

MAHARASHTRA ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES, 1988

27 REGISTERED NO. D. (DN) 127 Che Gazette of 2Jwdio No. 217] EXTRAORDINARY PART 11—Section 3—Sub-section (i) PUBLISHED BY AUTHORITY 22, 1988/āqtu 2, 1910 NEW DELHI, FRIDAY, APRIL 22, 1988/VAISAKHA 2, 1910 Separate Paging is given to this Part in order that it may be filed as a separate 22 +7. 1988 48 5 (q) (19-35 13) (2) 1985 (T) 1935 TT 13) 1074 -1 it-xr ; (q) "qr*t\$" (q) t't•fā ZT«rir" Tr 1 961 (1961 23) Rfäffi« t; (q) " {ÜäZ(" 3 z 29 (2) (3) 1 2 THE GAZETTE OF INDIA . EXTRAORDINARY [PART II—SEC. 5 (i) 29 (1) (2) 3. tr.fr, \$1- Orr r-fi.ii 7CT•rr (5) (4) g•rfra 15 25 50 f; tirt 3 11--72% 3(i für (2) früvr (3) 19 Orr I (ii) fiat &rqr m-TT (iii) I 10. (ii) (iii) (iv) (2) qt trqr äTtr qrq I (6) Ä--är fiqq (ii) (ii) (iii) 12) (t) f?ftTEZ 4 THE GAZETTE OF INDIA • EXTRAORDINARY [PART II—SEC. 3 (i) 1903 (1903 5) 15 VI fig 3. vq.å•zrq (2) 13. Tr TBr•.— 14. Qtr t fiqq 15. (1) g: f*rr I 16. (1) qet qi ztr fir 17. Qtr ttqfq 18. 30 30 frqr 1 19. 30 ft\$ré fig 20. Ffira qrg 21. f\$qr Orr (2) f*-ét 24. : 1) QQ frivr 7TQvii 26. fir (1) üfā fiat fiü xā fi7N*i (2) (3) (4) 2, 5Tā-4 f?Tqr I Üqr frTfrfiT (5) (6) 27. : — T-gr*i 3. 30 28. * : (fig* 10-30 1. oo 2.00 5.00 tiö 29. : äT(T ft---<t (3) sq-üg•rz, (5) Rirq (6) (€17), 30. (1) (2) (3) (4) 6 THE GAZETTE OF : EXTRAORDINARY 2. 4 s. 30 (12) 31. zrqr 32. OT 33. 34. [PART 11— .SEC. t-gr7) (1) (2) (3) (4) (5) (6) (.6) *fz€i Il- 3(i)] (2) (3) 5. 1985 21 fqq fq•ft- frz ix73g(Qt) 1 t). fr-FT 7 (qzt xsfā 11. 12. jrgz . Mix(ü) . 0. (qriii) 7ift•. , 3. 4. 4. 8 f*fiF 1. THE GAZETTE OF INDIA • 26(2) EXTRAORDINARY (ii) (iii) (vi) (Vii) [PART IT—SEC. 3 (i xp.tffr tr 1 4, xr•tr 2 50 [q. rr.-1 1019130/86-rl.ér MINISTRY OF PERSONNEL, PUBLIC GRIEVm CES AND PENSIONS (Department of Personnel -training) NOTIFICATION New Delhi, the 22nd April, 1988 G.S.R. 485 (E).—In exercise of the powers co ferred by sub-section (1) read with clauses (d), (i axgd (f) of sub-section (2) of section 35 of the A m;nistrative Tribunals Act, 1985 (13 of 1985), t} C:entral Government hereby makes the followil rules, namely I. Short title and commencement. The rules may be called the Maharashtra Administrati Tribunai (Procedure) Rules, •1988, (2) They shall come into force on the date of their publicatioq m 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 application or a a to present an written reply on its behalf before the Tri- bunal; (c) "applicant" means a son making an application to the Tribunal under section (d) "form" means a Form specified in Appen- (e) (f) (g) (h) (i) (j) (k) dix A; "Government" means the Governmenl of Maharashtra; "Legal practitioner" shall have the same meaning as is assigned to it in the advoca- tes Act, 1961 (25 of 1961): "Legal representative" means a person who in law represents the estate o? the deceased: "Registrar" means in relation to the Tribu- nal the Registrar appointed to the Principal Bench and in relation to each of the other Benches of the Tribunal shall mean the Registrar appointed to the particular Bench and include any officer to whom the powers and functions of the Registrar mav be delegated under clauses (2) and (3) Of rule 29; "Registry" means the Registry of the Tri- bunal or of the Bench of the Tribunal as the case mav be; "Section" means a section of the Act', "Transferred application" means the suit or on- (e) th lin lese tiv other proceeding, which has been transfer- red to the Tribunal under cub-section (1) or sub-section (2) of section 29; (D "Tribunal" means the Maharashtra Admihi- strative Tribunal established under sub-sec- tion (2) of section 4 of the Act: (m) the words and expressions used and not defined in these rules bilt defined in the Act shall have the same meanings resoec- tively assigned to them in the Act. 3.. Language of the Tribunal—The language of Che Tribunal shall be English • Provided that, the to a proceedin" he.fort.' the Tribunal mav file documents drawn uo in Marathi. if they so desire; Provided further tl. • -t. (a) Q. Bench mav. in its dFscretion. ryermit the of Marathi in the pro&edings. However. the final order shall be in English; 1014 GI/88—2 9 (b) the Bench, hearing the matter, may in its discretion, direct English translation of pleadings and documents to be filled

4. Procedure for filing application.—(1) An application to the Tribunal shall be presented in



Form I by the applicant in person or by an agent or by a duly authorised legal practitioner to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgement due addressed to the Registrar of the Bench concerned. (2) The application under sub-rule (1) shall be presented in triplicate in a paper-book form along with one unused file size envelope bearing full address of the respondent. (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 more than five, the Registrar may permit the applicant to file the extra copies of the application at the time of issues of notice to the respondents. (4) The applicant may attach to and present with his application a receipt signed by the Registrar or the application on behalf of the Registrar in acknowledgement of the receipt of the application. (5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit—more than one person to jointly, together file single application if having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter. Such permission may also be granted to an association or association of persons of joining in a single disclosure the persons on whose behalf it has been filed. (6) Of (1) The officer in charge shall on the day on which it is deemed to be presented under that rule and shall if, on the day, and then in order, it shall be duly registered and given a serial number. (3) If the day and the defect noticed is the Registrar may allow the applicant to rectify the same the day to rectify the defect he deems fit (4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Registrar (i) where the number of respondents exceeds five, as under (a) a sum of rupees two for each respondent in excess of five respondents; or (b) where there is in such a manner as the Tribunal may direct under sub-rule (3), such a sum not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal. (7) The fee for the service or execution of processes under sub-rule (3) shall be remitted in the manner prescribed in rule 7 within one week of the date of the order determining the day or within such extended time as the Registrar may permit (8) If it is found that any thing contained in sub-rules (1) to (3) if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all the respondents, it may, for reasons to be recorded in writing, direct that the application shall be heard notwithstanding that some of the respondents have not been served with notice of the application; Provided that, no application shall be heard unless; (i) notice of the application has been served on the Central Government or the State Government, if such Government is respondent; (ii) notice of the application has been served on the authority which passed the order against which the application has been filed; and (iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application has not served are adequately and sufficiently represented by the respondents on notice of the application has been served

12. Filing of reply and documents by the Each respondent intending to the application. shall file in triplicate the contents (reply to the application and the documents filed 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 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 statement by the respondent or any other person 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 serve a copy of the reply along with the documents as mentioned in sub-rule (1) on the applicant 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 place of hearing of the application in such manner as may be or special order, as the Chairman may, by direct, 14. 01 the Tribunal.—The Tribunal shall ordinarily hold its sittings New Bombay, Nagpur and Aurangabad: Provided that if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which sittings of the said Bench render it necessary to hold at any place falling within its territorial jurisdiction, other than the place or places at which it ordinarily sits, the Chairman may direct that the Bench shall its sittings at any such appropriate place for such period as may be specified

15. Calendar of Each Bench shall draw up a calendar for the hearing of transferred hear and decide the cases and, as far as possible, cases according to the calendar.(2) Every application shall be heard and decided, 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

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 for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit. (2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order of dismissal and restore the application. Provided, however, the case was disposed of on merits the decision shall not be reopened except by way of review.

17. Ex-parte hearing and disposal of application.— (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 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 a respondent or respondents, such respondent or respondents 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 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. that in cases covered by the Tribunal by sub-rule (8) of rule 11, shall not set aside ex-parte hearing of an application merely on the ground that served upon a respondent or it was not respondents

18. Review 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 review is sought

19. Substitution of legal representative of a party during the pendency of an application, the legal representative of the deceased may apply within thirty days of the date of such death for being brought on record as necessary parties.received from the (2) no application within the period specified in legal representative of the deceased proceed suo-rue 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 representative. Tribunal may 20. Adjournment of hearing.— If sufficient cause is shown at any stage of proceedings 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

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

22. Publication of orders.—Any order 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 concerned may specify by general or special order

23. Communication of orders to Parties.(1) Every interim order granting or refusing 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

24. Inspection of the records of the case on making an application in writing to the Registrar.(2) Subject to such terms and conditions as may be specified 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

25. 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



26. Registration of legal practitioner's clerks.— (1) No clerk employed by a legal practitioner shall act as such 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 Register of maintained by the said Bench. Such clerk shall be known as a "Registered Clerk". (2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in



form I V. Oil SūCh application being allowed by the Registrar. his name shall be entered in the Register of Clerks. (3) After registration of the clerk, the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or other employees of the Tribunal authorised in this behalf. The identity card shall be issued under the signature of the Deputy Registrar of the Bench concerned. (4) A Register of all the clerks registered under sub-rule (2) shall be maintained in the office of the Registrar of each Bench. (5) A legal practitioner shall have at a time more than two registered clerks unless the by general or special order otherwise permits. (6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk by the Registrar, and on receipt of such letter the name of the registered clerk shall be struck off from the Register.

27. Working hours of the Tribunal.—The working days and hours of the Bench of the Tribunal New Bombay and of the Benches at Nagpur and Aurangabad shall be the same as in the case of the office of the Government at the respective places, but no work, unless of an urgent nature, shall be admitted after 3.30 p.m. on any working day. 11--TÜ 3(i)] **28. Sitting hours of the Tribunal.**—The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p.m. subject to any order made by the Chairman or by Vice-Chairman concerned with the prior approval of the Chairman.

29. Powers and functions of the Registrar.—The Registrar shall have the custody of the records of the Tribunal and shall perform such other functions as are assigned to him under these rules or as may be assigned by the Chairman or the Vice-Chairman of the Bench concerned by separate order. (2) The Registrar may with the approval of the Chairman or of the Vice-Chairman of the Bench concerned, delegate to the Deputy Registrar any function or power required by these rules to be performed or exercised by the Registrar. (3) In the absence of the Registrar, the Deputy Registrar may exercise all the powers and perform all the functions of the Registrar. (4) The official seal shall be kept in the custody of the Registrar. (5) Subject to any general or special direction by the Chairman, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar or the Deputy Registrar. (6) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar or the Deputy Registrar.

30. 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 applications and other documents including transferred applications; (ii) to decide all questions arising out of the scrutiny of the before they are registered; (iii) to require any application presented to the Tribunal to be amended in accordance with the Act and the rules; subject to the directions of the respective Benches to fix the date of first hearing of the applications or other proceedings and issue notices thereof; (v) to direct any formal amendment of records; (vi) to order grant of copies of documents to parties to the proceedings; (vii) to grant leave to inspect the records of the Tribunal; (viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices and for extending the time for filing such applications (ix) (x) (xi) (xii) 13 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; to requisition records from the custody of any court or other authority; 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; to receive and dispose of applications for substitution, except where the substitution would involve setting aside an order of abatement; to receive and dispose of applications by parties for return of documents.

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

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

33. Dress of the Members and staff of 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



34. Dress of the parties.—A legal Practitioner or, as the case may be, a presenting officer shall appear before the Tribunal in his professional dress, if any, and if there is no such dress— (i) if a male, in a closed collared coat and trousers or in a lounge suit; (ii) if a female, in a saree or any other customary dress of a sober colour. [No. A-L1019:30i86-AT] APPENDIX A



FORM 1 (See rule 4) APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 Title of the Case : S. No. 1, 2. INDEX Description of documents relied upon Application Page No. [PART LI—SEC. 3(14) 3. 5

6. THE GmZETTE OF INDIA EXTRAORDINARY 5. Limitation : Signature Office post. of the applicant For use in Tribunal's Date of filing or Date of Receipt by Registration No. for Registrar IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL BETWEEN BENCH APPLICANT RESPONDENT AND DETAILS OF APPLICATION : 1. Particulars of the applicant (i) (ii) (iii) (iv) (v) (vi) Name of the applicant Name of Father/ Husband Age of the applicant Designation and particulars of office (Name and station) in which employed/or was last employed before ceasing to be in service. Office address Address for service of notices 2. Particulars of the respondent : (i) (ii) (iii) (iv) (v) (vi) Name of the respondent Name of Father/ Husband Age of the respondent Designation and particulars of office (Name and station) in which employed. Office address Address for service 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

4. 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. The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative 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 chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise)

7. 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 Annexure numbers)

8. Matters not previously filed or pending with any other court. The applicant further declares that he had no previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them. In case the applicants had previously filed an application, writ petition or suit, the stage at which it is pending and if decided, the gist of the decision should be given with reference to the Annexures

9. 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 ground for relief(s) and the legal provisions (if any) relied upon)

10. Interim order, if any prayed for • Pending final decision on the application, the application seeks issue of the following interim order :— (Give here the nature of the interim order prayed for with reasons).

11. 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 Post Card Inland Letter, at which intimation regarding the date of hearing could be sent to him

12. Particulars of Bank Draft/Postal Order respect 1. 2. 3. of the application fee : Name of the Bank on which drawn Demand Draft No. Number of Indian Postal Order(s) Name of the issuing Post Office 3. 4. 31(i)) Date of issue of Postal Order(s) Post Office at which payable

13. List of enclosures : 1.2. 3. • 4. VERIFICATION vs. YYYY 15 Applicant Applicant(Respondent)
Respondent (RespondentiApplicant) Brief facts leading to the application : 1, app. • icant) \$0, no, Wlo Age
in the office of resident of (name of the work as Relief or Prayer : Verification : 1 \$0, no, Wlo working as
resident of (name of the applicant) age in the office of i hereby verify that the contents of paras to are true
to my personal knowledge and para believed to be true on to legal advice and that I have not suppressed by
material fact. Date : Place To The do hereby to have not sup- the Applicant the Advocate Signature of the
applicant Registrar,



FORM 11 [See Rule 4(4)] RECEIPT SLIP verify that the contents of para are true to on legal advice and that I pressed any material fact. Signature Of Place : Date : Signature of FORM IV {See 26(2)} APPLICATION FOR THE REGISTRATION OF A 1. 2. 1, CLERK Name of legal practitioner on whose behalf the clerk is to be registered. Particulars of the clerk to be registered. Receipt of the application filed in the Maharashtra Bench by Administrative Tribunal working as Shri!Kum. I Smt. (i) (ii) (iii) (iv) (v) (vi) (vii) Full Name : (in capital) Father's Name : Attested passport size photograph to be pasted. Date • Seal . IN THE in the Department! Office Of residing at is hereby acknowledged. For Registrar Maharashtra Administrative Tribunal Bench MAHARASHTRA ADMNISTRATIVE TRIBUNAL FORM 111 [See rule 8(3)) Misc. Application No. Age and Date of Birth : Place of birth : Nationality . Educational Qualifications Particulars of previous emp}oyment, if any : (Clerk above named) of BENCH of 19__ Original Transferred in Application No. do hereby affirm that the particulars relating to me given above are true. Signature of clerk

3. Whether the legal practitioner has a clerk al- ready registered in his employ and whether the clerk sought to be registered in lieu of or in addition to the clerk already iegistered.16 4. 1, THE GAZETTE OF INDIA .. EXTRAORDINARY Whether the clerk sought to be registered is üeady registered as a clerk of any other legal practitioner and if so, the name of such practitioner. (legal practitioner) [PART 11—SEC. cer*ify that hte 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 c;erk. Further. I enclose Postal Order for two rupees fifty paise being the cost of Identity Card alongwith 2 passport size photographs of the applicant duly attested by me. Signature of the legal practitioner Date : To The Registrar, Maharashtra Administrative Tribunal, Bench, (No. A-11019!3ff86-AT) M sr.fr. 19850985 Ft 13) (2) 1988 q; 1985 1985 13) (g) 1961 (1961 25) 1961 (1961 25) qfr3TÄT<, sir srzir,r Orr; q7r Orr, firt 11