

THE TAMIL NADU ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES, 1988

G.S.R. 755 (E).—In exercise of the powers conferred by sub-section (1) read with clauses (d), (e) and (f) of sub-section (2) of Section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely —

1. Short title and commencement.—(1) These rules may be called the **Tamil Nadu Administrative Tribunal (Procedure) Rules, 1988.**

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

2. Definitions.—In these rules, unless the context otherwise requires.

- (a) "*Act*" means the Administrative Tribunals Act, 1985 (13 of 1985);
- (b) "*Agent*" means a person duly authorised by a party to present an application or a written reply on its behalf before the Tribunal.
- (c) "*Applicant*" means a person making an application to the Tribunal under Section 19;
- (d) "*Forum*" means a form annexed to these rules;
- (e) "*Legal Practitioner*" shall have the same meaning as is assigned in the Advocates Act, 1961 (25 of 1961);
- (f) "*Legal representative*" means a person who is law represents the estate of the deceased;
- (g) "*Registrar*" means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under clauses (2) and (3) of Rule 28;
- (h) "*Registry*" means the Registry of the Tribunal or of the Bench of the Tribunal, as the case may be;
- (i) "*Section*" means a section of the Act ;
- (j) "*Transferred application*" means the suit, or other proceeding which has been transferred to the Tribunal under sub- section (1) or sub-section (2) of Section 29 ;
- (k) "*Tribunal*" means the Tamil Nadu Administrative Tribunal established under sub-section (2) of Section 4;
- (l) The words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Language of the Tribunal.—(1) The language of the Tribunal shall be English :

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Tamil, if they so desire :

Provided further that (a) a Bench may, in its discretion, permit the use Tamil in the proceedings. However, the final order shall be in English ;

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

4. Procedure for filling applications.—(1) An application to the Tribunal shall be presented in Form 1 by the applicant in person or by an agent or by a duly authorised legal practitioner to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment due addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in triplicate in a paper-book form alongwith one unused file size envelope bearing full address of the respondent.

(3) Where the number of respondent 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 acknowledgment of the receipt of the application.

(5) (a) Notwithstanding anything contained in sub-rules (1) to (3) the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter.

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

5. Presentation and scrutiny of application.—(1) The Registrar, or the officer authorised by him under Rule 4, shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

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

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

(4) If the applicant fail to rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reason to be recorded in writing, decline to register the application and inform the applicant accordingly.

(5) An appeal against the order of the Registrar under sub-rule (4) may be preferred by the person aggrieved within fifteen days from the date of such order of the Tribunal whose decision thereon shall be final.

6. Place of filing applications.—The application shall ordinarily be filed by the 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 has arisen, or
- (iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides :

Provided that the application may be filed with the Registrar of the Principal Bench and, subject to Section 25 of the Act, such application may be transmitted, to be heard and disposed of by a Bench which has jurisdiction over the matter.

7. Application fee.—Every application filed with the Registrar shall be accompanied by a fee of rupees fifty to be remitted either in the form of crossed demand draft on a nationalised bank in favour of the Registrar, payable at the main Branch of the Bank at the station where the Tribunal is situate, or remitted through a crossed Indian Postal Order drawn in favour of the Registrar payable at the post office of the station where the Tribunal is situate :

Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be rupees fifty :

Provided further that where the Tribunal is satisfied that an applicant is unable to pay the prescribed fee on ground of indigence, it may exempt such an applicant from the payment of fee.

8. Contents of application.—(1) Every application filed under Rule 4 shall set forth concisely under distinct heads the grounds for such application. Such ground shall be numbered consecutively. Every application, including any miscellaneous application shall be typed by double space on one side on thick paper of good quality.

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

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

9. Documents to accompany the application.—(1) Every application shall be accompanied by a paper book containing —

- (i) an attested true copy of the order against which the application is filed ;
- (ii) Copies of the documents relief upon by the applicant and referred to in the application ;
- (iii) an index of the documents.

(2) The documents referred to in sub-rule (1) may be attested by a legal practitioner or by a Gazetted Officer belonging to Group 'A' or Group 'B' under the Government and each document shall be marked serially as Annexure A-1, A-2, A-3 and so on.

(3) Where an application is filed by an agent, documents authorising him to act as such agent shall also be appended to the application :

Provided that where an application is filed by a legal practitioner, it shall be accompanied by a duly executed 'Vakalatnama'.

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

11. Service of notices and processes issued by the Tribunal.—(1) Any notice or process to be issued by the Tribunal may be served by any of the following modes directed by the Tribunal—

- (i) service by the party himself;
- (ii) by hand delivery (Dasti) through a process-server;
- (iii) by registered post with acknowledgment due; or
- (v) through the head of the Department concerned by any one of the above modes.

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

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

(4) Notwithstanding anything done under sub-rule (1), the Tribunal may in its discretion, having regard to the nature and urgency of the case, direct the service of the notice on the Standing Counsel appointed as such by the State Government or any Department of the State Government.

(5) Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the application alongwith a copy of the paper-book.

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

- (i) a sum of rupees five for each respondent in excess of five respondents; or
- (ii) where the service is in such a manner as the Tribunal may direct under sub-rule (3) such a sum, not exceeding the actual charges incurred in effecting the service as may be determined by the Tribunal.

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

(8) Notwithstanding anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all the respondents, it may, for reasons to be recorded in writing, direct that the applications shall be heard notwithstanding that some of the respondents have not been served with notice of the application :

Provided that no application shall be heard unless—

- (i) notice of the application has been served on the State Government, if such Government is a respondent;
- (ii) notice of the application has been served on the authority which passed the order against which the application has been filed and
- (iii) the Tribunal is satisfied that the interest of the respondents on whom notice of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. Filing of reply and other documents by the respondents.—(1) 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 (1) shall also be filed as ~~alongwith 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 ~~alongwith~~ documents as mentioned in sub-rule (1) on the applicant or his legal practitioner, if any, and file proof of such service in the Registry.

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

13. Date and place of hearing to be notified.—The Tribunal shall notify to the parties the date and the place of hearing the application in such manner as the Chairman may be general or special order direct.

14. Calender of cases.—(1) Each Bench shall draw up a calender for hearing of transferred cases and as far as possible, hear and decided the cases according to the Calender.

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

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

15. Action on application for applicant's default.—(1) Where on the date fixed for hearing of the applicant or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called for hearing, the Tribunal may, in its discretion either dismiss the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfied the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same :

Provided, however, where the case was disposed of on merits the decision shall not be reopened except by way of review.

16. Ex parte hearing and disposal of application.—(1) Where on the date fixed for hearing the application or on any other date to which such hearing may be adjourned, the applicant appears and the respondent does not appear when the application is called for hearing the Tribunal may, in its discretion adjourn the hearing or hear and decide the application *ex parte*.

(2) Where an application has been heard *ex parte* against a respondent or respondents, such respondents or respondent may apply to the Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the application was called for hearing the Tribunal may make an order setting aside the *ex parte* hearing as against him or them upon such terms as it think fit, and shall appoint a day for proceeding with the application.

Provided that where the *ex parte* hearing of the application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any on 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* hearing of an application merely on the ground that it was not served upon a respondent or respondents.

17. Review of application to be filed within thirty days.—No application for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought.

18. Substitution of legal representatives.—(1) In the case of death of a party during the pendency of the proceeding before the Tribunal, the legal representatives of the deceased party may apply within thirty days of the date of such death for being brought on record as necessary parties.

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

Provided that on good and sufficient reasons the Tribunal, on an application, may set aside the order of abatement and substitute the legal representatives.

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

20. Order to be signed and dated.—(i) Every order of the Tribunal shall be in writing and shall be signed and dated by the Member or Members constituting the Bench, which pronounced the order (ii) The orders shall be pronounced in open court.

21. Publication of orders.—Any other of the Tribunal deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Chairman or the Vice-Chairman may specify by general or special order.

22. Communication of orders to parties.—(1) Every interim orders granting or defusing or modifying interim relief and final order passed on any application shall be communicated to the applicant and to the respondent concerned either by hand delivery or by registered post free of cost.

(2) If the applicant or the respondent to any proceeding requires a copy of any document or proceeding the same shall be supplied to him on such terms and conditions on payment of such fees as may be fixed by the Chairman by general or special order.

23. Inspection of the records.—(1) The parties to any case or their Counsel may be allowed to inspect the records of the case on making an application in writing to the Registrar.

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

24. Orders and directions in certain cases.—The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

25. Registration of legal practitioner's clerks.—(1) No clerk employed by a legal practitioner shall act as such in the Tribunal or be permitted to have access to the records and obtain copies of the orders of the Bench of the Tribunal in which the legal practitioner ordinarily practices unless his name is entered in the Registrar of clerks maintained by the Tribunal. Such clerk shall be known as a "Registered Clerk."

(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form IV. On such application being allowed by the Registrar, his name shall be entered in the Registrar of Clerks.

(3) After registration of the clerk, the Registrar shall direct the issue of an identity card to him shall be non-transferable and shall be produced by the holder upon request by an officer or other employee of the Tribunal authorised

in this behalf. The identity card shall be issued under the signature of the Deputy Registrar of the Tribunal.

(4) A register of all the clerks registered under sub-rule (2) shall be maintained in the office of the Registrar.

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

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

26. Working hours of the Tribunal.—Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman remain open from 9.30 a.m. to 6.00 p.m.

27. Sitting hours of the Tribunal.—The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.00 a.m. to 1.30 p.m. and 2.30 p.m. to 5.30 p.m. subject to any general or special order made by the Chairman, or by Vice-Chairman concerned with the prior approval of the Chairman.

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

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

(3) In the absence of the Registrar, the Deputy Registrar may exercise all the powers and functions of the Registrar.

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

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

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

29. Additional powers and duties of Registrar.—In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman or the Vice-Chairman of the Tribunal, namely :—

- (i) to receive all applications and other documents including transferred applications ;
- (ii) to decide all questions arising out of the scrutiny of the applications before they are registered ;

- (iii) to require any application presented to the Tribunal to be amended in accordance with the Act and the rules ;
- (iv) subject to the direction of Tribunal to fix the date of first hearing of the applications or other proceedings and issue notices thereof;
- (v) to direct any formal amendment of records ;
- (vi) to order grant of copies of documents to parties to the proceedings ;
- (vii) to grant leave to inspect the records of the Tribunal ;
- (viii) to dispose of all matters relating to the service of notice or other processes, applications for the issue of fresh notices and for extending the time for filing such applications and to grant time not exceeding 15 days for filing a reply or rejoinder if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period;
- (ix) to requisition records from the custody of any court or other authority ;
- (x) to receive applications within thirty days from the date of death for substitution of legal representatives of the deceased parties during the pendency of the application ;
- (xi) to receive and dispose of applications for substitution, except where the substitution would involve setting aside an order of abatement;
- (xii) to receive and dispose of applications by parties for return of documents.

30. Seal and emblem.—The official seal and emblem of the Tribunal shall be as the State Government may specify.

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

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

- (i) if a male, in a closed coloured coat and trousers or in lunge suit;
- (ii) if a female, in a saree or any other customary dress of a sober colour.

TAMIL NADU ADMINISTRATIVE TRIBUNAL, MADRAS

APPENDIX—A

FORM I

(See Rule 4)

Application under Section 19 of the Administrative Tribunals Act, 1985

Title of the case :

INDEX

Sl.No.	Description of documents relief upon	Page No.
1.	Application	
2.		
3.		
4.		
5.		
6.		

Signature of the applicant

For use in Tribunal's Office

Date of filling

or

Date of Receipt by post

Registration No.

Signature for Registrar

TAMIL NADU ADMINISTRATIVE TRIBUNAL, MADRAS.....BENCH
BETWEEN

A B

APPLICANT

AND

C D

RESPONDENT

Details of Application :

1. Particulars of the applicant :

- | | |
|--|-------------------|
| (i) Name of the applicant ; | Attested passport |
| (ii) Name of Father/Husband ; | size photograph |
| (iii) Agent of the applicant ; | to be pasted |
| (iv) Designation and particulars of office (Name and Station) in which employed/or was last employed before ceasing to be in service ; | |
| (v) Office address ; | |
| (vi) Address for service of notices. | |

2 Particulars of the respondent :

- (i) Name of the respondent ;
- (ii) Name of Father/Husband ;
- (iii) Age of the respondent ;
- (iv) Designation and particulars of office (Name and Station) in which employed;
- (v) Office address ;
- (vi) Address for services of notices.

3 Particulars of the order against which application is made.

The application is against the following order—

- (i) Order No. With reference to Annexure
- (ii) Date
- (iii) Passed by
- (iv) Subject, in brief.

Brief facts leading to the application :

Relief or Prayer :

Verification :

I.....(Name of applicant), S/O, D/O, W/OAge working as.....in the office of/Department ofand..... residing at.....do hereby verify that the contents of paras are true on legal advice and that I have not suppressed any material fact.

Place :

Dated :

Signature of the applicant

Signature of Advocate

FORM IV

[See Rule 25 (2)]

Application for the Registration of a Clerk

1. Name of legal practitioner on whose behalf the clerk is to be registered.
2. Particulars of the clerk to be registered :

- (i) Full Name (in capital) :
passport
- (ii) Father's Name :
- (iii) Age and Date of Birth :
- (iv) Place of Birth :
- (v) Nationality :
- (vi) Educational Qualifications :
- (vii) Particulars of previous employment, if any.

Attested

size photograph
to be pasted

I.....(Clerk above) do hereby affirm that the particulars relating to me given above are true.

Signature of Clerk

3. Whether the legal practitioner has a clerk already registered in his employ and whether the clerk sought to be registered is in addition to the clerk already registered.

4. Whether the clerk sought to be registered it already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.

I.....(legal practitioner) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any fact which would render unsuitable the registration of the said..... (Name) as a clerk Further, I enclose 2 Passport size Photographs of the applicant duly attested by me.

Signature of legal practitioner

Dated

To,

The Registrar,
Karnataka Administrative Tribunal,
MADRAS
