

KARNATAKA ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES, 1986

No. 469] Of PART u—see+jon 3. *SHED BY 3, 1 1, 1903 NEW DELHI, FRIDAY, OCTOBER 3, 1986/ASVLNA Pzgliß givea to this Part ia order that r: may he as a sepante compilation Central Government on receipt of a te•auest this behalf from. the Government of Karnataka. establishes the Karnataka Administrative rrißunal IVith effect from the 6th day of Octohcr. Sha!] be the 'appointed day' within the of section 3 of the Act. t 129 1995 (1985 13) (2) q-t. 6 i 986 WNISTRY OF PERSONNEL, GRIEVANCES AND PENSIONS (Department of Peronne! & Training) New Delhi, the 3rd October, 1986 NOTIFICATIONS G.S.R. 1129(E) .—In exercise of the powers con- ferred by sab-section (2) of section 4 or the Admi- nitrative Tribunæ!s Act, 1985 (13 of 1985). the 909 c;r/R6 . i 30 : 985 (1985 13) 35 1936 ! (G) : 985 (19a5 1-3) t; THE OF • PXTRAORDÆNARY "T*«" # 19 1961 (I 25) 27 (R) I'EFT" 29 (I) t, 3-7 i- frrg üFi,r 'ü 3 (iii) 13. FT - (4) (6) (ii) 4 THE GAZETTE OF INDIA *GTT fäg qrTr fix 18. EXTRAOR.DINARY (PARf II—SRC. 19. 20. (2) \$TüTfVi 23. 24. : 25. 26. 30 fü 3.00 5. 00 27. . 28. (i!i) (iv) (vi) 'ft* (vii (viii) ft-q (xi) (xii) zr«.T fetzrtr OTT 30. Q: 3 i. : Xü5 1985 i z, s, i; (ii) (iii) iT (iv) 6 'üiVa• I 'dE (iA/_EUU- OF INDIA : fr.ii fFiT fr-ffr,x \$1 G SR. ' l.n exercise the con- (e) (i) o: secuon (36 of the Ata. (13 1985). the 24 Central !. Short title and _ ' ' s) These tratve Tribunal (Procedure) Rules, 1986. (2) Thev Sha}} come into force on 'Lhe of i.e:r publica'icn in th: 2. Definitions.—in rule. context othenwise. cequ:ces (a) (b) (C) (e) (f) (h) :neans the ! 985 (13 of 1985): f ribunals (iii) (iv) (v) (vii (vii) -z- tr, •Agent' • means a du!y authc:rised by a party to oresent an aopFcation ot reply cm i's before the Trihun•ai•. iapDI'ca.nt•• means a person making an appli- the Tribunal under section t 9: cation amlication" means an made to tae Tr:buual under section 19; means th. _m Form annexed to these rules • Government" means the Government of Karnataka: "leelal practitioner" shall have the same meaning as is assigned to in the Advo- Act. 1961 (25 of 1961); "Registrar" means the Reaistrar of the Tri- bunal and includes any o!Ficer to rvhom the powers and functions of !he Registrar may be delegated under clause (2) Of 27; ' 'section" means a section of the Act: (D ' 'transferred app!icqtion" means the suit or other proceeding which hat been transfer- red to the •Tribunal under subsection (t) of sect;on 29: "ribuna?" means tfre Kametakn Adminis- trative 'Tribune! established under svb-.sec— tion (2) ot section 4: (l) the words and phra5es used herein hut not defined shall have thc o them in the Act. 3 Language nf the Tribunal.—fl) The language [PART 8 THE GAZETTE OF INDIA EXTRAORDINARY Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Kan- nada, if they so desire : Provided further that a Bench may, in iti discre- permit the use oi KannadB in the itie fil'al order shall be in English

4. Procedure for filing applications.—(1) An application in Form No. 1 to the Tribunal shall be filed by an agent or by a lawyer by the applicant in person duly authorised advocate, to the Registrar or any other officer authorised by the Registrar to receive applications or sent by registered post with acknowledgement due addressed to the Registrar. (2) The application under sub-rule (1) shall be presented in three complete sets in a paper book form along with one unused file size bearing the full address of the respondent. Where the number of as many copies is less than respondent, of the application in paper book form as the number of respondents together with required number of unused file size envelopes bearing the full address of each respondent shall be furnished by the applicant. (3) The applicant shall attach and present with his application a receipt-slip as in



Form No. 2 which shall be signed by the Registrar or the officer receiving the applications on behalf of the Registrar in acknowledgment of the application. (4) Notwithstanding anything in sub- (2) and (3), the Tribunal may permit— (a) more than one person to join together and is satisfied having filed a single application if it is in regard to the cause of action and the nature of relief prayed for that they have the common interest in the subject matter; or (b) an Association representing the desirous of joining in a single application provided, however, that the application shall disclose the names and of all the persons on whose behalf it has been filed

5. Presentation and scrutiny of application.— (1) The Registrar, or the officer by him under rule 4. shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement. (2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number. (3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his and if the said defect is not formal in nature, the Registrar may allow the applicant such to rectify the defect as he may deem fit. (4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, direct the applicant to rectify the defect. (5) An appeal against order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Tribunal whose decision shall be final. —The provisions of rule 6. shall be by like application with the Registrar

7. Application fee.—Every application filed with Registrar shall be accompanied by a fee of Rs. 50- (rupees fifty only) which shall be paid in court stamps affixed on such an application. Provided 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 Rs. 50 (rupees fifty) only

8. Contents of Every application filed. under 4 shall set forth concisely under distinct heads, the grounds for such application. Such grounds shall be numbered consecutively and typed on a thick paper of good quality in double space on one side. It shall not be necessary to present 4 separate applications to seek an interim order or direction if the applicant contains a prayer seeking an interim or direction pending final disposal of the application. (3) An applicant may subsequent to filing of application under section 19 of the Act, apply for an interim order or direction. Such an application shall, as far as possible, be in the same form as is prescribed under section, 19 and shall be accompanied by a fee of Rs. 2 (rupees only) which shall be payable in court fee stamps affixed on such an application

9. Documents to accompany the application.— (1) Every application shall be accompanied by a book containing— (i) an attested true copy of the order against which the application has been filed; (ii) of the documents relied upon by the applicant and referred to in the application; and (iii) an index of documents. (2) The documents referred to in sub-rule may be attested by a legal practitioner or by a Gazetted Officer and each document shall be marked serially as Annexure A-1; A-2; A-3 and so on. (3) Where the application is made by an agent, documents 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 by a duly authorized person

10. Plenary remedies.—An application shall be based on a single cause of action and may seek one or more reliefs provided they are consequential & not independent. 30) 11. Service of notice of application on the respondent.— (1) A copy of the application in the paper book shall ordinarily be served on each of the respondents by the Registrar in one of the following modes . (i) hand delivery (dasti) through the applicant or through a process server; or (ii) through registered post with acknowledgement due; or (iii) through the concerned Head of the Department by any of above modes. (2) Where the notice issued by the Tribunal is served by the applicant himself by hand delivery (Dasti), he shall file with the Registrar the acknowledgement together with an affidavit of service and such service shall be deemed to be sufficient service. (3) Notwithstanding anything contained in sub- rule (1), the Registrar may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service, as it appears to the Registrar just and convenient. (4) Standing Counsels appointed by Government shall receive notices on behalf of the Government or its Departments subject to such directions as the Tribunal may deem fit having regard to the nature and urgency of the matter. (5) Every notice issued by the Tribunal, unless otherwise directed, shall be accompanied by a copy of the

application, along with the paper book. (6) Every applicant shall pay a 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 Rs. 5 (rupees five only) for each respondent in excess of five respondents; or (ii) where the service is in such manner as the Registrar may direct under sub-rule (3), a sum not exceeding the actual charges incurred in effecting the service as may be determined by the Registrar. (7) The fee for the service or execution of processes under sub-rule (3) or sub-rule (6) shall be remitted by the applicant in the form of court-fee stamps. (8) Notwithstanding anything contained in sub-rules (1), (3) and if the Tribunal is satisfied that it is not reasonable or practicable to serve notice of application upon all the respondents, reasons to be recorded in writing direct that the application shall be heard notwithstanding; but 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 Government or the Central Government if that 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 the Tribunal is satisfied that the interests of the respondents on whom notice of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. Filing of reply and other documents by the respondents.— (1) Each respondent intending to contest the application shall file three complete sets containing the reply to the application along with the documents relied upon by him, in a paper book form, with the Registrar within one month of the date of service of the notice of the application on him. (2) In the reply made 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. (3) The documents referred to in sub-rule (2) shall also be along with the reply and marked as R1, R2, R3 and so on. (4) The respondent shall also serve a copy of the reply along with copies of documents as mentioned in sub-rule (1) on the applicant or his legal practitioner, if any; and file proof of such service with the Registrar. (5) The Registrar may, on application by the respondent, allow filing of the reply after the expiry of the period of one month.

13. Date and place of hearing to be notified. The Registrar shall notify to the parties or their counsels, if any, the date and the place of hearing of the application.

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

15. Decision on The Tribunal shall draw up a calendar for the hearing of transferred applications and as far as possible hear and decide the cases according to the calendar. (2) Every application shall be heard and decided, as far as possible, within six months of the date of its presentation. (3) For purposes of sub-rules (1) and (2), the Tribunal shall have the power to decline an adjournment and to limit the time for oral arguments. 10 • EXTRAORDINARY THE GAZETTE OF INDIA . [PART II—SEC

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

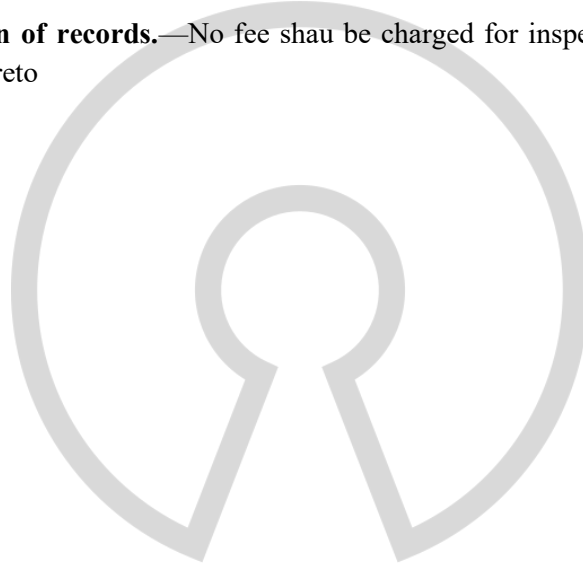
17. Hearing of application where on the date fixed for hearing the application or on any other date to which such hearing may be adjourned, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may, in its discretion, adjourn or hear and decide the application ex-parte. (2) Where an application has been heard ex-parte against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set 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 on for hearing, the Tribunal may make an order setting aside the ex-parte hearing 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 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 of the other respondents also: Provided further that no Tribunal shall set aside ex-parte hearing of an application merely on the ground that there has been an irregularity in the service of notice, if it is satisfied that the respondents had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim. 18: Adjournment of application.—The Tribunal on such terms as it deems fit and at any stage of the proceedings adjourn the hearing of the application. Order to be signed and dated.—Every order made and shall be signed and dated by the members constituting the Bench concerned

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

21. Communication of orders to parties.(1) Every order passed on an application shall be communicated to the applicant and to the respondent either in person or by registered post free of cost. (2) Certified copies of the order of proceedings may be obtained by the parties on application to the Registrar on payment of such fees and on such terms and conditions as may be prescribed by the Chairman by any general or special order

22. No fee for inspection of records.—No fee shall be charged for inspecting the records of a pending application by 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 to, 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 a legal practitioner and permitted as such to have access to the records and to obtain copies of the orders of the Tribunal in which the legal practitioner ordinarily practises shall be known as a "registered clerk". (2) A legal practitioner desirous of registering his clerk shall make an application to the registrar



Form 3 with three passport size photographs of the clerk—One pasted on the application form and the other two loosely attached to it. (3) A legal practitioner shall have at a time not more than two re-registered clerks unless the Registrar by general or special order otherwise permits. (4) A register of all the registered clerks shall be maintained in the Office of the Registrar and after registration of the clerk, the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or any other employee of the Tribunal. (5) The identity card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal. (6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk and on receipt of such letter the name of the said registered clerk shall be struck off the register (7) The registration of a clerk shall be valid for a period of one year and shall be subject to annual renewal. Working hours and working days of the Tribunal : (1) The Tribunal shall observe the same working hours as the offices of the Government. The Tribunal shall remain closed on Sundays and on such holidays as may be declared by the Government for its offices. (2) The Chairman shall notify and determine the days during which the vacation of thirty days in one or more spells shall be observed by the Tribunal

26. Sitting hours of the Tribunal.—The sitting hours of the Tribunal (including the vacation Bench) shall ordinarily be, from 11.00 A.M. to 2.00 P.M. and 3.00 P.M. to 5.00 P.M. subject to any order made by Chairman

27. 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 may be assigned to him under these rules or by the Chairman. (2) The Registrar may, with the approval of the Chairman, delegate to Deputy Registrar any function required by these rules to be exercised by the Registrar. (3) In the absence of the Registrar, the Deputy Registrar or any other officer of the Tribunal authorised in writing by the Chairman in his behalf, may perform or exercise all or any of the functions of the Registrar. (4) The Registrar shall keep in his custody official seal of the Tribunal. (5) The Registrar shall, subject to any general or special direction by the Chairman, affix the official seal of the Tribunal on any order, notice or other process. (6) The Registrar shall have the power to authorise in writing the affixing of the seal of the Tribunal on a certified copy of any order of the Tribunal

28. 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 Bench concerned, namely (i) to receive all 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 directions of Tribunal to fix dates of 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 of the proceedings; (vii) to grant leave to inspect the records of the Tribunal; (viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices or for extending the time therefor; (ix) to requisition records from the custody of any court or other authority; (x) to receive applications for the substitution of legal representatives of the deceased parties, during the pendency of the application; (xi) to receive and dispose of application for substitution, except where an order or would involve setting aside abatement; and (xii) to receive and dispose of application by parties for return of documents

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

30. Dress for the Members and Staff of the Tribunal.—The dress for the Members of the Tribunal (including Chairman and Vice-Chairman and other members of the staff of the Tribunal shall be such as the Chairman may specify

31. Dress for 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 close collared or in an open coloured coat with white shirt, trouser; and a tie or in a dunge suit; if a female, in a saree or in any other dress in white or any other customary dress of sober colour. [No. A-

11019É21186-AT] P. G. LELE, Direct0f (AT) KARNATAKA ADMINISTRATIVE TRIBUNAL BANGALORE FORM NO. (See Rule 4) APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985. Title of Lhe Case . INDEX S. Descripti on of rments relied upon Application 3. 4. 5, 6. Signature of the appiicant ; n Tribunal's Office Dace of filling or Date of Ræipt by post Registration No. Signature For ReÉstrar 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEceti)} IN TRE KARNATAKA ADMINISTRATIVE TRIBUNAL BANGALORE BETWEEN B APPLICANT AND D RESPONDENT DETAILS OF APPLICATION 1. Particulars of the applicant : (i) Name of the applicant. (ii) Name of Fathet/Husband (iii) Age of the applicant (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) A•g3 of the respondent (iV) lhsignat ion and particulars of and station) in which employed. (v) Office address (vi) Address for services of notices

3. Brticulacs of the order against which application is 9.10. 11. before any court of law or any other authority or any other Bench of the Tt''ibunal and nor any such writ petition or suit is pending before any of them; In case the applicants had previously filed any applica• tion, writ petition or suit, the stage at which it is pending and if decided, the gi3t of the decision should be gWen with reference to the Annexures. Relief(s) sought In view of the facts mentioned in para 6 above, the app- licant prays for the foilowing•relief (s) :— [Specify betow the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) reliec, upon]. Interim order, if any prayed for : the Pending final decision on the appli±tion, appaïcant seeks issue of the following interim order : (Give hzre the nature of the interim order prayed for with reasons). List of enclosures : 2. 3

4. VERIFICATION 1,... made. The application is against (i) Order No. With (ii) Date (iii) Passed by (iv) Subject, in brief. (Name of the the following orda to Annexure 4. Jurisdiction of the Tribunal : The applicant declares that the subject matt« of the order agliD*t which he wants redressal is within jurisdiction of the Tribunal

5. Limitation : The applicant further declares that the application is within the lirmitation prescribed in section 21 of Adrni- aistrative Tribunals Act, 1985

6. Facts of the case : The facts of the case are given below : —(Give here a concise statement of facts in a order, each paragraph containing nearly a' possible a separate issue, fact or otherwise)

7. Details o? the remedies exhausted .The app!icant declares that he has availed of all the remedies available to him under the relevant service rules, etc. (Give the detai\s of representations "Itations with re-made and OLIti20kne oi Üeoe.-;e; ference to the Annexure ntumbers)

8. Matters not previously filed or pending with any other court. The applicant further declares that he had not previously filed any writ petition or suit regarding the subject matter in respect of which this application has been made (applicant), S/o, D/o. , Age . . . working as. . . in the office of (Department of. . . and residing at. . . do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and para 14 is believed to be true on legal advice and that I have not suppressed any material fact. Signature of the applicant Date : Place : To The Registrar, Karnataka Administrative Tribunal, Bangalore.



FORM NO. 2 [See Rule 4(3)] RECEIPT SLIP Receipt of the Application file in the Karnataka Administrative Tribunal.. .. Shri/Kum./Smt. . working the of.. residing at, is hereby acknowledged. ... by ...in For Registrar, Karnataka Administrative Tribunal BANGALORE Date . SEAL : FORM NO. 3 [See Rule 24(2)] APPLICATION FOR n-•IE REGISTRATION OF A CLERK passport size Photograph to be pasted

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) di) Father's Name : (iii) Age and Date of Birth : (iv) Place of Birth : (v) Natiöoality : (Yi) Educational (vii) Particulars of previous employment, if GV86—3 13 1,..... above named) 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 registæd in his employ and whether the clerk sought to be registe red is in lieu of or in addition to the clerk already regis- tered

4. Whether the clerk sought to be registered is already regi- tered as a clerk of any other legal practitioner and is so,the name of such practitioner. (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 registra- tion of the said. (name) as a clerk. Furthr, I enclose 2 Passport size Phow graphs of the applicant duly attested by me. Signature of legal practitionz Date : To The Registrar, Karnataka Administrative Tribunal Bangalore. PRINID BY am. O. PRESS, RING ROAD, NEW AND cmmoun OF PUBLIC.AIIIONS, BELM.110054, 1986

