearing and deciding the issue.

**SPECIAL LEAVE PETITION (SLP):** As per Article 136 of the Constitution, the Supreme Court has power to grant Special Leave to appeal from any judgement from any Court or Tribunal. Until March 97, the only scope available (other than RA) for a person aggrieved by the judgement of the CAT was to move the Supreme Court through a Special Leave Petition. [consequent to the judgement in L. ChandraKumar Vs Union of India, aggrieved party can now move the High Court also]

**Ultra Vires:** Literally it means without authority. Provision of services may be challenged as being Ultra Vires.

**Verification:** The reply filed before the CAT is required to be verified by an authority competent to do so. Any Group A officer of the GOI or any Desk Officer of the Ministry/Department who is conversant with the facts of the case can verify the contents of the pleadings.



Application under Section 19  
of the Administrative Tribunals Act, 1985

Title of the Case \_\_\_\_\_

INDEX

S.No.	Description of documents relied upon	Page No.
1.	Application	
2.		
3.		
4.		
5.		
6.		

Signature of the applicant

For use in Tribunals' Office

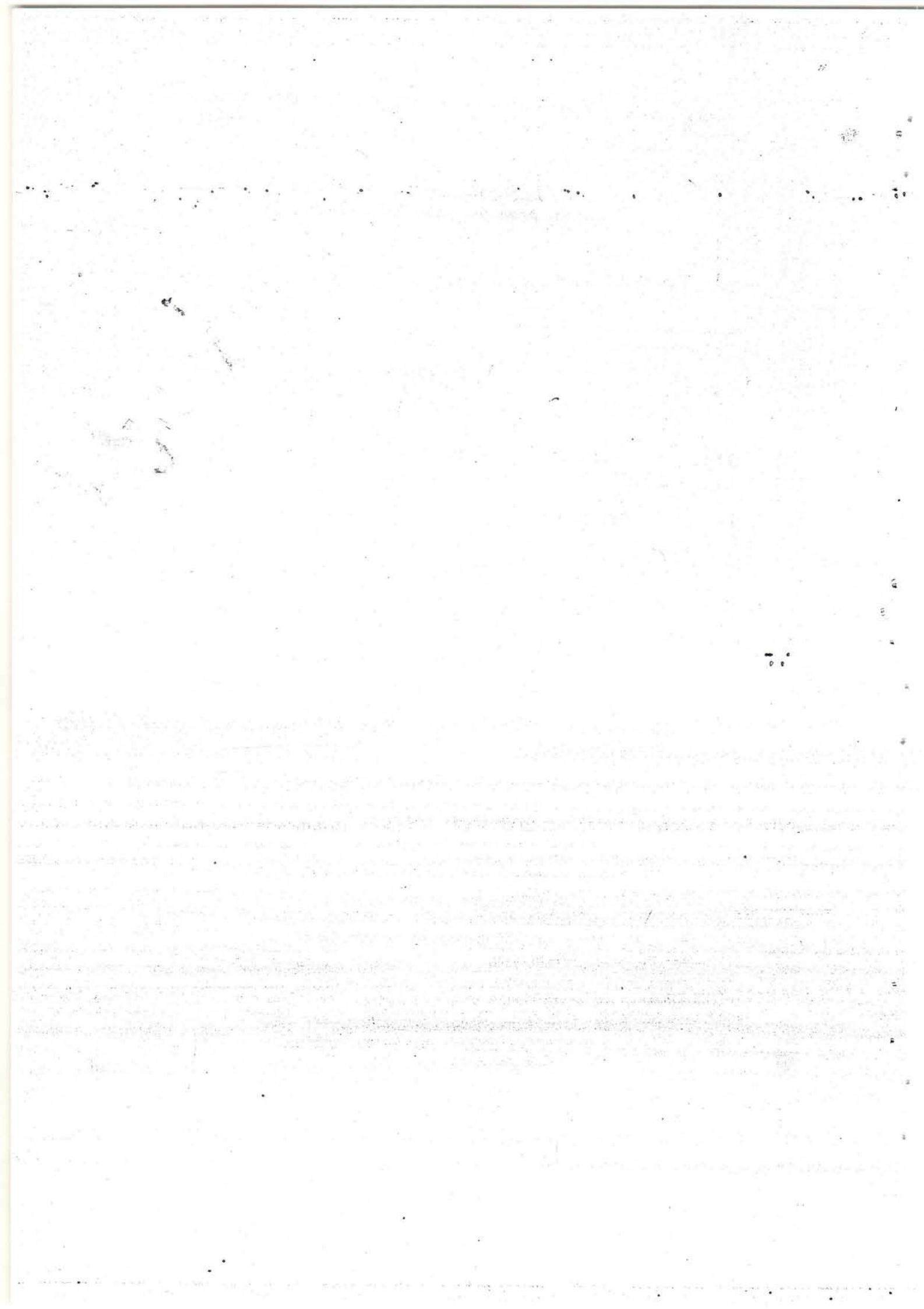
Date of filing

or

Date of Receipt by Post

Registration No.

Signature  
for Registrar





**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
.....BENCH**

A.B. (add description such as son of, resident of and place of employment or last employed.....)

**APPLICANT**

Vs.

C.D. (add description and the residential or official address on which the service of notices is to be effected on the respondent of respondents. The details of each respondent are to be given in a chronological order).

**RESPONDENT**

**DETAILS OF APPLICATION**

1. **particulars of the order against which the application is made:**

[Particulars of the order giving the details like the number, date and the authority which has passed the order, against which the application is made.]

2. **Jurisdiction of the Tribunal:**

The applicant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. **Limitation:**

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.



4. **Facts of the case:**

*[Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact.]*

5. **Grounds for relief with legal provisions:**

6. **Details of the remedies exhausted:**

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

*[Give here chronologically the details of representations made and the outcome of such representations with reference to the number of Annexure to be given in support thereof.]*

7. **Matters not previously filed or pending with any other court:**

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

In case the applicant had previously filed any , writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.

8. **Relief(s) sought:**

In view of the facts mentioned in para. 6 above the applicant prays for the following relief(s):-

*[Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any relied upon.]*

9. **Interim order, if any prayed for:**

Pending final decision on the application, the applicant seeks the following interim relief:-

*[Give here the nature of the interim relief prayed for.]*



10. **In the event of application being sent by Registered post:**

It may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Postcard or Inland Letter, at which intimation regarding the date of hearing could be sent to him.

11. **Particulars of Bank DRaft/Postal Order filed in respect of the application fee:**

12. **List of enclosures:**

- 1.
- 2.
- 3.
- 4.



**VERIFICATION**

W/o. I ..... (Name of the applicant), S/o. D/o,

..... age ..... working  
as

..... in the Office of  
.....

resident of ..... do hereby verify that the contents  
of

paras to ..... are true to my personal knowledge and para

..... to believed to be true on legal advice and that I have not  
suppressed any material facts.

Date

*Signature of the applicant*

Place:

To

The Registrar,  
\_\_\_\_\_  
\_\_\_\_\_



FORM III

[ See Rule 8(3) ]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

..... BENCH

/ Misc Application No..... of .....

In

Original  
Transferred

Application No..... of .....

XXX

..... (Applicant)  
(Applicant / Respondent)

YYY

..... (Respondent)  
(Respondent / Applicant)

Brief facts leading to the application:

X X X X X

Relief of Player:

VERIFICATION

I, ..... (Name of the Applicant,  
S/o , D/o, W/o ..... age..... working  
as ..... in the office  
of ..... resident  
of ..... Do hereby verify that the contents of the  
para ..... to ..... are true on legal advice and that I have not suppressed any  
material fact.

Place:  
Date:

Signature of the Applicant  
Signature of the Advocate



INSTITUTE OF SECRETARIAT TRAINING AND MANAGEMENT

FORM NO. 10

[ See Rule 57 (a) ]  
Pending / Disposed of

CENTRAL ADMINISTRATIVE TRIBUNAL  
..... BENCH

OA/RA/CP/

/

NO. OF 199

Applicant/s

Vs

Respondent/s

Application for Inspection of Documents / Records

I hereby apply for grant of permission to inspect the documents / records in the above case. The details are as follows:-

1.	Name and address of the person seeking inspection	
2.	Whether he is party to the case / his legal Practitioner and if so, his rank therein.	
3.	Details of the papers / documents sought to be inspected	
4.	Reasons for seeking the inspection	
5.	The date and duration of the inspection sought	
6.	Whether any fee is payable and if so, the mode of payment	

Place:

Applicant

Date:

Office Use:

Granted inspection for ..... Hours on ..... / rejected

Registrar  
CAT



FORM NO. 11

[ See Rule 62 ]

CENTRAL ADMINISTRATIVE TRIBUNAL  
..... BENCH

/ OA/RA/CP/ PT/MA

OF 199

.....

Applicant/s

Vs

.....

Respondent/s

Memo of Appearance

I, ..... having been authorised ..... (here furnish the particulars of the authority) by the Central / State Government Servant / Authority / Corporation / Society notified under Sec. 14 of the Administrative Tribunals Act 1985 hereby appear for Applicant No. .... / Respondent No. .... and undertake to plead and act for them in all matters in the aforesaid case.

Place:

Date:

Signature & Designation  
of the Counsel



FORM NO. 14

[ See Rule 81 (a) ]

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH

OA / RA / CP / / NO. OF 199

..... Applicant/s  
Vs Respondent/s  
.....

AFFIDAVIT

I, ..... (name and occupation of the deponent ) aged .....years.  
Son / daughter / wife of ..... residing at ..... do hereby swear in  
the name of God / solemnly affirm and state as follows :-

Para. 1

Para. 2

Para. 3

Contents of paragraphs Nos. .... are true my personal knowledge  
and contents of paragraphs No. .... based on information received by me  
which I believe to be true (state the source of information wherever possible and  
the grounds for belief, if any)

.....  
.....

Place:  
Date:

Signature of the Deponent  
Name in Block letters

Identified by

.....

Sworn / solemnly affirmed before me on this the ..... day of ..... 199

Signature

( Name and designation of the  
Attesting Authority with seal)



INSTITUTE OF SECRETARIAT TRAINING AND MANAGEMENT

FORM NO. 22

[ See Rule 117 ]

CENTRAL ADMINISTRATIVE TRIBUNAL  
..... BENCH

OA / RA / TA / PT / CP / (Civ / Crt) / MA ..... / 199

..... Applicant/s  
Vs  
..... Respondent/s

APPLICATION FOR GRANT OF CERTIFIED COPY

1.	Name and address of the applicant:	
2.	Whether the applicant is a party to the case. If not, whether an application under Rule 126 is filed:	
3.	Whether the case is pending or disposed off:	
4.	Description and date of the documents of which copy is applied for:	
5.	No. of copies required and the nature of application [Whether urgent or ordinary ]	
6.	Details of the fee remitted along with application:	

Place:

Date:

Applicant

FOR OFFICE USE

Granted / Rejected

Additional copying fee payable / paid and details thereof

[Initials of the Officer-in-Charge]



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 120/97

SHRI XYZ, ASSISTANT  
MINISTRY OF FINANCE  
NEW DELHI

..... APPLICANT

VERSUS

1. UNION OF INDIA  
THROUGH THE SECRETARY,  
MINISTRY OF FINANCE, NEW DELHI

2. JOINT SECRETARY  
MINISTRY OF FINANCE  
NEW DELHI.

..... RESPONDENTS

INDEX

	Description of the document relied upon	PAGE NO.
Compilation - I		
1.	Original Application under Section 19 of the Administrative Tribunals Act - 1985	1 - 6
Compilation - II		
2.	Order No. .... dated ..... issued by the Disciplinary Authority. [ A - 1 ]	7 - 9
3.	Order No. .... Dated ..... issued by the Appellate Authority. [ A - 2 ]	10 - 13
4.	Representation of applicant dated ..... [ A - 3 ]	14
5.	Copy of Inquiry Report [A - 4]	15 - 20

Signature of the Applicant



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 120/97

SHRI XYZ, ASSISTANT  
MINISTRY OF FINANCE  
NEW DELHI

.....APPLICANT

VERSUS

1. UNION OF INDIA  
THROUGH THE SECRETARY,  
MINISTRY OF FINANCE, NEW DELHI
2. JOINT SECRETARY  
MINISTRY OF FINANCE  
NEW DELHI.

..... RESPONDENTS

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE  
TRIBUNALS ACT 1985

1. PARTICULARS OF ORDER AGAINST WHICH THE APPLICATION IS  
MADE

The Applicant is aggrieved by the order No.7(1)/88-Vig./1276 dated 10.8.1997 issued by the Secretary, Ministry of Finance confirming the order No.7(1)/88-Vig./1160 dated 10.6.1997 issued by the Joint Secretary, Ministry of Finance (Disciplinary Authority) imposing the penalty of reduction of pay by two stages for two years with cumulative effect. Hereto annexed and marked as Exhibit A-1 & A-2 are the said orders.



2. JURISDICTION

The Applicant declares that the subject matter of this Application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The Applicant further declares that the present application is within the period of limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE

4.1 The Applicant was appointed as Upper Division Clerk w.e.f. ...., in the Ministry of Finance (hereinafter referred to as MoF for the sake of brevity). Upon passing the departmental examination successfully in the year ..... he was promoted to the post of Assistant w.e.f. ....

4.2 The Applicant was issued with a charge sheet vide memorandum No. .... dated ..... alleging misbehaviour on his part. The allegation was denied by the Applicant vide his representation dated ..... Consequent to the denial of the charge falsely framed against the Applicant an inquiry was ordered by Respondent No. 2 by, Appointing an Inquiry Officer vide his order No. .... dated .....

4.3 The inquiry officer conducted the inquiry and submitted his findings to the disciplinary authority completely exonerating the Applicant. Hereto annexed and marked as Exhibit A-3 is a copy of the said inquiry report.



4.4 Respondent No. 2 vide his letter No. .... dated ..... forwarded a copy of the inquiry report to the Applicant for his representation, if any. Respondent No. 2 in his letter referred to above simply mentioned that he did not agree with the findings of the Inquiry Officer. He did not give any reason for his disagreement.

4.5 The Applicant submitted his representation against the findings of Respondent No. 2 and pleaded for exoneration from the charges based on the findings of the inquiry officer.

4.6 Respondent No. 2 without considering the representation of the Applicant and without applying his mind arbitrarily passed an order imposing the penalty of reduction of his pay by two stages for a period of two years with cumulative effect. Aggrieved by the order of the Disciplinary Authority, the Applicant preferred an Appeal on ..... to the Appellate Authority who has been impleaded as Respondent No. 1 in this OA. Hereto annexed and marked as Exhibit A-4 is a copy of the Appeal submitted by the Applicant. Respondent No. 1, without considering the points raised by the Applicant and without applying his mind rejected the appeal and confirmed the penalty vide its order No. .... dated .....

## 5. GROUNDS

The Applicant submits that the penalty imposed on him is arbitrary, caprice, whimsical hence the order of the Appellate & Disciplinary Authorities need to be quashed and set aside due to the following reasons.

5.1 The inquiry authority after conducting a detailed inquiry found that the charges leveled against the Applicant are false and thus fully exonerated him.



5.2 Respondent No. 2, without any reasoning disagreed with the findings of the Inquiry Officer which is against the procedures laid down in the CCs (CCA) Rules, 1965.

5.3 Respondent No. 1 passed order without considering the facts and circumstances of the case and the points raised in the Applicant's appeal.

5.4 The orders issued by the Respondents are not speaking ones.

5.5 The impugned orders are violative of the constitutional protection guaranteed to the Applicant under Article 311 of the Constitution of India.

5.6 The impugned orders are in violation of Article 14 of the Constitution of India.

5.7 The action of the Respondents are contrary to the Principles of Natural Justice.

5.8 Respondent have violated the statutory provisions of the CCS (CCA) Rules 1965 which, being statutory in nature are binding in character.

5.9 The Orders of the Respondents are the outcome of the non-application of mind and hence are liable to be set aside.

#### 6. DETAILS OF THE REMEDIES EXHAUSTED

The Applicant submits that he has availed of the remedies available for redressal of his grievances.



7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The Applicant declares that he has not previously filed any application, writ petition or suit regarding the subject matter in respect of which this application is being filed.

8. RELIEF SOUGHT

In view of the facts stated in paras 4 and 5 above, the applicant prays that the impugned orders be set aside.

9. Interim order, if any prayed for.

N!!.

10. In the event of application being sent by Registered Post.

The application is being filed in person.

11. Particular of the Bank Draft / Postal Order filed in respect of the application.

Indian Postal Order No. .... Dated ..... for Rs 50/- is enclosed.

11. List of enclosures:

1.

2.

3.



VERIFICATION

I, XYZ S/o ..... age ..... Resident of ..... the applicant do hereby verify that the contents of paras 1 and 4 to 12 are true to my personal knowledge and paras 2 and 3 are believed to be true on legal advice and that I have not suppressed any material facts.

Sd/-

[ X.Y.Z. ]

Applicant

Through A. B. C.

Advocate for the applicant

Place: New Delhi

Date: 25<sup>th</sup> Nov. 97



**POINTS FOR SCRUTINY FOR AN O.A.**

( Rule 11 (b) of the Central Administrative Tribunal Rules of Practice )

1.	Is the application in the proper form? (Three complete sets in paper book; form in two compilations)	
2.	Whether name, description and address of all the parties been furnished in the cause title?	
3.	(a) Has the application been duly signed and verified?	
	(b) Have the copies been duly signed?	
	(c) Have sufficient number of copies of the application been filed?	
4.	Whether all the necessary parties are impleaded?	
5.	Whether English translation of documents in a language other than English or Hindi been filed?	
6.	Is the application in time?	
7.	Has the Vakalathnama / Memo of appearance / authorisation been filed?	
8.	Is the application maintainable? (u/s 2, 14, 18, or U.R. 8 etc.)	
9.	Is the application accompanied by IPO / DD for Rs.50/-?	
10.	Has the impugned order's original / duly attested legible copy been filed?	



11.	Have legible copies of the annexures duly attested been filed?	
12.	Has the Index of documents been filed and pagination done properly?	
13.	Has the applicant exhausted all available remedies?	
14.	Has the declaration as required by item 7 of Form 1 been made?	
15.	Have required number of envelopes (file size) bearing full address of the respondents been filled?	
16.	(a) Whether the reliefs sought for, arise out of single cause of action?	
	(b) Whether any interim relief is prayed for?	
17.	In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant?	
18.	Whether this case can be heard by Single Bench.	



CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

LIST OF BUSINESS  
FOR  
FRIDAY THE 6<sup>TH</sup> JUNE 1997  
COURT:  
(GROUND FLOOR)  
(AT 10.30 AM)

HON'BLE MR. JUSTICE K.M. AGARWAL

CHAIRMAN

HON'BLE MR. S.R. ADIGE

MEMBER(A)

FOR ORDERS

1. O.A. 1390/97  
M.A. 1430/97 OPTO. ELECT. FACTORY KARMCHARI UNION  
V/S G.O.I., M/O DEFENCE SHRI G.S. BEDKAR

FOR ADMISSION

1. C.P. 167/97 IN  
O.A. 551/92 ROSHAN SINGH & ORS. Mrs. RAJANI CHHABRA  
V/S  
CHANDER PRAKASH, G.M. (MANI)

2. CP 168/97 IN  
O.A. 254/96 SHIV CHARAN SINGH SHRI K. SRIVASTAVA  
V/S

P.V. JAIKISHAN, CHIEF ENGR., GOVT. OF N.C.T.D.

3. O.A. 1341/97  
M.A. 1388/97 P.C. JAIN SHRI K.L. BHANDULA  
V/S  
V.O.I., M/O PERSONNEL

4. O.A. 1389/97  
M.A. 1429/97 MS. SHANKUTALA RANA SHRI B.S. MAINEE  
V/S  
U.O.I., G.M., N.R.L.Y.

5. O.A. 1391/97  
KAMLA DEVI SHRI. SHANKAR RAJU  
V/S  
U.O.I., M/O HOME AFFAIRS

6. O.A. 1392/97  
MA 1431/97 D.P. JATAV SHRI S.Y. KHAN  
V/S  
U.O.I., M/O I & B

NOTE: ALL ADJOURNMENTS AND MOTION MATTERS WILL BE MENTIONED ONLY AT 10 A.M.



7. O.A.1393/97 SURENDER KUMAR V/s U.O.I./M/O HOME AFFAIRS SHRI SHANKAR RAJU
8. O.A. 1397/97 GANGA RAM V/s U.O.I./M/O HOME AFFAIRS SHRI SHANKAR RAJU
9. O.A.1401/97 MANPHOOL SINGH V/s GOVT. OF N.C.T.D. SHRI P.P.MADAN

**AFTER NOTICE**

23. C.P. 121/97 IN O.A.1043/95 BANSI LAL V/s U.O.I. M/O COMMUNICATION SHRI V.K.SHARMA  
SHRI M.P.GUPTA
24. O.A.890/97 PRAHLAD SINGH V/s U.O.I. G.M. N.RLY SHRI P.M.AGGARWAL  
SHRI R.P.AHLAWAT
25. O.A.1030/97 M.A.1073/97 NATIONAL ASSOCIATION OF BLIND AND ORS. V/s U.O.I./M/O PERSONNEL SHRI R.S.MAHENDRA

**FOR DIRECTION**

26. MA 1432/97 IN O.A.2234/96 SATENDER SINGH V/s GOVT. OF N.C.T.D. MRS.M.CHHIBBER  
SHRI B.S.GUPTA

**REMOVAL/DISMISSAL/TERMINATION**

1. O.A. 2721/92 MAHENDRA V/s U.O.I./M/O RAILWAYS SHRI B K BATRRA  
SHRI K.K.PATEL

**REGULAR MATTERS**

1. P.H.O.A.1488/96 S.S.KANDARGIANATH V/s U.O.I.-SPORTS AUTHORITY OF INDIA SHRI T.R.ROY  
SHRI P.JOSEPH  
SHRI K.C.SHARMA



INSTITUTE OF SECRETARIAT TRAINING AND MANAGEMENT

- |    |                            |   |   |
|----|----------------------------|---|---|
| 2. | O.A.1017/92                | MEHAR SINGH<br>V/s<br>U.O.I.,G.M.,N.R.LY.                 | <u>SHRI. S K SAHNI</u><br><u>SHRI N.R.RAI</u>                         |
|    | WITH                       |   |   |
|    | O.A.1021/92                | BHAGWAN DASS<br>V/s<br>U.O.I.,G.M.N.R.LY                  | <u>SHRI S.K.SAHNI</u><br><u>SHRI N.R.RAI</u>                          |
|    | O.A.1642/92                | RAMESH CHAND<br>V/s<br>U.O.I.,G.M.N.R.LY                  | <u>SHRI S.K.SAHNI</u><br><u>SHRI N.R.RAI</u><br><u>SHRI V.S.PATEL</u> |
| 2. | O.A.1029/92<br>MA 890/97   | TECHNICAL OFFICERS<br>ASSN. V/s<br>U.O.I.,M/O AGRICULTURE | <u>SHRI N.B.RAVAL</u><br><u>SHRI K.RAMCHANDANI</u>                    |
| 3. | O.A.1067/92<br>M.A.1049/92 | SHIVANAND SHARMA V/s<br>U.O.I.-M/O URBAN DEVP.            | <u>SHRI ASHOK AGARWAL</u><br><u>SHRI K.M.KALRA</u>                    |
| 4. | O.A.1073/92                | SHER SINGH V/s<br>U.O.I.,-G.M.N.R.LY                      | <u>SHRI B.S.MAJNEE</u><br><u>MRS.SUNITA RAO</u>                       |

