



Central Administrative Tribunal : An Introduction

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Abstract

Parliament has enacted Administrative Tribunal Act with a view to easing the congestion of pending cases in the High Court and other courts in the country. The Tribunal is a substitute of High Court and has inherited the power to issue 'any direction, order or writ under Art 226 and 227 of the Constitution with respect to service matters. Tribunals are a 'Judgment seat; a court of justice; board or a committee appointed to adjudicate on claims of a particular kind. They are adjudicatory bodies invested with judicial and quasi-judicial functions. The Administrative Tribunals are expected to play an important role in the redressal of citizens' grievances. Tribunals are supposed to serve as alternative institutional mechanism to High Courts. They must therefore be able to inspire public confidence by providing themselves to be a competent and expert mechanism with a judicial and objective approach. The Government of India has enacted an Act known as Administrative Tribunal Act 1985, subsequently Central Administrative Tribunal [CAT] at the Centre and State Administrative Tribunal [SAT] in States have been established to deal with the service matters. Establishment of Central Administrative Tribunal under the Administrative Tribunal Act 1985, is one of the most important steps taken in the direction of development of Administrative Law in India. CAT has been established for adjudication of disputes with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other local authorities within the territories of India or under the control of Government of India.

Key Words : Central Administrative Tribunal [CAT], State Administrative Tribunal [SAT], Adjudication, Quasi – judicial, Institutional mechanism, Articles of Constitution [Art].

Introduction :

In the present day era Administrative Tribunals are a world wide phenomena. The Administrative Tribunals are mostly of twentieth Century origin. Administrative adjudication is a dynamic system of administration, which serves, more adequately than any other method; the varied and complex needs of the modern society. Institution of Administrative Tribunal is a noble phenomenon. Administrative Tribunals exist not only in India but

in many other countries. The purpose of such institution is to provide a new type of public oriented justice. Courts in India provided adjudication to aggrieved persons in service matters and to this Administrative Tribunals, Central Administrative Tribunal [CAT] at the centre and State Administrative Tribunal [SAT] in States, provided an alternative ways of adjudication. The establishment of Administrative Tribunal has become necessary since a large number of cases relating to service matters are



pending before the various courts. Tribunals are a 'Judgment seat; a court of justice, board or committee appointed to adjudicate on claims of a particular kind'¹. The essence of the meaning of the word tribunal which can be culled out from the various Supreme Court authorities is that they are adjudicatory bodies [except ordinary courts of law] and invested with judicial and quasi – judicial functions as distinguished from administrative or executive functions. According to Servai, 'the development of administrative law in a welfare state has made administrative tribunals a necessity.'² Administrative Tribunals are authorities outside the ordinary court system, which interpret and apply the laws when acts of public administration are questioned in formal suits by the courts or by other established methods. They are not a court nor are they an executive body. Rather they are a mixture of both. They are judicial in the sense that the tribunals have to decide facts and apply them impartially, without considering executive policy. They are administrative because the reasons for preferring them to the ordinary courts of Law are administrative reasons. By Section 46 of the Constitution [Forty-Second Amendment] Act 1976, after part XIV of the Constitution Part XIVA was inserted which relates to Tribunals. In the said inserted Part XIVA article 323A stipulates that Parliament may, by law, provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any state, or of any local or other authority within the territory of India or under the control of the Government of India or any corporation owned or controlled by the Government. In order to give effect to the aforesaid constitutional stipulation by providing for the establishment of an

Administrative Tribunal for the Union and a separate Administrative Tribunal for a state or a joint Administrative Tribunal for two or more states, the Administrative Tribunals Bill was introduced in the Parliament. The Administrative Tribunals Bill provides for the jurisdiction, powers including the power to punish the contempt and authority which may be exercised by each Tribunal. The Bill further provides for the procedure to be followed by the State Tribunals and exclusion of the jurisdiction of all courts, except that of the Supreme Court under article 136 of the constitution relating to service matters. The Administrative Tribunals Bill also further provides for the transfer to each tribunal of any suit or other proceedings pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such Tribunal if the causes of action on which such suits or proceedings are based had arisen after establishment. The Administrative Tribunals Bill having been passed by both the Houses of Parliament received the assent of the President on 27th February, 1985. It came on the Statute Book as the Administrative Tribunals Act, 1985 [13 of 1985]. It came into force on 01-07-1985 as far as the provisions of the Act relate to the Central Administrative Tribunal; with a view to easing the congestion of pending cases in various High Courts and other courts in the country Parliament had enacted the Administrative Tribunals Act. The constitutional validity of this Act was challenged before the Supreme Court in *S.P. Sampath Kumar v Union of India* [1987] 1 SCC 124; AIR 1987 SC 386, on the ground that the exclusion of judicial review of the High Court violated the basic structure of the Constitution. Negativating the contention the Court held that no matter the judicial review, which is the basic feature of the Constitution cannot be violated; but it is within the power of Parliament



to amend the Constitution so as to substitute, in place of High Court, another alternative mechanism of judicial review, provided it is not less efficacious than the High Court*. The Administrative Reforms Commissions [1966-70] recommended the setting up of civil service tribunals in India to function as final appellate authorities in respect of orders inflicting the major punishments of dismissal, removal from service and reduction in rank. The Supreme Court in its Judgment in 1980 observed that civil servants should not waste time in fighting battles in ordinary courts and suggested the establishment of such tribunals. The establishment of Administrative Tribunal has become necessary since a large number of cases relating to service matters are pending before the various courts. It is expected that the setting up of such Administrative Tribunals to deal exclusively with service matters would go a long way in not only reducing the burden of the various courts and thereby giving them more time to deal with other cases expeditiously but would also provide to the persons covered by the Administrative Tribunals speedy relief in respect of their grievances. The provisions of the Administrative Tribunals Act, 1985 do not apply to the members of Parliamentary forces, armed forces of the Union, officers or employees of the Supreme Court or to persons appointed to the Secretariat staff of State / Union Territory Legislatures. After the constitution of the Tribunal in 1985, the institution of cases in the Tribunal has increased tremendously but the rate of disposal of the cases has also quantitatively increased. The Tribunal follows the principles of natural justice in deciding cases and the procedure prescribed by Evidence Act or CPC [Civil Procedure Code] does not apply.

There are different types of Administrative Tribunals, which are governed by the Statutes,

rules, and regulations of the Central Government as well as State Governments.

Historical Background of Establishment of Central Administrative Tribunal

The Tribunals in India have a very engaging history, dating back to the year 1941, when the first Tribunal in the form of the Income-Tax Appellate Tribunal, was established. After independence for a long time, a search was going on for a mechanism to relieve the courts, including High Courts, and the Supreme Court, from the burden of service litigation, which formed a substantial portion of pending litigation. As early as 1958, this problem engaged the attention of the Law Commission, which recommended for the establishment of tribunals consisting of judicial and administrative members to decide service matters.³ In 1969, Administrative Reforms Commission also recommended for the establishment of civil service tribunals, both for the Central and State civil servants.⁴ Central Government appointed a committee under the Chairmanship of J.C. Shah, of the Indian Supreme Court in 1969, which also made similar recommendation. In 1975, Swaran Singh Committee again recommended for the setting up of service tribunals.⁵ The idea of setting up service tribunals also found favour with the Indian Supreme Court, which in *Kamal Kanti Dutta v. Union of India*,⁶ advocated for setting up of service tribunals to save the courts from avalanche of writ petitions and appeals in service matters. In the meantime, various States had established their own service tribunals. It was against this backdrop that Parliament passed the 42nd Amendment, which added Part XIV-A in the Constitution. Articles 323-A and 323-B enabled Parliament to constitute administrative tribunals for dealing with certain matters specified therein. The Enactment of Administrative Tribunals Act in



1985 opened a new chapter in administering justice to the aggrieved government servants in service matters. Article 323 A provided that Parliament may by law provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of services of persons appointed to public services and posts in connection with the affairs of the Union, or of any state, or of any local or other authorities within the territory of India or under the control of the Government of India, or of any corporation owned or controlled by the Government. Parliament passed a law to establish administrative tribunals in India. Parliament was further empowered to prescribe by law the jurisdiction, power, authority and procedure of such tribunals and also to exclude the jurisdiction of all courts except that of the Supreme Court under Article 136. Empowered by these enabling provisions of the Constitution, Parliament enacted Administrative Tribunals Act, 1985 for the establishment of Administrative Service Tribunals for deciding service disputes of civil servants of the Centre as well as of the States which was amended in 1986.⁷ Thus the enactment of Administrative Tribunals Act 1985 opened a new chapter in administering justice to the aggrieved government servants. It owes its origin to Article 323A of the Constitution which empowers the Central Government to set up by an Act of Parliament, the Administrative Tribunals for adjudication of disputes and complains with respective recruitment and conditions of services of persons appointed to the public services and posts in connection with the Union and the states. The Act visualizes a Central Administrative Tribunal [CAT] for the Centre and State Administrative Tribunal for a particular state.

CAT enjoys the status and power of High Court and is expected to have the same

jurisdiction as that of the High Court⁸. Orders of CAT are not open to challenge before the High Court. In disposing of cases, it follows the principles and norms of natural justice, they are distinguished from the ordinary courts with regard to their jurisdiction and procedures. This makes them free from the shackles of the ordinary courts and enables them to provide speedy and inexpensive justice. Appeals against its orders lie only with the Supreme Court of India. The aggrieved person may appear before it personally. It is a multi-member body whose members are drawn from judicial and administrative streams so as to give it the benefit of expertise legal as well as administrative fields.

The Administrative Tribunals deal exclusively with service litigation and are free from the formalities of legal technicalities. The Central Administrative Tribunal [1985] has regular Benches operating at the principal seats of High Courts. CAT consists of a Chairman, who has been a sitting or retired Judge of a High court, Vice- Chairman, and members. The Chairman and Vice-Chairman hold office for 5 years or till the age of 65, whichever is earlier, whereas members enjoy a term of 5 years or continue up to 62 years. They are ineligible for reappointment after retirement. The employees of the CAT are required to discharge their duties under the general superintendence of the Chairman. Salaries and allowances and conditions of service of the officers and other employees of the Tribunal are specified by the Central Government. Pursuant to these provisions the Central Government have notified the CAT [Staff Conditions of Services] Rules, 1985. The CAT is empowered to prescribe its own rules of practice for discharging its functions subject to the Administrative Tribunals Act, 1985 and Rules made there under. For this purpose, the Central Administrative Tribunal Rules of



Practice, 1993 have been notified. Similarly, the purpose of laying down a common procedure for all Benches of the Tribunal, the Central Administrative Tribunal [Procedure] Rules, 1987 have been notified. Under Section 17 of the Administrative Tribunal Act, 1985, the Tribunal has been conferred the power to exercise the same jurisdiction and authority in respect of contempt of itself as a High Court. The CAT is a growing institution with increasing responsibilities and load of work. Most of the states have established their administrative tribunals under the Administrative Tribunals Act. But only a few organizations have been brought within the jurisdiction of the CAT. The CAT has strived to achieve speedy justice to the litigants to a considerable extent, despite many constraints faced by it. To assist the tribunal in achieving its goal, the necessary support is provided by the personnel ministry at the Centre. The tribunal has proved its worth and effectiveness against odds.

Provisions of the Act:

Establishment of CAT under the Administrative Tribunal Act 1985 is one of the most important steps taken in the direction of development of Administrative Law in India. The Tribunal is a substitute of High Court and has inherited the power to issue 'any direction order or writ under Article 226 and 227 of the Constitution 'with respect to service matters'.

Section 4[1] of the Act provides for the establishment of Central Administrative Tribunal [CAT]. It also empowers the Central Government to establish an administrative tribunal for any State on receipt of such a request to establish an administrative tribunal for any State by the State Government.⁹ Section 5, provides the composition of tribunals and Benches thereof. According to sub-section [1] of section 5, each

tribunal shall consist of a Chairman and such number of Vice-Chairman and other members as the appropriate government may deem fit. Section 5 [2] further provides that a Bench shall consist of one judicial member and an administrative member. Section 5[4][b] authorises the Chairman to transfer the Vice-Chairman of a Bench or other members thereof to any other Bench.¹⁰

Section 6[1][2] and [3] of the Act prescribes qualifications for appointment as Chairman, Vice-Chairman, Judicial Members, and Administrative Members. A person shall not be qualified for appointment as the Chairman unless he is or has been a judge of the High Court or has, for at least two years, held the post of a Secretary to Government of India, or any other post under the Central or State Government carrying a pay scale which is not less than that of a Secretary of the Government of India.¹¹ Therefore, a retired person can also be appointed as Chairman of the Administrative Tribunal if he fulfills any of the above qualifications.¹² Similarly a person shall not be qualified for appointment as Vice-Chairman unless he is or has been a judge of a High Court, or Secretary to Government of India or of any State, carrying the pay scale of not less than that of the Secretary to Government of India; or held the post as Additional Secretary to the Government of India, or has, for a period of not less than three years, held office as a Judicial Member or an Administrative Member.

The qualification for appointment as Judicial Member are laid down in sub-section [3] of section 6 of the Act. It lays down that a person shall not be qualified for appointment as Judicial Member unless he is, or has been, or is qualified to be, a judge of a High Court; or has been a member of the Indian Legal Service and has held a post of Grade 1 of that service for at least three



years.¹³ For the appointment of an Administrative Member, it is necessary that he has for at least for two years held the post of an Additional Secretary to the Government of India, or any other post under the Central or State Government, carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India, or has, for atleast three years, held the post of a Joint Secretary to the Government of India, or any other post under the Central or State Government, carrying a pay scale which is not less than that of a Joint Secretary to the Government of India. In addition, he must have adequate administrative experience.

The appointment of Chairman, Vice-Chairman and every other member of CAT is to be made by the President of India in consultation with the Chief Justice of India. Similarly, the appointment of Chairman, Vice-Chairman, and other members of an Administrative Tribunal for a State is to be made by the President of India in consultation with the Chief Justice of India and the Governor of the concerned State.¹⁴ The tenure of the office of the Chairman and Vice-Chairman has been fixed as five years or 65 years of age, whichever is earlier and 62 years for members. Central Administrative Tribunal [Salaries and Allowance and Conditions of Service of Chairman, Vice-Chairman and Members] Rules, 1985 framed under Section 35[2][C] of the Act provide under Rule 5 that Chairman, Vice-Chairman and Members on appointment to the tribunal, if they are in Central or State service, would seek retirement from that service and that in case of a sitting judge of a High Court, who is appointed as Chairman or Vice-Chairman, his service in the Tribunal shall be treated as actual service within the meaning of paragraph II[b][i] of Part D of the Second Schedule of the Constitution.

Rule 5 further provides that on retirement he shall be entitled to receive pension and gratuity in accordance with the retirement rules applicable to him. Under Section 10 of the Act, Central Government has power to prescribe by rules the salaries, allowances, and other terms and conditions of service, including pension, gratuity and other retirement benefits. However, these can not be changed to the disadvantage of the person after his appointment as Chairman, Vice-Chairman or Member of the tribunal.¹⁵ Chairman, Vice-Chairman or Member of a Tribunal can resign from office by notice in writing under his hand addressed to the President of India. However, he shall continue to hold office until the expiry of three months from the date of receipt of such notice by the President, or until a person is duly appointed as his successor enters upon his office, or until the expiry of his term of office, whichever is the earliest, or unless he is permitted by the President to relinquish his office sooner.¹⁶

In the same manner, sub-section [2] of Section 9 of the Act lays down the procedure for removal. It lays down that the Chairman, Vice-Chairman or the President of India could remove any Member from office on ground of proved misbehavior or incapacity. For this purpose, an enquiry is required to be made by a judge of the Supreme Court after such Chairman, Vice-Chairman or other Member had been informed of the charges against him, and he has been given a reasonable opportunity of being heard in respect of those charges. Procedure for such an enquiry can be regulated by the Central Government by framing rules.¹⁷

Section 2 of the Act further provides that the Chairman, Vice-Chairman and any Member of a State or Central Tribunal, on ceasing to hold such office, shall become ineligible for further employment under the Government of India, the



Government of State, including employment under any other authority within the territory of India or under the control of the government, or under any corporation or society owned or controlled by the Government. However, a Chairman, Vice-Chairman or any Member of CAT can be appointed as Chairman, Vice-Chairman or Member of the State Tribunal and vice versa. Furthermore, after ceasing to hold office, such functionaries cannot appear, act or plead before anywhere they were Chairman, Vice-Chairman or Member.¹⁸

Besides the establishment of Central and State Administrative Tribunals, the Act makes provision for the establishment of joint administrative tribunal for two or more States on the request of such States. Sub-Section [5] of Section 4 inserted by the Administrative Tribunals [Amendment] Act, 1986 provides that the Central Government may designate all or any of the members of Bench or Benches of the State Administrative Tribunal as member of the Bench or Benches of CAT and vice versa.¹⁹ According to Section 5[1], each tribunal shall consist of a Chairman, and such number of Vice-Chairmen and judicial and Administrative Members as the appropriate government may deem fit. However, subject to the other provisions of the Act, the jurisdiction, powers and authority of the tribunal may be exercised by Benches of such tribunal. Each Bench is to consist of one Judicial Member and one Administrative Member.²⁰ Chairman has also been given the power to transfer a member from one Bench to another.

Section 14 of the Act confers jurisdiction, powers and authority on CAT and provides that from 1 November 1985, the tribunal shall exercise all the jurisdiction, powers and authority exercisable immediately before that day by all courts, except the Supreme Court, in relation to

recruitment, matters concerning recruitment and all service matters of Central civil servants.²¹

Section 15 confers similar jurisdiction on State Administrative Tribunal. The language of Section 14[1] is wide enough to cover all service matters concerning the persons covered under the Act where the allegation is the violation Art 311 or any service rule framed under Art 309 of the Constitution, including Article 14 and 16.²² Therefore, even in case of infringement of fundamental rights of the civil servants, the forum will be the tribunal. Thus, the tribunal has authority to decide the constitutionality of any statute, rule, regulation or notification.²³ For this purpose, the tribunal can exercise all jurisdiction, power and authority exercisable by all courts, including the writ jurisdiction of High Courts under Article 226 of the Constitution. Ordinarily, the tribunal shall not admit an application unless the applicant has exhausted the remedy available under the service rules as given under Section 20. Section 21 provides for a period of limitation of one year is also provided for making an application from the date on which the final order was made by the Government against the civil servant. Under Section 17 the tribunal has power to punish for its own contempt.

Section 2 provides that the tribunal can be moved by filing an application before the Registrar of the tribunal along with the prescribed fee of Rs.50 and relevant documents.

Section 19[3] provides that on receipt of an application, the tribunal shall, if it is satisfied after such enquiry, as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application; but where the tribunal is not so satisfied, it may summarily reject the application after recording its reasons.



As per Sec.23, an applicant can even send an application through post and can plead the case with or without an advocate.²⁴ The Act provides for an informal and non-technical procedure. The tribunal is not bound by the technical rules of Civil Procedure Code, 1908 [CPC], but is only required to act in conformity with the rules of natural justice. However, the tribunal shall have the powers of a civil court under the CPC in respect of matters specified in the Act, as given under Sec.22.

Section 24 lays down conditions as to making of interim orders. Sec 24-27 provide that the tribunal can not pass *ex parte* interim order but under certain circumstances, it can grant interim order for a period not exceeding 14 days on application, Chairman has the power to transfer a case from one Bench to another. The decision of the tribunal shall be by majority, but if the members are equally divided the matter may be referred to the Chairman. Because the tribunal exercises the jurisdiction of the High Court, it can issue writs, but generally tribunals do not issue writs. Order passed by the tribunals shall be final and shall not be called in question in any court including High Court, except the Supreme Court by way of special leave petition under Article 136 of the Constitution, because an administrative tribunal set up under the Act is a substitute of and supplemental to the High Court in service matters. As a necessary consequence to this, the tribunals are not under the writ jurisdiction of the High Court and are not bound by their decisions; no matter they may have a persuasive value. The tribunal has inherited the jurisdiction of the High Court in service matter, therefore, in exercise of its power of judicial review, it cannot interfere with the penalty imposed by the disciplinary authority on the ground that it is disproportionate to the proved misconduct, if the findings as to misconduct are supported by legal evidence.²⁵

The Act does not provide for any appeal or review of the order of the tribunal except that a person aggrieved may file a special leave petition before the Supreme Court. However, after the decision of the Supreme Court in *L. Chandra Kumar vs Union of India*, service tribunals have been brought under the jurisdiction of High Courts and their decision now shall be appealable before the High Courts also.

Under Section 15, an administrative tribunal has power to interfere with the findings of an inferior tribunal; however, such power is limited to cases where inferior tribunal has allowed inadmissible evidence, or has prevented evidence, or has based its conclusion on an erroneous view of law, or the conclusion reached is such which no reasonable man can draw on the existing material on record.²⁶ Section 3[q][v] of the Act gives wide jurisdiction to the tribunal by using the expression ‘any other matter whatsoever.’ But wide does not mean unlimited. The Supreme Court in *Union of India v Rasila Rani*,²⁷ held that matter relating to eviction of unauthorized occupants from government quarters does not come within the purview and jurisdiction of administrative tribunals. In the same manner, a tribunal can not interfere with the discretionary jurisdiction of the State in matters relating to determination of conditions of service; alteration thereof by amending rules, Constitution, classification or abolition of posts, cadres, or categories of service; amalgamation; bifurcation of departments; reconstitution; restructuring of patterns etc. However, this is subject to limitations and restrictions envisaged in the Constitution²⁸.

Supreme Court has held that Section 28 of the Administrative Tribunals Act, 1985 and the ‘exclusion of jurisdiction’ clauses in all other legislations enacted under the aegis of articles 323 and 323B of the Constitution would be



unconstitutional; *L. Chandra Kumar v The Union of India*, JT [1997] [3] SC 589; AIR 1997 SC 1125. The Court held that the jurisdiction bestowed upon the High Courts under articles 226/227 and upon the Supreme Court under article 32 of the Constitution is an element of the inviolable basic structure of our Constitution. All decisions of the administrative judiciatures are subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal involved falls. By bringing back the tribunals within the jurisdiction of the High Courts, they served two functions. Whereas saving the power of judicial review of legislative action vested in the High Courts under Articles 226 and 227 of the Constitution, it will make sure that flippant claims are filtered out through the method of adjudication by the tribunal. The High Court also will have the advantage of a reasoned decision on merits, which is able to be of use thereto in finally deciding the matter. In sight of this decision the prevailing provision of direct appeals to the Supreme Court under Article 136 of the Constitution conjointly stands changed. Currently the aggrieved party are going to be entitled to move the High Court and from the decision of the Division Bench of the High Court, he will move the Supreme Court under Article 136 of the Constitution. The Court saved the constitutionality of Section 5[b] by providing that whenever an issue involving the constitutionality of any provision arises, it shall be referred to a two-number Bench, one among whom must be a judicial member. Though this classical case, the court has, in one sense, tried to avoid wasting the jurisdiction of constitutional courts from encroachment by the assembly by invoking the doctrine of 'basic structure of the Constitution.'

The advantages of the tribunals are numerous. There is no need of payment for court fees, legal representation, or pleadings. As there

are no complex procedures, there will be speedy justice. This system also reduces the burden of pending cases in regular courts. The weight of expert opinion endows the administrative tribunals with a higher level of professional expertise and transparency. Administrative Tribunals and courts have come under considerable criticism. It has limited or non-existent right to appeal. It has separate laws and procedures that circumvent the celebrated judicial principles followed by regular courts in the country. Further, the decisions of administrative tribunals /courts are not documented, preserved or known to the general public. However, in India, there is a common feeling among laypersons that Administrative Tribunals do not act impartially and as a result, citizens fail to secure justice.

Conclusion

In view of the increasing role of administration in citizens' life, the administrative tribunals are expected to play an important role in the redressal of citizens' grievances. Tribunals are essentially those bodies of the Executive branch of the government who by virtue of some statutory provision have the power and duty to act judicially in determining disputes which come before it.²⁹ Tribunals as stated earlier are distinct from the ordinary courts of the land and as per *Chandra Kumar's* case they are not on par with the High Courts but serve a supplemental function to the High Courts.

The Administrative Tribunals were conceived as and constitute an effective and real substitute for the High Courts as regards service matters and were supposed to serve as an alternative institutional mechanism to High Courts, they must therefore be able to inspire public confidence by providing themselves to be a competent and expert mechanism with a judicial



and objective approach. Thus, as tribunals have ‘come to stay’³⁰ and the basic premise of the establishment of tribunals is sound, resolving the current issue will help in improving the tribunal system in India, and hopefully, will make the process of litigation easier for those who wish to approach the tribunals.

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