UTTAR PRADESH PUBLIC SERVICES TRIBUNAL (PROCEDURE) RULES, 1992

The Uttar Pradesh Public Services Tribunal (Procedure) Rules, 1992 (UTTAR PRADESH SIIASAN, KARM IKANUBHAG-31 IN PURSUANCE OF THE PROVISIONS OF CLUASE (3) OF ARTICLE 348 OF THE CONSTITUTION, THE GOVERNOR IS PLEASED TO ORDER THE PUBLICATION OF THE FOLLOWING ENGLISH TRANSLATION OF NOTIFICATION No. 1414/KA-3-24/37/ 91(T.C.I), DATED APRIL 8, 1993. Notification No. 1414/KA-3-24/37/91 (T.C.I.) Lucknow.•DatedApril 8, 1993. In exercise of the powers conferred by Section 7 of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (U.P.Act No. 17 of 1976), the Governor is pleased to make the following Rules : 1. Short title and commencement.-—(a) These rules may be called the Uttar Pradesh Public Services Tribunal (Procedure) Rules, 1992. (b) They shall come into force at once

2. Definitions.—-ln these rules, unless the context otherwise requires— (a) (b) (c) (d) (g) (h) (i) "Act " means the Uttar Pradesh PubliQ Services (Tribunal) Act, 1976 ; "agent" means a person duly authorised by a party to present an application, wirtten reply, rejoinder or any other document on its behalfbefore the Tribunal ; 'fapplicant or "petitioner" means a person making an application or petition to the Tribunal ; "ContemptAct" means the Contempt ofCourts Act, 1971 (Act No. 17 of1971) ; "Form " means a Form given in Appendix ; 'IJoint Registrar " means the Joint Registrar ofthe Tribunal ; "Legal representative " shall have the meaning assigned to it in the Advocates Act, 1961 (Act No. 25 of 1961) ; "Legal representative " means a person, who in law represents the estate of the deceased person and includes a person in whom the right to receive pensionaty, retirement, tenninal or other benefits of family pension vests ; "Registrar 'P means the Registrar of the Tribunal and includes any officer to whom the powers and functions ofthe Registrar may be delegated under sub-rule (2) of Rule 28 ; bcannea witn cambcann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 (j) "Registry" means the RegistryoftheTribunal ; (k) "Transferred application means the suit or other procceding which has been transferred to the Tribunal under sub-section (2) ofSection 6 ; (t) the words and expression used and not defined in theserulesbut defined in theAct shall have the assiB1ed to themin the Act

3. Language of Tribunal.—-The language oftheTribunal shall be Hindi in Devnag-i script

4. Procedure for filing) Every reference under Section 4 shall be addressed to the Tribunal and shall bé made through a petition presented in Fonn I by the petitioner in person or by an agent orby a duly authorised legal practitioner to the Registrar or be sent be registered post with acknowledgment due addressed to the Registrar.(2) The petition under sub-rule (l) shall be presented in triplicate in the following two compilations— (i) Compilation Number 1.—Petition alongwiththeimpugledorder, ifany; (it) Compilatiion No. 2.—All other documents and annexures referred to in the petition in a paper book form. (3) Where the number of respondents is more than one, as many extra copies ofthe petition in paper-book form as there are respondents together with unused file size envelopes bearing the full address ofeach respondent shall be fumished by the applicant. (4) The petitioner may attack to and present with his petition a receipt slip in Fonn 11 which shall be signed by the Registrar in the offcer receiving the petition on behalfofthe Registrar in acknowledgment ofthe receipt ofthe petition. (5) Ajoint petition maybe filed by two or more public servants ifthey are similarly placed and common questions of law are involved in the case. (6) Iftwo or more public servants have not filed ajoint petition involving common questions oflaw and theTtibunal is ofthe view that some petitions involve common questions of law, the Tribunal may combine all such petitions and give one order, decision or declaration in respect ofthese petitions. Ifin the opinion of the Tribunal, two or more petitions filed by public servants cannot properly be decided jointly, the Tribunal may give order, decision or declaration on the petitions separately

5. Presentation and scrutiny of) The Registrar, shall endorse on every petition the date on which it is presented or received under registered post and shall sign the endorsement.bcannea witn camScann JT. PUBLICSERVICES(TRJBUNAL) (PROCEDURE) RULES, 1992 (2) If, on scrutiny, the petition is found to be in order, it shall be dulyregistero and given aserial number. (3) Ifthepetition, on scrutiny, is found to bedefective and is formal in nature, the Registrar may allow the party to rectify thesame in his presence, and ifthe said defect is not formal in nature, the Registrar may allow the petitioner such time to

rectify the defect as he may deem fit. Where a petition is receinved by registered post, the petitioner shall be informed ofthe defects, ifany, and he shall be required to rectify the same within such time as maybe fixed bythe Reéstmr. (4) (1) Ifthe petitioner fails to rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reasons to be recorded in witing, decline to register the petition and place the matter before the Bench for appropriate orders. (2) Such matter may be dealt with and disposed ofin chamber

6. Filling of petition.—A petition shall ordinarilybe filed by the petitioner with the Registrar and subject to the orders under clause (c) ofsub-section (5) of Section 4-A, such petition shall be heard and disposed ofby the Bench which has jurisdiction over the matter

7. Fee.—This fees payable in respect ofproceeding before the Tribunal shall be as indicated in the Schedule and shall be paid in the manner provided in the Court FeesAct, 1870 : Provided that where the Tribunal is satisfied that a petitioner is unable to pay the prescribed fee on ground ofindigence, itmay exempt such a petitioner from the payment of fee

8. Contents of petition.—(l) Every petition filed under Rule 4 shall set forth consciselyunder distinct heads the grounds for such petition. Such grounds shall be numbered consecutively. The petitioner shall specify the date when cause ofaction for the claim has arisen. Every petition, including any miscellaneour application shall be typed in double space on one side on thick paper of good quality. (2) It shall not be necessary to present a separate application to seek an interim order or direction ifin original petition the same is prayed for but sepnte Fees, ifpayable under these rules shall be payable. (3) A petitioner may, subsequent to the filing ofthe petition for hearing Of reference apply for an interim order ofdirection. Such an application shall, as far as possible, be in Fonn Ill. (4) Where the petitioner seeks condonation ofdelay, he shall file aseparate application supported by an affidavit. (5) The Tribunal may at any stage ofthe proceeding require the petitioner to bcannea witn cambcann U2. PUBLIC 1992 submit any further or better particulars ofhis claim. 9.Doeuments to accompany the Every petitionshall be accompanied by the following documents : (1) anattestedtuecopyoftheorderagainst which the petitionis filed (it) copies ofthedocuments relied upon bythepetitionerand referred to in the petition ; (iii) copyofrules, contract or regulation relevant to the proceedings. (iv) A selfaddressed and sufficiently stamped envelop orpost-card as maybe specified by the Tribunal by direction from time to time so that intimation could be sent to the petitioner for further steps or date ofhearing ; (v) An index ofthe documents. (2) The documents referred to in sub-rule (1) may be attested by a legal petitioner, gazetted offcer or a notary and each document shall be marked serially as Annexures A- 1 , A-2 andA-3 an so on. (3) Where a petition is filed by an agent, decuments authorisinghim to act as such agent shall also be appended to the petition : Provided that where a petition is filed by a legal practitioner, it shall be accompanied by duly executed 'Vakalatnama'. (4) The Tribunal may at any stage ofthe proceedings require the petition to file the original document copies whereofhas earlier been filed by him

10. Plural reliefs.—Every petition shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another

11. Service of notices and processes issued by the Tribunal.—(l) Notices to be issued by theTribunal maybe served in any ofthe following modes— (i) service bythepartyitself(dasti) ; (h) by hand deliverythrough process server ; (iü) byregistered post twith acknowledgnent due' ; (iv) through the concemed Head ofthe Department : Provided that if the Tribunal does not specify the mode of service, notice maybe sent by registered post 'with acknowledgement duet and the provision of sub-rule (2) of Rule 19-A of Order V of First Schedule to the Code of Civil Procedure, 1908 (Act No. 5 of 1908) shall apply to such mode ofservice. (2) Where notice issued by the Tribunal is served by the party himselfby bcannea witn camScann U.P. PUBLIC SERVICES RULES, 1992 'hand delivery' (dasti), he shall file with the Registry of the Tribunal, the acknowledgement{ogether with an affidavitofsetvice. (3) Notwithstanding anything contained insub-rule (1), the Tribunal may, taking into account'the number ofrespondetns and places ofresidence or work and other cinumstances, that notice ofthe petition shall beserved upon the respondents in any other manner, including any manner ofsubstituted service, as it appears to the Tribunal just and convenient. (4) The Tribunal shall deliver one copy of petition and other papers to the Presenting Offcer ofthe employer. (5) Everynotice issued by the Tribunal shall unless otherwise ordered, be accompained by a copy of the petition and a copy ofthe impugned order. (6) Every petitioner shall fumish

suffl ciently stamped file size envelopes bearing the full address ofeach respondent for service ofnotices by Registered post. (7) The fees for service of notice in any other manner shall be paid in accordance with the general or special orders ofthe Chainnan. (8) Notwithstanding anything contained in sub-rules (I) to (4), ifihe Tribunal is satisfied that it is not reasonable practicable to serve notice ofpetition upon all the respondents, it may, for reasons to be recorded in witing, direct that the petition shall be heard, notwithstanding that some ofthe respondents have not been served with notice ofthe petition : Provided that no petition shall be heard unless— (1) notice ofthe petition has been served, on the State Government; (iO notice ofthepetitionhas beenservedontheauthoritywhichpassed the order against which the petition has been filed ; and (iii) the Tribunal is satisfied that the interests of the respondents on whom notice ofthe petition has not been served are adequately and suffceientlyrepresented bythe respondents on whom notice ofthe petition has been served

12. Filing of reply and other documents by the respondents.——(l) Each respondent intending to contest the petition, shall file in triplicate the replyto the petition and documents relied upon in paper-book fom with the Registry within one month ofthe service ofnotice ofthe petition on him. (2) In the reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the petitioner in his petition and may also state such additional facts as may be found necessaiY for thejustdecision Ofthe case. It shall, subject to the provisions of sub-secton (10) of sectons 5 oftheACt shall be signed by the respondent and verified as a wHtten statement in the same manner as is provided in Order VI, Rule 150ftheCode ofCivil Procedure, 1908 bcannea witn carhScann UT. RULES, 1992 (Act No. 5 of 1908). (3) *Ilme documents refcned in sub-rule (1) shall also be filed along with the reply the same shall be marked as RI , R2, R3 and so on. (4) Ihe IA)ondent shall also serve a copy ofthe reply along with documents as mentioned in sub-rule (I) on the petitioner or his legal practitioner, if any, and file proofofsuch service in the Registry. (5) lheT1ibunal may allow filing ofthe reply after the expiry ofthe prescnbed period. (6) TheTribunal may at any stage ofthe proceedings require the respondents to submit further or better particular ofhis defence and may also to require him to file the original documents, a copy wherofhas been earlier filed by him

13. Date and place of hearing to be Tribunal shall notify to the parties including the Presenting Officer of the employer the date and the place ofhearing ofthe petition in such manner as the Chairman mayby general or special order direct

14. Calendar of cases.—(l) Each Bench shall draw up a calendar for the hearing of transferred cases and, as far as possible, hear and decide the cases according to the calendar. (2) Every petition shall be heard and decided, as far as possible within six months from the date ofits re$tration. (3) The Tribunal shall have the power to decline an adjounment and also to limit the time for oral arguments. 15.Action on petition for petitioner's default.—(l) Where on the date fixed for hearing ofthe petition or on any other date to which such hearing maybe adjourned, the petitioner does not appear when the petition is called for hearing, the Tribunal may, in its discretion, either dismiss the petition for default or hear and decide it on merit. (2) Where a petitioner has been dismissed for default and the petitioner files an application within thirty days from the date ofdismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the petition was called for hearing, the Tribunal shall make an order setting aside the order dismissing the petition and restore the same : Provided that, where the case was disposed Ofon merits the decision shall not be re-opened except by way ofreview. 16. Ex-partc hearing and disposal of I) Where on the date fixed for hearing the petition or on any other date to which such hearing has been adjourned, the peti tioner appears and the respondent does not appear when the petition is called for hearing, theTribunal may, in its discreation adjoum the hearing or hear and decide the petition ex-parte. bcannea witn camScann up. RULES, 1992 (2) Where thepetition hasbeen heard ex-parte against a respondent, respondent may apply to the Tribunal for an order to set it aside and ifsuch respondentsatisfies the Tribunal that the notice was not duly served, or that he was prevented by anysuffcient cause from appearing when the petition for hearing the Tribunal may make an order setting aside the ex-parte hearing as against him upon such tenns as it thinks fit, and shall appoint a day forproceeding with the petition : Provided that where the ex-parte hearing ofthe petition is ofsuch 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 : Pmvidedfurther that in cases by sub-rule (8) ofRule 11 , the Tnbunal shall not set aside ex-parte hearing ofa petition merely on the ground that it was not served upon a respondent or respond

17. Review petition.—(l) No petition for review shall be entertained it is filed within thirty days from the date ofthe order of which the review is no sought. (2) A review petition shall ordinarily be heard by the same Bench which has passed the order, unless, for reasons to be recorded in writing, the Chaiman directs that it be heard by any other Bench. (3) Where a petition for review ofanyjudgment or order has been dispose of, no fitrther petition for furtherreview shall lie

18. Substitution of legal representatives.—(l) In the case ofdeath ofa party during the pendency of the proceedings before the Tribunal, the legal representatives ofthe deceased party may apply within ninety days ofthe date of such death for being brought on record as necessary parties. (2) Where no application is received from the legal representatives within the period specified in sub-rule (l), the proceedings against the deceased party shall abate: Provided that the Tribunal may on application and for good and sufficient reasons set aside the order ofabatement and substitute the legal representatives 19. Adjournment ofhearing.—The Tribunal may ifsuffcient cause isshoun at any stage ofproceedings grant time to the parites or any ofthem, and adjourn the hearing ofthe petition. The Tribunal may make such order as it thinks fit with respect to the costs occasioned by the adjournment

20. Order to be signed and dated.—--(l) Every order of Tribunal shall be in wHting and shall be signed by the Member or Members constituting the Bench' which pronounced the order. (2) The orders shall be pronounced in open court

21. Pbulication of orders.—Such of the orders of the Tribunal, as are scannea witn varhScann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 deemed fit for publication in any authoritative report or the press, maybe released for such publication on such terms and conditions as the Chairman may specify by general or special order

22. Communication of orders to the) Every interim order, Banting or refusing or modiWing interim rel iefand final order shall be to the petitioner and to the concerned respondent or to their counsel, either by hand delivery or by post free ofcost : Provided that unless ordered otherwise by a Bench, a copy of the final order need not be sent to any respondent who has not entered appearance: Provided further that when the petitioner or the respondent is represented by a counsel, under a single Vakalatnama, only one copy shall be supplied to such counsel as named therein.(2) Ifthe petitioner 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 payrnent ofsuch fees as provided in these rules

23. Inspection of the) The parties to any case or their counsel may be allowed to inspect the record of the case on making an application in writing to the Registrar.(2) Subject to such terms and conditions as may be prescribed by the Chairman by a general or special order a person who is not a party to the proceedings, may also allowed to inspect the proceedings after obtaining the permission ofthe Registrar in 24. 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

25. Registration of legal practitioner's) No clerk employed by a legal practitioner shall on the expiry ofone month from the date ofcoming into force ofthese rules act as such in the Tribunal or be permitted to have access to the records and obtain copies ofthe orders ofthe Tribunal in which the legal practitioner ordinarily practices unless his name is entered in the Register ofclerks maintained by the Bench. Such clerk shall be known as "Registered Clerk" (2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Fonn IV. On such application being allowed by the Registrar, his name shall be entered in the Register of Clerks. (3) After registration ofthe clerk, the Registrar shall direct the issue ofan identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or other employees ofthe Tribunal authorised in this behalf. The identity card shall be issued under the signature ofthe Registrar. bcannea witn camscann U2 PUBLIC SERVICES RULES, 1992 (4) ofall the clerks under sub-rule(2) shall be in the offce ofthe Registrar. (5) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order othenvise permits. (6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notiö' the fact at once to the Registrar by means ofa letter enclosing there with the identity card issued to his clerk by the registry, and on receipt Ofsuch letter the name ofthe said registered clerk shall be stuck offfrom th

26. Worldng hours of the Tribunal.—Except on Sundays and otherpublic holidays, the offce ofthe Tribunal shall, subject to any made by the Chairman remain open from 10 a.m. to 5 p.m

27. Sitting hours ofthe Tribunal.—The sitting hours ofthe Tribunal shall ordinarily be from 10.30 a.m. to 1.30. p.m. and from 2.30 p.m. to 4.00 p.m. subject to any general or special ordermade by the Chairman, or by Vice-Chaiman with the prior approval ofthe Chair-man : Provided that the Member will ordinarily work at home for about one and half hours for the dictation oforders and judgments. In order to provide him necessary assistance at home he shall be provided stationery, furniture, equipmenc stenographer and orderly

28. Powers and functions of the Registrar.—(l) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Chairman or Vice- Chairman by separate order. (2) The Registrar may, with the approval ofthe Chainnan or ofthe Vice- Chairman delegate to the Joint Registrar or Deputy Registrar or any other offcer any ftnction or power required by these rules to be performed or exercised by the Registrar. (3) The official seal shall be kept in the custody ofthe Registrar. (4) 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 ofthe ReØstrar. (5) The seal ofthe Tribunal shall not be affxed to any certified copy issued by the Tribunal save under the authority in writing ofthe Registrar

29. Additional powers and duties of Registrar.—ln addition to the powers confared elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order ofthe Chainnan or the Vice-Chaiman namely : (1) to receive all petitions, applications and otherdocuments including transferred petitions ; ocannea witn vafnScann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 (ii) to decide all questions arising out ofthe scrutinyofthe petition before they are registered ; (iii) to require anypetitionpresented to the Tribunal to beamended in accordance with theAct and the rules ; (iv) subject to the directionofthe respective Benches, to fix the date of first hearing ofthe petition or other and issue notices thereof; (v) to direct any formal amendment ofrecords ; (vi) to order grantofcopiesofdocuments to parties to theproceedings; (vii) to grant leave to inspect the records ofthe Tribunal ; (viii) to dispose ofall matters relating to the service ofnotices or other processes, applications for the issue of fresh notices and for extending the åme for filing such applications and to grant frne not exceeding thirty days for filing a reply or rejoinder, ifany, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period ; (ix) to requisition records from the custody of any court or other authority ; (x) to receive applications within ninety days from the date ofdeath for substitution of legal representatives ofthe deceased parties during the pendency ofthe petition ; (xo toreceive and disposeofapplications forsubstitution, exceptwhere the substitution would involve setting aside an order ofabatement; (xii) to receive and dispose of applications by parties for return of documents ; (xiii) to call for information and records and to inspect ofcause to be inspected the registty and offces under general or special orders as may be issued by the Chairman from time to time

30. Seal and emblcm.—The offcial seal and emblem oftheTribunal shall be such as the Government may specify

31. Dress of the Members and staff of thc Tribunal.—The dress for the Members ofthe Tribunal (including Chainnan and Vice-Chaiman) and members ofthe staffofthe Tribunal shall be such as the Chairman may specibt

32. Dress of the parties.—A legal practitioner or, as the case may be, a presenting offcer shall appear before the Tribunal in his professional dress, ifany, and if there is no such dress. bcannea witn camScann (1) ifamale, in a closed collared coat and tmusesorinloungesuit; (it) if a female, in a sareeor anyothcrcustomary dress ofasober "colour

33. The chainnanshall also fix the outturn of work to be disposed ofby a Member

34. Copy to bc granted to person entitled.—A copyofjudicial record, pertaining to the Tribunal, may be granted in the manner prescribed by these rules to any person, legally entitled to receive it

35. Copies to parties : Party entitled to copy of record or document.— A party to a petition is entitled to obtain, at any stage of the proceedings, copy of the record or document filed before the Tribunal, on payment offee Ofone rupee per page, irrespective of the number of words, or lines on that page

36. Grant of copy of document to a stranger.—Astranger to the petition may be ganted on payment ofthe fee as laid down in these rules a copy of(a) a petition, (b) reply, (c) affidavit, (d) document produced by the parties, (e) adjournment application or other application filed by parties, (f) judgments or orders passed bythe Tribunal, provided he shows to the satisfaction ofthe Registrar that he has suffcient reason for obtaining such a copy

37. Extra fee for urgent copy.——On application for 'urgent copy i.e. copy to take precdence over other copying work, a uniform extra fee of rupee one perpage shall be charged

38. Mode of payment of copying) All applications for the yant ofcertified copies whether by parties or by stranger shall be accompained with a non-refundable fee ofrupees five

39. Time of delivery of copy.—Urgent copy shall be delivered to the applicant as far as possible within three days and ordinary copy within ten days from the date ofsumission of an application

40. Failure to claim copy.—lfthe applicant does not claim the copy wiffn the period mentioned in Rule 39 or within six months thereafter, the copy so prepared may be destroyed and the copying fee paid by the applicant, shall be forfeited to the Govemment

41. Contents of application.—Every application for supply ofcopy shall contain the folowingparticulars, namely : (a) number ofthe petition or case ; (b) names of the parties ; (c) whether the case is pending or disposed of; (d) the name ofdocument of which copyis required ; (e) in the case ofa copy of an order, whether for private or general use ; bcannea witn VämScann 1992 (J) the name and full postal address ofthe applicant

42. Endorsement to be made on the copy before delivery.—Every copy, before its delivery to the concemed applicant, shall be stamped indicating the-in— (a) (c) (d) (e) (j) (g) serial number ofthe 'application' ; name ofthe applicant ; date ofpresentation ofapplication for copy ; number ofpages ; copying the charged urgent or ordinary ; date of preparation of copy ; date ofdelivery ofthe copy to the applicant

43. All copies supplied by the Registry ofthe Tribunal shall be certified to be true copies by the Office Incharge of the Copying Branch or the Officer so authorised by the Registrar in that behalfand shall also bear the seal ofthe Tribunal. The Offcer Incharge ofthe Copying Branch or the Offcer so authonsed shall also initial every alteration on the copy

45. Return of) Where any case referred to the Tribunal has been finally disposed off, the public servant or his employer may apply to the Tribunal for retum ofthe documents filed by him.(2) Every such application shall be entered in Register in

Form XIV and the signatrues ofthe recipient shall be obtained in token thereof

46. Contempt in the presence of the) Where Contempt in view Ofor presence ofhearing ofthe Tribunal Contemner maybe punished by the Tribunal either forthwith or on such date as maybe appointed by the Tribunal in that behalf.(2) Pending determination ofthe charge, the Tribunal may direct that the contemner shall be detained in such custody as it may specify: Provided that the contemner may be released on bail on such terms as the Tribunal may direct. In this regard, the provisions of Rule 54 shall apply

47. Cognizance.—ln a contempt other than the contempt referred to in Rule 46, the Tribunal may take action— (1) suo motu ; or (2) on apetition madebyPresenting Offcer forthe State Govemment ; or bcannea wltn-uambcann U.P. PUBLIC SERVICES (3) on a petition made by any person

48. Registration of l) Everypetition or motionfor taking proceedings under the Contempt Act shall be registQd as contempt petition (Civil) in respect ofcivil contempt and contempt petition (Ctiminal) in respect ofctiminal contempt.(2) In proceedings, initiated on a petition, the initiator shall be described as the petitioner and the opposite party as the respondent and in the other cases the description ofthe persons proceeded against shall be as follows : In re: occupation son of resident of 49. Form) Everypetition under Rule 48 shall be in a paper. book fonn and shall contain— (z) name, description andplace ofresidenceofthepetitionerand of the person charged ; (iO nature ofcontempt alleged and such material facts includingthe date or dates ofthe commission ofthe alleged contempt, as may be necessary for the proper determination ofthe petition ; (iii) ifapetitionhas previouslybeen made byhim on the same facts, the petitioner shall give details ofthe petition previously made and shall indicate the result thereof; (iv) thepetition shall be supported by an affdavit ; and (v) where the petitioner relies upon a document in his possesion, or power, he shall file such documents or hue copies thereofwith the petition. (2) (i) No fee shall be payable on a petition or any document filed in the proceedings ; and (ii) the petitioner shall file three copies ofthe petition in paper-bookfonn. Where the number ofrespondents ifmore than one, equal number ofextra paper- books shall be filed

50. Initiation of I) Any petition, information or motion for action being taken under the Contempt shall, in the fil-st instance, be placed before the Chairman.(2) The Chairman or the Vice-Chainnan or such other Members as maybe designated by him ofthis purpose, shall detennine the expediency or properity Of faking action under the Contempt Act. bcannea witn camScann 51. l) Where the Chairman, or the Vice-Chairman or other Members refereed to in sub-rule (2) of Rule '50 decides that action should be taken under the contempts Act against thc allcgcd contemner, a case shall be registered and numbered as pcr Rulc48 in theregister in

Form VI and the Registrar shallcause : (a) to themesenting Officer for the Government in Fonn VII when thc case is taken cognizance ofsuo motu ; and (b) also a notice be issued to the allegd contemner in Form VII to appear before the Tribunal in person or through an Advocate on a date to bespecifed therein to show cause against such proceedings. (2) A copy ofany order made under sub-rule (1) and such other papers as may be necessary by the Chainnan or the Vice-Chairman or the Members refen•ed to in Rule 50, •shall accompany such notices. (3) The notice shall bear the date and seal ofthe Tribunal and shall be issued under the signatures of the Registrar

52. Compelling) The notice ofevery petition or motion under the contemptAct shall beserved personally on the unlßS theTribunal for reasons to be recorded, directs othetwise.(2) The Registrarmay issue fresh notice, ifhe considers service ofnotice is not suffcient. (3) Ifthe Regisfraroonsiders service to be suffcient and the alleged contemner does not appear on the date fixed for his apperance, the petition shall be posted for orders ofthe Tribunal. (4) The Tribunal, ifsatisfied that the person charged is absconding or is likely to abscond, or is keeping or is likely to keep out of the way to avoid service ofnotice or ifhe fails to appear In person or continues to be absent, Older the issue ofbailable or non-bailable wan-ant ofhis arrest to one or more Police Officers or District Magistrate or Chief Judicial Magistrate of the district in the manner laid down in Sections 70 to 81 ofthe Code ofCriminal Procedure, 1973 (Act 11 of 1974). (5) In addition to or in lieu of the wanants as specified in sub-nile (4), the Tribunal may also in a case ofcriminal contempt, order attachment ofhis property

53. Presence of alleged contemncr.—Unless ordered otherwise by the Tribunal. Whenever a notice is issued under these rules, the alleged contemner shall appear : (a) personally in thecaseofa crimalcontempt ; and (b) personallyor throughanAdvocate in the caseofCivilcontempt, at(hetime and placespecified in the notice and continue toattend to which the petition may be adjoumed bcannea witn cambcann UP. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 54. Release on bail.——(l) Where any alleged contemner appears or is produced while incustody, at any stage ofproceedings before the Tribunal and is required to give bail, such person shall be released on bail, ifa bond for such sum ofmoney as the Tribunal thinks fit or sufficient with or without sureties, on the condition that such person shall attend, at the time and place mentioned in the bond and shall continue to attend until otherwise directed by the Tribunal • Plovided that theTribuna1 may, ifit thinks fit instead oftaking bail from-such person, release him on his executing a bond without sureties forhis attendance as aforesaid or without such a bond. (2) Notwithstanding anything contained in sub-rule (I) where a person fails to comply with the conditions of the bail bond as regards the time, place and attendance, the Tribunal may refuse him bail on subsequent occasion in the case when he appears before the Tribunal or brought in custody and such refusal shall be without prejudice to the powers ofthe Tribunal to call upon any such person bound by such bond to pay penalty thereof. (3) The provisions ofSections 436 to 450 ofthe Code ofCrimina1 Procedure, 1973 (Act 11 of 1974) shall apply to all the bonds executed under these rules

55. Procedure on forfeiture of the bond.—lf any bond given for appearance of the alleged contemner has been forfeited due to absence ofthe alleged contemner, the Tribunal may, after giving opportunity to the alleged contemner or the surety, as the case may be, levy the whole or any part ofthe amount mentioned in the surety bond, as penalty and direct the same to be recovered as ifit was fine imposed on the alleged contemner

56. Right to be defended by Legal Practitioner.—Everyperson against whom proceedings are initiated underthe ContemptAct, may as ofright be defended by a Legal Practitioner ofhis choice

57. Objections of the alleged contemner.—When the alleged contemner appears in person orthrough anAdvocate, he shall be called upon to file a statement ofhis objections, ifany, which maybe in the form ofan affidavit : Provided that, when the alleged contemner is produced in custody, he shall be questioned, whether he has received the notice and copies of the papers mentioned in sub-rule (2) of Rule 51 or not, and ifhe has not received them he shall be fumished copies thereofand granted suffcient time to file the statement and his objections

58. Inquiry and charge.——(l) Upon considering the objections stated by the alleged contemner and after hearing the parties, the Tribunal may proceed to charge him, ifin its opinion, aprimafacie has been made out, and shall discharge him ifno such case has been made out. (2) Ifthe Tribunal so thinks fit, the charge shall be in writing and in

Form No. IX it shall state precisely and concisely all material particulars constituting the ocannea witn vamScann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 offence charged. (3) Theohargeshall be explained to the alleged contemner and ifin writing, acopyofthe same maybe fumislied to him free ofcost. (4) The Tribunal may record the plea of the alleged contemner and if necessary, adjourn the case forfurther proceedings

59. Production of evidencc.—Bcfore the adjoumed date of hearing, the petitioner and the alleged contemner may file in the Tribunal any documents, statements and affdavits either ofthem wishes to rely upon. The Tribunal may in its discretion examine or permit any witness to be examined by any ofthe parties

60. Trial of the alleged contemner.—(l) In the case of a criminal contempt, on the date fixed for trial or any adjourned date, the Tribunal may proceed to examine witnesses, ifany, for the petitioner, and after the petitioner has closed his evidecne, the Tribunal shall examine the alleged contemner generally on the case in the manner provided in Section 313 ofthe Code ofCriminal Procedure, 1973 (Act 11 of 1974) and record his statement. (2) Thereafter, if Tribunal shall call upon the alleged contemner to enter upon his defence and examine the witnesses, ifany, tendered on his behalf, whether or not the witness is named in any list filed by him. (3) After examination ofthe witnesses and hearing agruments, ifany, the Tnbunal shall pronouncejudgment

61. Expenses of) Where any person is summoned by the Tribunal to appear as a witness in anyproceedings under the Contempts Act, the expenses ofsuch witnesses as detennined by the Tribunal shall be borne by the party who has cited him as a witness.(2) Where the Tribunal summons any witness other than the witness cited by the parties, his expenses as determined by the Tribunal shall be paid bythe Registrar from the contingency funds

62. Oath not to be administered.—No oath shall be administered to an alleged contemner in these proceedings unless he tenders himselfas a witness

63. Discharge of alleged contemner.—lfthe Tribunal does not find the alleged contemnerguilty, it shall discharge him recording an order to that effect at any stage ofthe proceedings

64. Extension of sentences.-—(l) Ifthe Tribunal finds the alleged contemner guilty, and awards anysentence ofimprisonment other than imprisonment till the rising oftheTribunal, the Registrar shall issue a wan•ant in Fonn X committing him to prison. The warrant shall be addressed to the Superintendent, Central Jail or District Jail, as the case maybe. (2) Ifthe Tribunal awards sentence of fine and the fine amount is not paid at once or within such time as may be granted by the Tribunal, the Registrar shall ocannea witn carnocann UP. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 take action as laid down under Section 421 ofthe Code ofCriminal Proced 1973 (Act 11 of 1974) for the recoovery of the same. ure, (3) The report of action taken by the Superintendent of Central Jail or Superintendent ofDistrict Jail to whom the warrants under sub-rule (l) might have been addressed shall be filed in the records ofthe case

65. Procedure on I) Ifat any time during the pendency ofthe proceedings and thereafter before the execution of the sentence, the contemner tenders an apology, the same shall be placed for orders ofthe Tribunal at once, with records ofthe case.(2) IftheTribunal accepts the ap010U, further proceedings shall be and the warrant, ifany, issued shall be recalled by an order in Fonn XI

66. Costs.—(l) The Tribunal may award costs as it deems fit in the circumstances ofthe case. (2) The costs so awarded shall be recovered in the same manner as a fine imposed under the Contempt Act

67. Caveat.—Any public servant or the State Government or a local authority, corporation or companny referred to in sub-clause (Ill) ofclause (b) of Section 2 may file a caveat with the Tribunal in respect ofanymatter which such party considers likely to be raised before the Tribunal by reference under the Act and where such caveat is filed, the Tirbunal shall before passing any interlocutory order on a reference it and when received agive opportunity ofbeing heard to the party filing the caveat ifsuch party has taken necessary steps for timely appearance in ülis behalf

68. Registers.—The Tibunal shall, in addition to the Registers required to be maintained under Rules 25, 44 and 51 , maintain the following Registers, namely (a) Register ofreferencein

Form XII (b) RegisterofDisposal in Fon•nXIII (c) Register ofRetumed document in Form XIV (d) Register of Fees realised in Fonn XV (e) Register ofrecord consigned in Form XVI (D Any other register which the Chain-nan considers necessary to maintain

69. Rescission.—The Uttar Pradesh Public Services (Tribunal) Rules, 1975 are hereby rescinded and the provisions of Sections 6, 8 and 24 of U.P.General Clauses Act, 1904 (U.P. Act No. I of 1904) shall apply in relation to their rescisssion as they apply in relation to the repeal of an enactment by an Uttar Pradesh Act. bcannea witn vamScann UT. PUBLIC SERVICES RULES, 1992 SCHEDULE (See Rule 7) 1. Fees payable on petitions ofteference under Section 4 of the Act .....Rs. 50:00 2. Fees payable on application— (a) application for review Rs. 15.00 (b) application for stay of proceedings or•stay of an order impugned Rs. 10.00 (c) application for setting aside an ex parte decision or an order for dismissal in default (d) application for inspection of documents where inspection has once beeen permitted (e) application for adjournment or grant of time for any reply or other steps to be taken (f) Any other application.

FORM 1 Rs.15.OO Rs. 5.00 Rs. 2.00 . Re.1.OO Petition ttnder Section 4 or 4-A of the U.P. Public Services (Tribunal) Act, 1976 (See Rule 4 Title of the case . INDEX Description of documents relied upon in Petition Page 1 2 3 4 5 6 For use in Tribunal's office Date of filing or Date of receipt by post Registration No. Signature of the Applicant. Signature for Registrar. IN THE U.P. PUBLIC SERVICES TRIBUNAL BENCH A. B. (add descripton such as son of, resident of and place of employment of last employed APPLICANT versus C.D. (add description and the residential or official address on which the service of notices is to be effected on the respondent or respondents. The details of each respondent are to be given in a chronological order). mScann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 RESPONDENT Details of application l. Particulars of the order against which the application is made : (Particulars of the order giving the details like the number, date and the authority which has passed the order, against which the application is made)

2. 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

3. Limitation : The applicant further declares that the application is within the limitation period prescribed in Section 5 of the U.P. Public Services (Tribunals) Act, 1976

4. Facts of the Case : • (Give here a concise statement of facts in chronological order, each paragraph containing as nearly as possible a separate issue or fact)

5. Grounds for relief with legal provisions and the date when the cause of action for the claim arose

6. Details of the remedies exhausted : (The applicant declares that he has availed ofall the remedies available to him under the relevant service rules etc.) (Give her chronologically the details of representations made and the outcome of such representations with reference to the numer of Annexure to be given in support thereof)

7. Matters not previously filed or pending with any other Court . The applicant further declares that he had not Previoulsy filed any application, writ petition or suit, regarding the matter in respect of which this application has been made, before any court or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them. In case the applicants had previously filed any such application, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof

8. Reliefs 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 such relief(s) and the legal provisions, if any relied upon 9. Interim order, if any prayed for : Pending final decision on the application, the applicant seek the following interim relief ; (Give here the nature of the interim relief prayed) IO. 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 postcard or Inlalnd Letter, at which intimation regarding the date of hearing could be sent to him

11. List of enclosures : 1.2. 3. 4. bcannea witn cafnScann UT. RUIÆS, 1992 VERIFICATION (name of the aged working as d/o w/o, •slo, applicant) resident in the office of do hereby verify that the contents of •paras of are true to my personal 'Imowledge and paras believed to be true on legal advice •to and that I have not suppressed any material fact. Date : Place : Petitioner. Signature of the

FORM 11 [See Rule 4 Receipt Slip Receipt of the application filed in the U.P. Public Services Tribunal.....Bench in the Ministry/Department/Office by Shri/Km./Smt working as is hereby acknowledged. of residing at Date : Seal : for Registrar U.P. Public Services Tribunal. IN THE U.P. PUBLIC SERVICES TRIBUNAL BENCH FORM 111 [See Rule 8(3)] of Misc. Application No In Original of Application No Transferred Applicant xxxx (Applicant/Respondent) versus Respondent YYY YYY (Respondent/Applicant) Brief facts leading to the application : Relief or prayer : VERIFICATION s/o, applicant) the of (name 19 d/o, resident in the office of working as w/o age to.....are true on legal . .do hereby verify that the contents of paras of..... advice and that I have not suppressed any material fact. Signature of the Applicant Signature ofthe Advocate Place : Date • ocannea witn vamScan UT. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 FORM IV [See Rule 25(2)] Application for Registration ofa Clerk 1. Name of legal practitioner on whose behalf the clerk is to be registered. 2, Paritulars of the clerk to be registered. (1) Full name : (In capital) (ii) Father's name : (iii) Age and date of Birth : (iv) Place of Birth • (v) Nationality : (vi) Educational qualifications : (vil) Particulars of previous employment, if any Passport Size Photograph (Clerk above named) do hereby affirm that the particulars relating to me 1 given above are true. Signature of Clerk, 3. Whether the legal practitioner has a clerk already reÅsterd in his employment registered is in lieu Ofor in addition to the and whether the clerk sought to be clerk already rejstered

4. Whether the clerk sought to be registered is already registered as clerk of any other legal practitioner and ifso, the name ofsuch practitioner.(legal practitioner) certify that the particulars given above are ture to the best of my information and belief and that I am not aware of any fact which would (name) as a clerk. Further, I enclose render unsuitable the registration of the said. fees of Rs. 5.00 being the cost of Identity Card along with 2 passport size photographs of the applicant duly attested by me. Signature ofthe legal practitioner. Date : To, The Registrar, Bench U.P. Public Services Tribunal

FORM V Register of application for certified copies [See Rule 44] 1 Date of application 2 Amount of fees paid 3 Name of the applicant 4 Date of delivery of the copy 5 Signature of the person 6 bcannea witn (ÆmScann r. PUBLIC SERVICES RULES, 1992 FORM VI -Registerforontempt petitions (See Rule 51 Date offiling 2 Name of the patties 3 Name of the Advocate 4 Remads 1 To, CONTEMPT PETITION (CIVIL/CRIMINAL) FORM [See Rule In the U.P.Public Services Tribunal (Name at the Bench).....Place Prersenting Officer Whereas information is laid/motion is madeby... .that.....(here mention the name of the contemner) has committed the offence ofcontempt of the Tribunal punishable (here give the relevant section of the Contempt of Courts Act, under section. 1971) and for action (2) Whereas the contempt petition has been registered against. being taken under the Contempt of Courts Act, 1971, of this Tribunal. (3) You are requested to appear in person on.....day of at.....and on subsequent dates to which the proceedings may be adjourned, unless otherwise ordered by the Tribunal and assist the Tribunal in the disposal of the aforesaid •contempt petition. Given under my hand and the seal of this Tribunal this.....day of.. Registrar U.P.Public Services Tribunal Seal bcannea witn vamScann U.P. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 CONTEMPT PETIT10N (CIVIL/CRIMINAL) [See Rule 51(1) Notice In the U.P. Public Services Tribunal (Name of the Bench) ....Place To, Inre: (here mention the name and address of the person to whom notice is being sent). Whereas information is laid/ a petition is filed/motion is made by..... .that you (here mention the gist of the accusation made in the information/petition/motion) ; And whereas a petition has been registered against you for action being taken under the Contempt of Courts Act, 1971 : You are hereby required to appear in person or through a duly authorised advocate* and on subsequent dates to which the pröceedings may be on.....day of at adjourned unless otherwise ordered by the Tribunal, and show cause why such action as is deemed fit under the Contempt of Courts Act, 1971, should not be taken against you. Give under my hand and the seal of this Tribunal, this day of..... Registrar U.P. Public Services Tribunal Seal *Strike off whichever is not applicable. FORM [See Rule 58 In the U.P.Public Services Tribunal (name of the Bench) Place We (name ofthe Honble Members presiding over the Bench) Members constituting (name of the alleged the Bench of U.P. Public Services Tribunal, hereby charge you contemner) as under (here give the gist of the on or about day of. That you at material allegedly constituting contempt) and thereby committed the contempt ofthis (here give the relevant section of the Contempt Tribunal punishable under Section of Courts Act, 1971), within out cognizance. We hereby direct you to be tried by this Tribunal for the aforesaid charge. Signature of the Hon'ble Members. The charge was read over and explained to the alleged contemner and he was asked as under : (1) Do you plead guilty to the charge? Answer : (2) Do you have anything also to say? Answer : Signnature of the alleged contemner Signature of the Hon'ble Members Presiding over the Bench. bcannea witn Scann U.P.PUBLIC RULES, 1992 FORM X Warrant of Commitment to prison (See Rule 64 In the U.P. Public Services Tribunal (Name of the Bench) Place To, The Superintendent (Name of the Jail) Place. Whereas the U.P. Public Services Tribunal (Name of the Bench) held on this day of (name/Description of the contemner) has been adjudged by the Tribunal guilty of wilful contempt of the Tribunal and he has been sentenced to undergo imprisonment of This is to authorise and require you, the Superintendent of the Jail, to receive the said (name of the contemner) into your custody, together with this warrant and keep him safely in the said Jail for the said period of (term imprisonment) or for-such period as may hereinfater be fixed by the order of this Tribunal and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution. is in your custody, produce the You are further directed that while the said said.....before this Tribunal at all time when the Tribunal so directs. day of Given under my hand and seal of the Tribunal this Registrar U.P. Public Services Tribunal Seal le. FORM X1 (See Rule 65 In the U.P. Public Services Tribunal Name of the Bench.....Place To, The Superintendent (name of the jail to which the warrant is sent) (here give the name of the person) was found guilty for the Whereas (here contempt of this Tribunal under the Contempt of Courts Act, 1971, on (here give the give the date) and was sentenced to undergo imprisonment of in default of payment of fine, to term of imprisonment and a fine of Rs under.go further imprisnment of Whereas the said contemner along with a warrant of sentence was given in your custody for undergoing the above-mentioned sentence on Whereas (he said contemner has tendered a conditional apology for the contempt which has been accepted by the Honble Bench of court committed by him on. of the Tribunal. scannea witn vamocan Ur. PUBLIC SERVICES (TRIBUNAL) (PROCEDURE) RULES, 1992 You are, therefore, directed to release the person above named in your custody day of Dated this Registrar U.P.

Public Services Tribunal *Strike off whichever is not applicable. FORM XII [See Rule 68] Register of References Sl. No. 1 Under what section 5 Sl. No. 1 Sl. No. Date of receiving the reference 2 Substance of relicfclaimed 6 Name and designation of the claimant 3 Date of decision 7 Nature of decision 8 seal Name of the O.P. or employer or person likely to be affected 4 Remarks 9 FORM XIII [See Rule 68] Register of Disposals Case No. Name of parties Date of decision 2 3 4 Remarks 5 FORM XIV [See Rule 68] Register of Returned Documents Name of Applicant 2 Date of Application 3 Case in which documents were filed 4 ocannea WI amScann UP.PUBLICSERVICES RULES, 1992 Description of Date of return documents Signatureof recipient 7 Remads returned 5 6 FORM XV [See Rule 68] Register of Fees realised Particulars of the •case in which fee is paid 2 Name of parties 3 Name of the persons paying the fee 3 Date of payment of fee 4 A mount of fee paid 1 No. 1 FORM {See Rule68] Register of Records Consigned Case No. 2 Date of decision 4 Date of consignment of record 5 Signature of the employee records 6 8 Remarks 6 Remarks 7 bcannea witn camScann