WEST BENGAL ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES, 1994

-33004/94 REGD. NO. D.L,-33004/94 Che Gazette of *dia EXTRAORDINARY 11—«-« 3—31-08 (i) PART 3—Sub-section (i) PUBLISHED BY AUTHORn Y 1994/wqztqq 30, ft*, 21, No. 5301 NEW DELHI, WEDNESDAY, DECEMBER 21, 1994/AGRAHAYANA 30, 1916 2 1 1 994 S 74 994 MINISTRY OF PERSONNEL. PUBLIC GRIEVANCES AND PENSIONS (Department of Personnel & Training) NOTIFICATION 1994 New Delhi. the 21st Decelnber, G.S.R. 874 (E) .—ln exercise of the powers conferred by sub-section (4) of section I of the 2905 (31/94 Administrative Tribunals Act, 1985 (13 ot 985), the Central Government hereby appoints the 21st day of December. 1994 as the date on which the provisions of the Act, in so far as they relate to the West Bengal Administrative Tribunal shall come into force. SMT. SARITA PRASAD, Jt. secy. S 75 (q) (1 9S5Tr (2) 1 94 (1) EXTRAORDINARY 2 THE GAZETTE OF INDIA . (1985 (1985 13) (a) "RT,TTX" (IT) '•qfäTvg" [PART II—SEC. (2) (3) (4) (2) gzéT, 7.30 21) q a: 730 0 • 2 i) f 7500-250-8000 F. 7 5 n 0-2 50-80 0 0 E: . q•TiT (T) frta-*fl Err?TT (2) (2) f*zfrl TT (I) f@fi XIEfiiTYT qr ft*r 9. zqi -r 3.50 3(i)] (zrft 0) f-jTä 9 60 • TMT 2 00— 7 500— 5 8000 a-r--äT 13, — ( ) frßTH fT'TT erä-F wä) qfufrzrq, 1954 28) 3 17. 4 16 (äAT4Tä) qfafauq, 1954 (1954 28) (9 56 S. Ffrrz - qrä, NOTIFICATION New Delhi, the 21st December, 1994 G.S.R. 875 (E) .—ln exercise of the powers conferred by sub-section (1) read with clause (c) of sub-section (2) of section 35 of the Adminis- trative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely (1) These l. Short title and commencement.— rules may be called the West Bengal Administra- tive Tribunal (Salaries and Allowances and Con- itions of Service of Chairman, Vice-Chairman a d Members) Rules, 1994.) They shall come into force on the date their ublication in the Official Gazette. In these rules, unless finitions. the con (a) (b) (c) xt otherwise requires, ct" means the Administrative Tribu- n s Act, 1985 (13 of 1985); "Go ernment" means the Government st Bengal; of "Tribu l" means the West Bengal Adminis ative Tribunal. (2) The words a d expressions used in these rules and not defined, but defined in the Act shall have the meanin respectively assigned to them in the Act

3. Pay.—The Chairma shall receive a pay of rupees eight thousand p s a special pay of rupees five hundred per me sem; a Vice-Chair. man shall receive a pay of ru ees eight thousand and a Member shall receive pa in the scale of Rs. 7300-200-7500-250-8000 p mensem•, Provided that in the case of an Chairman, Vice-Chairman or a pointment as mber or a 4 GAZETTE OF INDIA EX 1 RAORDINARY [PART 11—SEC, 30)] person who has retired as a Judge of High Court or who has retired from service under the C 'liiral Government or a State Government and who IS in receipt of or has received or has become enti- tled to receive any retirement benefits by way employer s of pension and ot gratuity or both, contribution to the Contributory Provident bund or other forms of r tirement benefits, the Ifjre- mentioned pay shall e reduced by the gro,s amount of pension or enswn equivalent of gra- tuity or employer's con • bution to the Con.i!ibu. tory Provident Fund or other form of retire- ment benefits, if any, dr n or to be drawn by him, but excluding pensio equivalent of retire- ment gratuity, drawn or to e drawn by Ilim

4. Dearness Allowance.—T Chairman, a Vice-Chairman and a Member s all receive clear• ir pay at 'the ness allowance appropriate to t cers of the rates admissible to Group "A" Central Government drawing pay in the scale of Rs. 7300-200-7500-250-8000 and a e Chair- 5. City Compensatory Allowance.— man, a Vice-Chairman and a Member •hall re- ceive City Compensatory Allowance app priate to their pay at the rates admissible to Grou "A" Ufficers of the Central Government drawine pay in the scale of Rs. 7300-200-7500-250-8000 or above

6. Retirement from parent service on appoint ment as The Chairman.a Vice- Chairman cr a Member who, on the date of his appointment to the Tribunal, was in service under the Central Government or a State Govern- ment, shall seek retirement from such service before his appointment to the Tribunal and, in the 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 (Jf paragraph 11 (b) (i) of Part 'D' of the Second Schedule to the Constitution. (2) On such retirement as is provided for in sub-rule (l), the Chairman, a Vice-Chairman or Member— (i) shall be entitled to receive pension and with the gratuity in accordance retirement rules applicable to him; (ii) shall not be allcnsec! to carry foru ard his earned leave but shall be entitled to cash equivalent to leave receive or Member, shall be entitled to leave as follows . (ii) (iii) (iv) earned leave at the rate of 15 days for every completed calendar year of ser- vice; half-pay

leave on medical certificate or on private affaxrs at the rate of 20 days in respect of each completed Year of service and the leave salary for half-pay leave shall be equivalent to half of the leave salary admissible dur- ing the earned leave; leave on half-pay can be commuted to full pay leave at the discretion of the Chairman or the Vice-Chairman or the Member concerned, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical. authority, extraordinary leave without pay and allowances upto a maximum period of 180 days in one term of office. salary. if any, In the rules applicable his retirement

7. Leave.—(l) A person, the Tribunal as the Chairman accordance with to him prior to on appointment in or Vice-Chairman (2) If the Chairman. a Vice-Chairman or a Member is unable to enjoy full vacation on account ot his occupation uith the Tribunal, he shall be entitled to add the unenjoyed period of vacation to the leave account. Explanation.—For the purpose of this sub-rule "Vacation' means the vacation of 30 days in each calendar year observed bv the Tribunal. (3) On the expiry of his term of office in the the Chairman, a Vice-Chairman or a Tr unal, Me er shall be entitled to receive cash equiv- alent f leave salary in respect of the earned leave s anding to his credit, provided that the quantu of leave encashed under this sub-rule and sub-r le (2) of rule 6 shall not in any case exceed 24 days, (4) The airman or a Vice-Chairman and Member shall e entitled to receive the dearness allowance as a issible an the leave salary under sub-rule ( ) at the rates in force on the date of the relinq ishment of the Office in the Tribunal; all not be entitled for the Provided that he city compensatory all wance or any other allow- ance on such leave s lary

8. Leave sanctioning authoritv.—The Chair- man shall be the authori competent to sanction leave to a Vice-Chairman and to a Member and the Governor shall be the uthority competent to sanction leave to the Chai an. 30)] 9. Pension.—(l) the Tribuna as the or a Membe shall Provided th t no able (i) if he has service w Every person Chairman, a be entitled to such pension appointed to Vice-Chairman penszon . shall be pay'- ut in less than two years of h the Tribunal ; or removed from an office (ii) if he has be in the Tribun I under sub-section (2) of section 9 0 the Act. shall be (2) Pension under sub-r e (l) calculated at the rate of Rs. 0 per annum for each completed year of service nd irrespective the Tribunal of the number of years of service the maximum amount of pensio exceed Rs. 3,500 per annum . Provided that the aggregate amount o pensijn payaP[e under this rule together with am unt ot of any pension including commuted portio pension (if any) drawn or entitled to be d wn while holding office in the Tribunal shall ot exceed the maximum amount of pension pre - cribed for a Judge of a High Court

10. Provident Fund.—The Chairman. a Vice- Chairman or a Member shall be entitled to subs- cribe to the Provident Fund at his option and. in the case of his so opting. shall be govtrned by the provisions of the General Provident F uncl 1960 (Central Services) Rules. Provided that if the Chairman or a Vice-Ch-lir- man or a Member was the Judge of a High Court or was a Member of an All-India Service imme- diately before his joining the Tribunal, he shall be governed by the rules which. were applicable to him immediately before joinin2 the Tribunal

11. Travelling allowance.—The Chairman. a Vice-Chairman or a N'lember, while on tour or on transfer (including the journey undertaken to join the TributhQ1 or on the expiry of his with the Tribunal to proceed to his home t01vvn) shall be entitled to the travelling allowance, daily allowance. transportation of personal effects and other similar matters at the same scales and at the same rates as are prescribed in the High Court Judges (Travelling Allowance) Rules, 1956. 12. I-eave Travel Concession.—The Chair- man, a Vice-Chairman or a Member shall be en- titled to the leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to Group "A" Offi- cers of the Central Government drawing pay in the scale of Rs. 7300-200-7500-250-8000 or above

13. Accommodation.—(I) Everv person appointed to the Tribunal as Chairman. Vice- Chairman or a Member shall be entitled to the 5 use of an official residence of appropriate r.ype, subject to availability, on payment of licence tee at the rates prescribed by Government from time to time. (2) When the Chairman, Vice-Chairman or a Melnber is not provided with or does not avail himself of the official residence referred to in sub-rule (l), he may be paid every munth an allowance ot an amount equal to fitteen per cent of his pay. (3) Where the Chairman, a Vice-Chairman or a Member occupies an official residence beyond the permissible period, he shall be liable to pay additional licence fee or penal rent, as the case mav be, and liable to eviction in accor- dance with the rules of the Government, 14. Facility of

conveyance.—The Chairman, a Vice-Chairman and a Member shall be entitled to the facility of staff car in accordance with the Staff Car Rules of the Government

15. Facilities for Medical Treatment.—Jhe Chairman, a Vice-Chairman and a Member shall be entitled to Medical treatment and hospital facilities as are admissible to an officer of the corresponding status in the Government. i 6. Conditions of service of sitting Judges ot t Hi2h Court appointed as Chairman or Vice- C irman.—1Notwithstanding any'thing contained in t se rules, where a sitting Judge of a High Court is appointed as the Chairman or a Vice- Chairn n of the Tribunal, the service conditions as conta ed in the High Court Judges (Condi- 1954 (28 of' 1954) and tions of S rvice) Act. ade thereunder shall apply to him the rules upto the dat of his superannuation as a sitting igh Court. Thereafter, he shall Judge of the be governed b these rules for the remaining period of his te re as Chairman or Vice-Chair- man. as the case may be

17. Notwithstandi g anything contained in the conditions of rules 4 to 16 of thes rules.service and other perq isites available to the Chairman and a Vice- hairman shall be the same as admissible to a rving Judge of a High Judges Court as contained in the High Court (Conditions of Service) Ac 1954 (28 of 1954) and High Court Judges (T velling Allowance) '1956. Rules

18. Residuary provision.—T e conditions of service of the Chairman, a Vice Chairman or a Member 'for which no express pr vision is avail- able in these rules shall be deter •ned by the rules and orders for the time being applicable to officers of corresponding pav levels elonging to the Indian Administrative Service. 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)) 19. Powers to relax uies.—The Central Gov- er to relax the provi- ernment shall have the respect of any class sions of any of these rules or category of persons to whom these rules apply. [No. A-1101417i93-AT] SMT. SARITA PRASAD, Jt. secy. a-i 21 k 994 (1985 13) ft 35 (2) 1985 (fia•,) 1994 I (1985 13) "qfu«ffT" 25) fizz (q) 19 19 (6) qfrq*r 'fifä " (1961 25) q•f8fnv, 1961 "tfr*" 27 29 (1) (2) ffi *favi f*i4f (2) Éire-TT far (3) ufz fiz_ If—ü 3(i)] 50 (3) 19 19 9. qTt-- (ii) (iii) , (3) thTFr ft•zrr 10. OTT 7 . trt (ii) 2. (3) 2, 48t (ii) (Fi) 8 THE GAZETTE OF INDIA . EXTRAORDINARY 21. [PART 11—SEC. 12. {T q 1.3. 'Tfz [WM 11--68 3(i)] 10. 30 4.00 26. (1.30 2.30 27. 9 (ii) (iv) (v) (vi) (vii) (viii) (ix) (x) (xi) (xii) 30. __ ——mfizrfa, fäfz THE GAZETTE or • EXTRAORDINARY 1 985 19 2. 3 5 (iv) f+frzzri• : (iii) q Iq•rrr -7T 1985 21 ir 3ifa-q 10. fi;rq-q r5T$fi fäqq q.-äT g Bat 7, 4--(äT 12 q7T 1

4. EXTRAORDINARY THE GAZETTE OF INDIA : 2 24 [PART [I—SEC. Mi)] (ii) (vii) ftTf?Ä Q'TFTT fr*fu NOTIFICATION New Delhi, the 21st December, 1994 GSR 876(E) .—ln exercise of the powers confer- red by sub-section (1) read with clauses (d), (e) and (f) of sub-section (2) of section 35 of the Ad- ministrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the follow- ing rules, namely:— 1. Short title and com_mencemeht. These rules may be called the West Bengal Administra- tive Tribunal (Procedure) Rules, 1994. (2) They shali come into force on the day of their publication in the Offcial Gazette

2. Definitions.—ln these rules, unless the con- text otherwise requires; (a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1989 (b) "advocate" means an advocate entered In any roll under the provisions of the Advocates Act, 1961 (25 of 1961); (c) "agent" means a person duly authorised by a party to present an application or reply on its behalf before the Tribunal. (d) • •applicant" means a person making an application to the Tribunal under section 19; (e) "application" means an application made to the Tribunal under Section 19; (f) "Form" means form Annexed to these rules; (g) "Government" means the Government of West Bengal; (h) "Legal Practitioner" shali have the same meaning as is assigned to it in the Advo- cates Act, 1961 (25 of 1961); (1) "Legal representative" means a person who in law represents the estate of the deceased; (j) "Registry" means the Registry of the Tri- bunal or of the Bench ot the Tribunal as the case may be (k) "Registrar" means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under sub- rule (2) of rule 27; (l) "section" means a section of the Act; (m) "Transferred application" means the suit or other proceedings which stand t• ans- ferred to the TribL1naI under sub-section (1) or sub-section (2) of Section 29; (n) (o) "Tribunal" means the West Bengal Ad- ministrative Tribunal established under sub-section (2) of Section 4: the words and expressions used in these rules and not defined but defined in the Act. shall have the meanings respectively assigned to them in the Act

3. Language of the Tribunal.—The language of the Tribunal shall be English. Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Bengali, if they so desire; Provided further that a Bench may, in Its discre- tion permit the use of Bengali in the proceedings but the final order shall be in English

Form I by the applicant in person or by an agent or by a duly authorised advocate to the Registrar or any other officer authorised in writing by the R_egistrar to receive applications or be sent by registered post with acknmvleduement due addressed to the Registrar.(2) "Ihe application under sub-rule (l) shall be presented in three complete sets in a paper-book form along wiEh one empty file size envelope bear- 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 the number cf respondents together with the required number of empty file Size envelopes bearing the full address of each res- pondent shall be furnished by the applicant; Provided that where the number of respondents is more than five. the Registrar may permit the ap- plicant to file the e_xtra copies of lhe application at the time of issue of notice to the respondents. (4) The applicant may attach to and present with his application a receipt slip in Form 11 which shall be signed by the Registrar or the Offcer re- ceiving the application on behalf of the Registrar - n acknowledgement of the receipt of the applica• tion. (5) Notw_ith.standing anything contained in sub-rules (l) to the Tribunal mav permjt:— (b) more than one person to joun, together and file a single application.ii it is satis- fied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the mat- An assooiation representinz persons desi- rous of joining in a single application to file such application, provided that the THE GAZETTE OF iND'1,A application shall disclose the class, grade or categories of all the persons on whose behalf the application is filed

5. Presentation and scrutiny of applications.— (l) The Registrar or the officer authorised by him under rule 4, shalt endorse on every application the date on which it is presented 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 number. (3) If the application, on scrutiny, is found to be dci'ccttve that the defect noticed is formal in naturc., ihe Registrar may allow the partly to rec- tify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit. (4) If the applicant fails to the defect within the time allowed under sub-rule (3), the Regsitrar mav, by order and for reasons to be re- corded in writing, decline to register the applica- and inform the applicant accordingly. 5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of such order to the Tribunal whose decision there- on shall be finaL 6. Place of filing applications shall be fil:d with the Registrar

7. Application fee.—Every application filed with the Registrar shall be accompanied by a fee of Rs. 50 (Rupees fifty) which shall be paid in court-fee stamps fixed on the application. Provided that where the Tribunal permits a sin- application to be filed, either by more than one percon or by an Association. the fee payable shall be rupees fifty

8. Contents of application.—(l) Every applica- tion filed under rule 4 shall set forth concisely un- der distinct heads, the grounds for such applica- tion. Such grounds shall be numbered consecutive- lv. Evcry application, including any miscellaneous application shall be typed in double space. (2) It shall not be necessary to present a sepa- rate application to seek an interim order or direc- tion if the application contains a prayer for an in- terim order or direction pending final disposal of the applicatfon. (3) An applicant may, subsequent to the filing of an application under section 19, apply for an interim order or direction. Such an application shall. as far as possible. be in the same form as is pres- cribed for an application under section 19 and shall be accompanied by a fee of Rs. 2 (Rupees EXTRAORDINARY [PART LI—SEC. 30)] two) which shall be payable in court fee stz ps affixed on such application. to accompany the applica- 9. Paper book, (1) Every applicatlon shall be accompanied tion.— by a book containing:— (i) a true copy of the order ac•ainst which the application has been filed; (ii) copies of the documents relied upon by the applicant and referred to in the ap- plication ; and (iii) an index of the documents. (2) The documents referred to in sub-rule (1) may be attested by an advocate or by a Gazetted Oflicer cr by a Group 'A' Offcer of the Govern- ment. (3) Where an application is filed by an agent, documents authorising him to act as such agent shall also be appended to the application. Provided that where an application is filed by an advocate, it shall be accompanied by a duly ex- ecuted 'Vakalatnama'. IO. Plural remedies.—An application shall be based upon a single cause of action and may seek one or more reliefs provided that they are conse- qutntial to one another. I l. Service of notices and processes issued by A copy of the application in the Tribunal. the paper-book form shall ordinarily be served on each of thc respondents by the Registrar in one of the followino manners:— (i) by hand delivery (Dasti) through the applicant or through a process server; or (Ii) by registered post 'with acknowledgement due'; (2 Where

notice issued by the Tribunal is ser- ved by the party himself by 'hand delivery' (Dasti), he shall file with the Registry of the Tribunal the acknowledgement, together with an fidavit ot ser- vice. (3) Notwithstanding anything contained in sub- rule (l) the Registrar may, taking into account the number of respondents and their places of resi- dence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service. as it appears to the Tribunal just and convenient. (4) Every applicant shall pay a fee for the service or execution of processes in respect of an respondents application. '.vhere the number of as unde.r excee s five (i) a sum of Rs. 5 (Rupees five) for each respondent in excess OF five respon• dents; or .3(i)] (ii) where the service is in such a manner as the Registrar 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 Registrar. (5) The fee for the service or execution of processes under sub-rule (4) shall be remitted by the appficant in the form of court-fee stamps. (6) Notwithstanding anything contained in sub-rules (l) to (5), 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 appFcation shall bc heard notwithstanding that some of the respondents have not been- served v.rith notice of the application Provided that no application Shal] be heard Provided that if, at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary' for him to hold the sittings of the Tribunal at any place than Calcutta, he may hold the sittings at any such place. I f. Decision upphcaüons.— (l) The on Tribunal shau draw up a calender for the hearino of transferred cases and shall, as far as possible, hear and decide the cases according to the calendar. (2) Every applicat:on shall be heara and decided, as far as possible, within six months from the date of its presentation. (3) For purposes of sub-rules (1 the Tribunal shall have the power to refuse an adjournment of hearing and to limit the time for oral arouments

16. Action on application for applicant's unless, (ii) (iii) notice of the application has been serv- ed on the Government if such Gov- ernment is a respondent notice of the application has been serv- cd 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 not;ce of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served default (1) (2) Where on the date fixed for hearing ot the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the applicatian is called for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit. Where an application has been dismiss- ed for default and the applicant appears aftrrwards, the Tribunal shall, if it is satisfied that there was sufficient cause for his non- appearance when the application was called for henring. make an order setting aside the order dismissing the anolication and restore the same

12. Filling of reply and other documents by the respondents.—(l) Each respondent intending to contest the application. shall file in trip!icatc the reply to the application and the documents relied upon in paper book form with the Registry within one month of the date of service of the notice of the application on him. (2) The respondent Shal} serve n copy of the reply alcngwith documents as mentioned in sub- (l) on the applicant or his advocate. if any, and file proof of such service in the Registry. (3) The Tribunal mav. cyn anplication bv the respondent, allow the filing of the repiv after the expry of the period of one month

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

14. Sittings of the Trihuna1.—The Tribunal shall ordinarily hold its sitt;ngs at Calcutta

17. Hearing on application ex l) Where, on the date fixed for hearing of the application or on any other date to which such hearfncr may be adjourned, the applicant aprears and the raspondent does not appear the application is called for hearing, the Tribuna\ in its discretion adjourn the hearing or hear and ti!e appGcatäon ex-parte.(2) Where an application has been hoard ex parte against a respondent or respondents, such respondent or respondents mav apply Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribuna! that the notice was not duly served, or that he or thev were Drevented by anv sufficient cause (rom anotaring when the application was called for hearing. the Tribunal mav make an order setting aside the ex-parte hearing against him or them upon such terms as it thinks fit. and shall THE C, AZFTTF OF INDIA with EXTRAORDINARY [PART IT—SEC 3(i)] a dav fcy pru uon Provided thuc the ex-parte hearing Of the application is of >uch nature that it cannot be set ngainst ore respondent only. it may be set aside against all or any of the other respon- aents Provided further that the Tribunal shall not set aside ex-parte hearing of an application merely on the ground that there has been an irre- gularitv in the service of notice, if it is satlsfied that the respondent hau been duly served with the notice o.•c hearing and had sulfi- cient time to appear and answer the applicant's claim. ot oppueation.—The Tribu- nal n22Y. on such terms as it mav deem fit and proceeding. adiourn the hear- anv ing of the ippiicat;on. I Y, Order to signed and dared.—Every all in writing and shall signed dat,' 2 bv the Members const:tuting Bench. 2(). Publication of orders.—Such of the orders fit for publication y authoritative report or the press, may be to:" terms and con- Tribunal mav lay down. orders to the parti F. - ,uossed on an shau respondent(s). eitnrr in p:rson or bv registered post, 22. for inspection of recrds.—No fee Shai) charged for inspecting the records of a pz•nd• parn thereto 03, (_)rders and Gicecuons in certain The Tribunai mav make such orders Of sucn at; it r cen.S1de;• neceqs:arv c.•r dient ta give te as orders or to prevent of its powers or to secure the ends of justice. 24, Reg;stration legal practitioners of A clerk employed by ft legal Dtacti- I-loner and permitted as such to have r,cczss to the tecordg and to obtain copies of the orders of the cibtzn,nsl which •he practitionurr ordinariiv 2gistered clerk" orgict;ses, 011,'n (0) A legal r:nctitioner desirous registermo his clerk RegiS- tering in

Form Ill pracåt:onv-h_ than tvo reg;stered unle€c the rot Rez;.qtrar bv er special order otherwise (4) A regtster of all the registered clerks >nall be maintained in the office of the Registrar and after regtstration of the clerk. the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be pro- duced bv 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 signatures (If a LYputy Registrar of the Tribunal. (6) Whenever a legal practitioner ceases to enlpioy registered clerk, he shall notify the [act at once to the Registrar by means of a letter enclosing therewith the identity card issued to such clerk by the Registry, and on receipt of suoh letter the name of the said registered clerk shall be struck off from the register

25. Working hours of the Tribunal.—Except on Saturday. Sundays and other public holidays, the office of the Tribunal shall, subject to any order made bv the Chairman, remain open daily from i 0.30 a.m. to 5.30 p.m. but no work, unless it of an urgent nature. shall be admitted after 4.00 p.m. on any working day 26. Sitting hours of the Tribunal.—The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 11.00 a.m. to 1.30 p.m. and 2.30 p.m. to 4.30 p.m. subiect to anv general or special order made by the Chair- man in this behalf. 27 Powers and functions of the Registrar,— (l) The Registrar shall have the custodv of the records of the Tribunal and shall exercise such. other functions as mav be assigned to him under these rules or bv the Chairman. (2) The Registrar may, with the approval of the Chairman delegate to the Deputy Registrar anv function or power required bv these rules ta be Derformed or exercised bv the Registrar. (3) In the absence of the Registrar. the Deputy Registrar or any other offcer of the Tribu- nal authorised in writing by the Chairman ir this behalf, may exercise and perform all or anv of the powers and functions of the Registrar. (4) The Registrar shall keep in his custodv the official seal ot the Tribunal. (5) The Registrar shall. subject to anv general special direction bv the Chairman. afFIK the official seal of the Tribunal on every order. notice or Other process. (61 The Registrar shall have the power to nuthorise in writin2 the aflixinc of the senl Oil' the T on a certified copv of anv order of the Tribunal 11--aog 3(i)] 28. Additional powers and duties (Jf Regist- rar.—ln addition to the powers conferred else- where in these rules, the Registrar shall ..av-e the following powers and duties subject to any general or special order of the Chairman, name- (i) to receive all applications and other documents including transferred appli- cations; (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 accord- ance with the Act and the rules; (iv) to fix, subject to the directions of the Tribunal, dates of hearing of applica- tions 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 permission for inspection of re- cords 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) (xi) (xii) 17 to receive applications for the substitu- tion of legal representatives of the deceased parties during the pendency cf the application; to receive and dispose of applications for substitution, except where the sub- stitution would involve setting aside an order of abatement; and to receive and dispose of applications by parties for return of documents

29. Seal and emblem.—The omce seal and emblem of the Tribunal shall be such as the Gov- ernment may specify

30. Dress for the Members and Staff of the Tribunal.—The dress for the Members of the Tribunal (including Chairman and Vice-Chair- man) and the Offcers and other employees of the Tribunal shall be such as the Chairman may specify

31. Dress for the Legal Practitioners and Pre- senting Offcers.—A legal practitioner or, as the case may be, a presenting offcer 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 or in an open collared coat with white shirt, trousers and a tie; (iD if a female, in a saree or in any other dress in while or any other light colour. [F. No. A-1101418!93-ATl SMT. SARITA PRASAD. Jt. secy. (AT) FORM - (See Rule 4) APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 For use in Tribunal's office DATE OF FILING . OR DATE OF RECEIPT BY POST REGISTRATION NO. SIGNATURE REGISTRAR IN THE WEST BENGAL ADMINiSTRATIVE TRIBUNAL c 2905 BETWEEN B APPLICANT AND D RESPONDENT EXTRAORDINARY 18 THE GAZETTE OF INDIA [PART II—SEC. 3(i)] DETAILS

OF APPLICATION : l. Pal ticulars of the applicant: (i) Name of the applicant (ii) Name of Father/Husband (iii) Designation and offce in which employed (iv) Offce address (v) Address for service of all notices 2. Particulars of the respondent: (i) Name and/or designation of the respondent (ii) Offce 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 . (i) Order No. (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

5. Limitation . The applicant further declares that the app!ication 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. Relief(s) sought: In view of the facts mentioned in paragraph 6 above, the applicant prays for the following relief(s):—[specify below the relief(s) sought, explaining the ground for the relief(s) and the leza. provisions (if any) relied upon. S. Interim Order, if prayed for: Pending final decision of the application, the applicant seeks issues of the following interim order:— (Give here the nature of the interirn order prayed for with reasons)

9. 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 result of such representations)

10. Matters not filed or pending with any other court etc. The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or has not been rejected by any court of law or other authority. 11

12. Details of Index : An index in duplicate, containing the details of the documents to be relied upon is enclosed. List of enclosures. 11 working as.... ..... VERIFICATION (Name of the applicant) S/o, W/o, resident of.. 19 age. ..... do hereby verify that the contents of paragraphs I to 12 are true to my personal knowledge and belief and that have not suppressed any material fact. Place : Date . Signature of the applicant. To The Registrar, West Bengal Administrative Tribunal. Calcutta.

FORM-11 [See rule 4(4)] RECEIPT SLIP Receipt of the application filed in the West Bengal Administrative Tribunal. Calcutta. by .. ...in the Department of. .... . residing at..... working as.. is hereby acknowledged. SEAL For Registrar West Bengal Administrative Calcutta. FORM 111 [See rule 24] APPLICATION FOR THE REGISTRATION OF CLERK l. Name of legal practitiontr on whose behalf the clerk is to be registered. ShriiSmt.. Tribunal 2. Particulars of the clerk to be registered. (i) Full Name : (in capital) (ii) Father's Name: (iii) Age and Date of Birth : (iv) Place of birth : (v) Nationality (vi) Educational Qualifications: (vii) Particulars of previous employment, if any : Attested passport size photograph to be pasted . (Clerk above named) do hereby firm 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. 20 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11 —SEC

4. Whether the clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.. (legal practitioner) certify that the particulars given above are true to the best of my 1 information and belief and that [am not aware of any fact which would render the registration of the said. (name) as a clerk liable to cancellation. Signature of the legal practitioner To The Registrar, Central Administrative Tribuna;. Branch. Printed by the Manager, Govt- of India Press, Ring Road, Maya Puri, New Delhi-110064 •ad Published by the Controller of Publications, Delhi-110054, 1995