HPAT(PROCEDURE) RULES 1986

(n.qq.)-t2 PEGJSTERED No. D. (D.N).72 Cue Gazette of *dig 380] No. 380] EXTRAORDINARY PART 11—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY 22, 31, 1908 NEW DELHI, FRIDAV, AUGUST 22, 19861SRAVANA 31, 1908 Separate Pagirg is giv•vn to this Part in order that it may be filed as a separate compilation 1 fr'TFT) 22 1996 iTT. 5T.fr. 1015 or) 1985 (1985 13) 35 vqarrr(2) (q) Tr til, fr-axr t, 1- air (1) vrä) 1986 t I (2) iii _l 2— fütii ii ($) t'nfafrqq" 1985 (1985 13) t ; 674 GL186—1 (q) 'krTR" I frFt zæi frvxr t ii ii qqr I frü (1) 11—707 3(i)] 13. GT€r qirt 14. fqWr 4T fir OT frfr 15. vrä.• fifiöif fifr fiTFT qt, (ä4T q,i) 1954 frTGi I 717, ii fh+it i 16. .FTtt t, 7f?üTfvfi, fi7 17. RFi F. g 11019128 (1)/85-g. MINISTRY OF PERSONNEL, PUBLIC GRIEV- ANCES AND PENSIONS (Department of Personnel & Training) New Delhi, the 22nd August, 1986 NOTIFICATIONS G.S.R. 1015 (E).—ln exercise of the powers con- ferred by clause (c) of sub-section (2) cl' section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government itereby makes the following rules namely l. Short title and commencement.-—(l) These rules may be called the Himachal Pradesh Administrative Tribunal (.Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1986. (2) They shall come into force on the date of their publication in the official Gazette

2. Definitions.—ln these rules, uniess the context otherwise requires . (a) "Act" means the Administrative Tribunals Act 1985 (13 of 1985); (b) 'Covernment' means the Government of Himacha! Pradesh. (c) 'Tribunal' means the Himachal Pradesh Administrativc Tribunal; 3 (d) The words and expressions used in these rules and not denned, but denned in Lile Act shali have the mean ings respectively assigned to them in the Act. — (I) The Chairman shall receive a pay of rupees three thousand iive hundred plus a specaai pay oi rupees two hundred iiity per mensem. A Member snail receive a pay oi rupegs three thousand per mensem. Provided that in the case of an appointment as Chairman or a Member of a person woo has retired • as a Judge of a High Court or who has retired from service under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement bene- kits by way of pension audior gra!uily, employer•s contruibulion to the Contributory Provident Eund or other forms of retirement benefits, the aforemen- tioned pay shall be reduced by the gross amount of pension and pension equivalent of gratuiry or emplo- yer's contribution to the Contributory Provident Fund or any other form of retirement beneiiis, if any, drawn or to be drawn by him

4. Dearness allowance and city compensatory al- lowance.—The Chairman and a Member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to the Officers of the Central Government dravving a pay of rupees three thousand or above

5. Retirement from parent service cn appointment as Member.—(l) The Chairman or a Member who, on the date of his appointment to lhe Tribunal, was in service under the Central Government or a State Government, shall seek retirement fram such service before his appointment to the Tribunal. In the case of a sitting Judge of a High Court who is appointed as Chairman, his service in the Tribunal shall bé treated as actual service within the meaning of para 11 (b) (i) of Part 'D' of the Second Schedule to the Constitution. (2) On such retirement as is provided for in sob- rule (1), the Chairman or a Membcr : (i) shall be entitled to receive pension and gratui- ty in accordance with the rules relating to the retirement benefits applicable to him. (ii) shall not be allowed to ca;ry forward his earned leave but shall be entitled to receive cash equivalent to leave sa!ary, if any, in accoordance with the rules applicable to Ilim prior to his retirement

6. A person, • on appointment to the Tribunal as Chairman or a Member shall be entitled to leave as follows (i) earned leave at the rate of fifteen days for every completed year of se:vice or a part thereof : (ii) half pay leave on .medica! certificate or on private affairs at the rate of twenty days in respect of each completed year of service. The leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave. 30)] 16. Residuary provision.—The conditions of ser- vice of the Chairman or a Member for which no express provision is available in these rules shall be determined by the rules and orders för thé time being applicable tp Officers of corresponding pay levels belonging to the Indian Administrative Service

17. Powers to relax rules.—The Central Govern- ment shall have power to relax the provisions of any of these rules in respect of any class or categories of persons. 227TFT, 1986 1985 (1985 13) 35 (2) (q), (3) B) Tfrffzii frvxq t, (gfrq•r) frTtFT, 1986 (T) 1985 (1985 TT 13) vfü t; (Q) "qzüz" 1961 (1961 TT25) (71) ('oféTfiTf" zrr frTä (3) "VÜÄVT" 19 O) "TET" I (V) {'fqfr OTT, sit 1961 (1961 25) t; 27 (2) xaT- (v) "ET(T" R; 29 (1) 5 Tr wit•T fFJ0fr.T8 Orr I äTrr ffi;xr TT qxr ET O, iFI fur qatrüzii ii Tir tFTT, it Tf*r q•rir fr 5. ffiT : (i) (2) qx, t, Fit füT qrqrr FiETt$ trF 15 15. qqT- (3) 36T'tq (1) (2) fifr frrä 1 air (2) ftzrr 17. CTEr tt xepif Fiffrz 7rqr zrg mif (rfq-q frü zrr 1 18. fGEFü qx 19. q-€ fiNT FT OTT fifi 20. MTä, 7 fFä 21. 3rräi Tr fiitrr q•rfra f*7TT I 22. frrfr4pr 23. ii rr f*sr s-rräi Tr fifi 24. (i) frait fqrq- t, 3Tüvii qÜ Trir (2) frrFTT Tr frifqs ürr fifi q-rqh•-q ii it: frTfrr€T ärq fTAT (6) f#rfrG Qtrr fzq•r fäi xfafFr 10.00 5.00 26. (frrfi t) Eit 10.30 27. vrfr7qt Gträ; z—98/10 91.9 I 'k hkJ k 4J&J EhJhJ.k.kJ (O ±BJEJ (lb)bküb (p)hVLb . (P)hlü.h k 9 1 h2E k Ch) $861 6 Ih.LJ.hSJk..uLb b' g, . . : ki.lh (c) (c) (z) 3(i)] NOTIFICATION G.S.R, 1016(E).—In exercise of the powers con- ferred by -clauses (d) , (e) and (f) of sub„section (2) of section 35 and clause (O of section 36 of the Administrative Tribunals Act, 1985 (13 of 1985) the Central Government hereby makes the following rules, namely 1. Short title and commencement.—(l) These rules may be called the Himachal Pradesh Adminis-- trative Tribunal (Procedure) Rules, 1986, (2) They shall come into force on the date of their publication in the Official Gazette

2. Definition.—ln these rules, unless the context otherwise requires,— 11 duly authorised advocate, to the -Registrar or any other offcer authonsed by the Reeistrar to receive applications or sint Ity registered post with acknow- ledgement due addressed to the- Registrar. (2) The. under sub_rule (1) shall be presented in three complete sets in a paper-book form along with one empty file size envelope bearing full address of the rcspondent. Where lhe number of respondents is more than one, as many extra copies of the application in paper book form as the number of respondents together with required number of empty file size enve}ope bearing the full address of each respondent shall be furnished by the applicant. (3) The applicant may attach to an present with his application a receipt slip as in Fozm No. 1 which shall be signed by the Registrar or the officer receiving the applications on 'behalf of the Registrar in acknow• ledgement of •the receipt of the application. (4) Notwithstanding arvthing contained in ,sub- rules (1), (2), and (3), the Tribunal may permit :— (b) (d) (f) (g) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985) ; "advocate" means an advocate entered in, any roll the provisions of the Advocate Act, 1961 (25 of 1961) ; "agent" means a person duly authorised by a party to present an application or reply on its behalf before the Tribunal ; "applicant" means a person making an appli- cation to the Tribunal under section 19 ; 'Capplication" means an application made to the Tribunal under section 19 ; "Form" means the Form annexed to these rules ; "Government" means the Government of Himachal Pradesh. (a) (b) more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have the same interest in the service matter . or an Association representing the persons desirous of Joining in a single application provided, however, that the application shall disclose .t.dC names of all the persons on whose behalf it has been. filed. (h) 'fLegal Practitioner" shall have the same meaning as' is assigned to it in the Advocates Act,- 1961 (25 of 1961) ; (i) "Registrar" means the Registrar of the Tribunal arid includes any officer to whom the powers and functions of the Registrar may be delegated under clause (2) of 27 (j) "Section" means a section of the Act ; (k) "Transferred Application" means the suit or other iroceeding which häs been trans- ferred to he Tribunal under sub-section (1) of section 29 ; (l) 'Tribunal" means the Himachal Pradesh Administrative Tribunal established under subsection (2) of Section 4

3. Language of the The language Of the Tribunal shall be. English 'e •Provided that the parties fo a proceeding before thi Tribunal may file documents drawn up in Hindi, •if they so desire : Provided further that a Bench may, in its discre- tion; permit the use •of Hindi jil -the • : proceedings. However, the final crder shhll• be in English, 4, Procedure for filing An appli- cation to the Tribunal shall be presented in Form• 1 by the applicant in person or by an •agent •or by a 5. Presentation and scrutiny of application.—(l) The Registrar, or- The officer authcrised by the Registrar shall endorse on every application the date on which it js presented or deemed to have been presented under that rule and shall sign the endorse- ment. (2) on scrW.iny the application is foynd to be in order, it shan be duly regiktered and given a serial number. (3) If the application, on scrutiny. is found •to be defective and the defect noticed formal in nature, the Regisu•ar may o}low 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 lime to rectify -the defect as he may deem.

fit, (4) If the apD]icant fails to rectify the defect _within the time allowed *under . sub-rule. % ,the Registrar may, by order -ahd for _ reasons be recorded in wriüng. decline the registrar the applica- tion. (5) An appeal against the order of the Registrar under sub-rule • (4YShaH be måde• viithin 115 of the making of •streh order to- the Tribunal: Whose decision •thereon •shall be final

6. Place of filing application.—-The a.pp3iratintT shall ordinarily be filed by the applicant with the Registrar;

13. Date and place of hearing to be notified.- The Registrar shall notify to the parties the date and the place of hearing of the application

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

15. Decision on application.- The Tribunal shall draw up a calender for the hearing of transfer- red cases and as fa- as possible hear and decide the cases according to the calender. (2) Every application shall be heard and decided as far as possible, within six months of the dale of its presentation. (3) For purposes of sub-rules (l) and (2). the Tribunal shall have thc power to decline an adjourn- ment and to limit the time for oral arguments

16. Action on application for applicanÜs default.— (1) Where on the date fixed for hearing of the ap- plication or on any other date to which such hearing may be adjourned, the applicant doés not appear when the application is called on for hearing, the Tribunal may, in its discretion either dismiss the app.ligation for default or hear and decide it on merit. (2) Where an application has been dismissed for default and the applicant appears afterwards and satisfies the Tribunal that there was sufiicient causes for hiS non- appearance when the application was called on for hearing, the Tribunal may make an order setting aside the order dismissing the appli-' cation and restore the same

17. Hearing of application Where on the date fixed for hearing the application or on any other date to which such hearing may be ad- journed, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may, in its discretion, ad- journ or hear and decide the application ex-parte.(2) Where an application has been heard ex-parte against a respondent or respondents, such respon- dent or respondents may apply to the 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 pre- vented by any suffcient catse from appearing when the application was called on for hearing, the Tribunal may raake an order setting aside the ex- parte hearing as against him or them upon such terms as it thinks fit, and shall appoint day for proceeding with the application : Provided that where the ex-parte hearing of the application is of such nature that it cannot "he set aside as against one respondent only, it may be set aside as against all or any of the other respondents also. Provided further that no Tribunal shall set aside ex-parte hearing o! an application merely on the ground that {here has been an irregularity in the service. of notice, if it is satisfied that the respon- dent had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim

18. Adjournment of application.- Ohe Tribunal may on such terms as it deems fit and at any stage of the proceedings adjourn the hearing of the appli- cation

19. Order to be signed and dated.- • Every order of the Tribunal shall be in writing and shall be signed and dated by the Members constituting the Bench concerned

20. Publication of orders.--.Such of the orders of the Trmnal as are deemed fit for publication in any authoritative repott or the press rnay be released for such publicaiion on such terms and conditions as the Tribunal may lay down

21. Communication of orders to parties..- •Every order passed on an application shall be communi- cated to the applicant and to the respondent either in person or by registered post free of cost

22. No fee for inspection of records.—No fee shall be charged for inspecting the records of a pending application bv a party thereto

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

24. Registration of legal practitioner's clerks.— (1) A clerk employed by legal practitioner and permitted as such to have access to the tecords and to obtain copies of thc orders of the Tribunal in which the legal practitioner ordinarily practices shall be known as a "registered clerk." (2) A Egal practitioner desirous of registering his clerk shall make an application to the Registrar in

Form 2. 15 FORM—T (See rule 4) APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1986. For use in Tribunals office. DATE OF FILING— OR DATE OF RECEIPT BY POST REGISTRATION NO. —- SIGNATURE REGISTRAR IN THE HIMACHAL PRADESH TRIBUNAL. SHIMLA *BENCH BETWEEN AND c B D APPLICANT RESPONDENT DETAILS OF APPLICATION L Particulars of the applicant (i) Name of the applicant (ii) Name of father/Husband (iii) Designation and office in which employed (iv) Offlce Address (v) Address for service of all notice

2. Particulars of the respondent (i) Name and/or designation of the respondent (ii) Office address of the respondent (iii) Address for service of all notices 3. Particulars of the order against which application is made : The application is against the following order : 4, (i) Order No. (ii) Date (iii) Passed by (v) Subject in brief 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. 11 17 Receipt slip Receipt ot the application filed in the Himachal Pradesh Administrative Tribunal, Shimla by Shri/Smt.—- in the Department of residing at is hereby acknowledged. Seal working a for Registrar Hi machal Pradesh Administrative Tribunal Shimla FOR M—.2 (See Rule 24) APPLICATION FOR THE REGISTRATION OF A CLERK l. Name of legal practitioner on whose behalf the clerk is to be registered

2. Particulars of the clerk to be registered.(i) (ii) (iii) (iv) (vii) Full Name (in capitals) Father's name Age an,a date of birth Place of birth Nationality Educational qualifications Particulars of previous employment, if any. above named) do hereby afünn 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 lieu of or in addition to the clerk already _registered

4. Whether the clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name such practitioner.—.(legal practitioner) certify that the particulars given above are 1, true to the best of my information belief and that I am not aware of any facts which would render undesirable the registration of the said Date To The Registrar of the Tribunal 674 as a clerk. Signature of legal practitioner PRINTED BY TRE MANAGER. GOVT. OF INDIA RING ROAD, NEW DELHI-110064 AND BY THB OONT*OLINR OF DELED-110054, '986