

Maharashtra Administrative Tribunal (Procedure) Rules, 1988

1 [Notfa. 485 (E), dated 22.4.1988] - In exercise of the powers conferred by sub-section (1) read with Cls. (d), (e) and (f) of sub-section (2) of Sec. 35 of the Administrative Tribunal Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely:--

1. Short title and commencement.--

- (1) These rules may be called the Maharashtra Administrative Tribunal (Procedure) Rules, 1988.
- (2) They shall come into force on the date of its publication in the Official Gazette.

2. Definition.--

In these rules, unless the context otherwise requires:--

- (a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);
- (b) "agent" means a person duly authorised by a party to present an application or a written reply on its behalf before the Tribunal;
- (c) "applicant" means a person making an application to the Tribunal under Sec. 19;
- (d) "form" means a Form specified in Appendix A;
- (e) "Government" means the Government of Maharashtra;
- (f) "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);
- (g) "legal representative" means a person who in law represents the estate of the deceased;
- (h) "Registrar" means in relation to the Tribunal the Registrar appointed to the Principal Bench and in relation to each of the other Benches of the Tribunal shall mean the Registrar appointed to the particular Bench and include any officer to whom the powers and functions of the Registrar may be delegated under Cls. (2) and (3) of rule 29;
- (i) "Registry" means the Registry of the Tribunal or of the Bench of the Tribunal as the case may be;
- (j) "section" means a section of the Act;
- (k) "transferred application" means the suit or other proceeding, which has been transferred to the Tribunal under sub-section (1) and (2) of Sec. 29;
- (l) "Tribunal" means the Maharashtra Administrative Tribunal established under sub-section (2) of sub-sec. 2 of Section 4 of the Act;
- (m) the words and expressions used and not defined in these rules but defined in the Act shall have the same 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 Marathi/if they so desire;

Provided further that -

(a) a Bench may, in its discretion, permit the use of Marathi in the proceedings.

However, the final order shall be in English;

(b) the Bench, hearing the matter, may in its discretion, direct English translation of pleadings and documents to be filled.

4. Procedure for filing application.--

(1) An application to the Tribunal shall be presented in Form I by the applicant in person or by an agent or by a duly authorised legal practitioner to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgement due addressed to the Registrar of the Bench concerned.

(2) The application under sub-rule (1) shall be presented in triplicate in a paper-book form alongwith the one unused file size envelope bearing full address of the respondent.

(3) Where the number of respondents is more than one, as many extra copies of the application in paper-book form as there are respondents together with unused file size envelope bearing the full address of each respondent shall be furnished by the applicant:

Provided that, where the number of respondent is more than five, the Registrar may permit the applicant to file the extra copies of the application at the time of issues of notice to the respondents.

(4) The applicant may attach to and present with his application a receipt slip in Form II which shall be signed by the Registrar or the Officer receiving the application on behalf of the Registrar in acknowledgement of the receipt of the application.

(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit--

(a) more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter.

(b) Such permission may also be granted to an association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories of the persons on whose behalf it has been filed.

5. Presentation and scrutiny of applications.--

- (1) The Registrar, or the other officer authorised by him under rule 4, shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.
- (2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.
- (3) If the application, "on scrutiny" is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his 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 rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register the application and inform the applicant accordingly.
- (5) An appeal against the order passed under sub-rule (4) may be preferred by the person aggrieved within fifteen days from the date of such order to the Chairman in the case of Principal Bench and to the Vice-Chairman concerned, in the case of any other Bench and such appeal may be dealt with and disposed of in the chamber of the Chairman or the Vice-Chairman concerned or in their absence, any Member authorised by the Chairman by special or general order, whose decision thereon shall be final.

6. Place of filing applications.--

The application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction--

- (i) the applicant is posted for the time being, or
- (ii) the cause of action has arisen, or
- (iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides:

Provided that the application may be filed with the Registrar of the Principal Bench and subject to Sec. 25 of the Act, such application may be transmitted to be heard and disposed of by the Bench which has jurisdiction over the matter.

7. Application fee.--

Every application filed with the Registrar shall be accompanied by a fee of rupees fifty to be remitted either in the form of cross demand draft on a nationalised bank in favour of the Registrar of the concerned Bench and payable at the main branch of that bank at the station where the seat of the said Bench is situated, or remitted through a Crossed Indian Postal Order drawn in favour of the

Registrar of the concerned Bench and payable at the post office of the station where the said Bench is situated:

Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be rupees fifty;

Provided further that where the Tribunal is satisfied that an applicant is unable to pay the prescribed fee on the ground of indigence, it may exempt such an applicant from the payment of fee.

8. Contents of application.--

- (1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application. Such grounds shall be numbered consecutively. Every application, including any miscellaneous 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 if in the original application the same is prayed for.
- (3) An applicant may, subsequent to the filing of an application under Sec. 19 apply for an interim order or direction. Such an application shall, so far as possible, be in Form III.

9. Documents to accompany the application.--

- (1) Every application shall be accompanied by a paper-book containing:--
 - (i) an attested true copy of the order against which the application is filed;
 - (ii) copies of the documents relied upon by the applicant and referred to in the application;
 - (iii) an index of the documents.
- (2) The documents referred to in sub-rule (1) may be attested by a legal practitioner or by a gazetted officer and each documents shall be marked serially as Annexure A1, A2, A3 and so on.
- (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 a legal practitioner, it shall be accompanied by a duly executed vakalatnama.

10. Plural remedies.--

An application shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.

11. Service of notices and process issued by the Tribunal.--

- (1) Any notice or process to be issued by the Tribunal may be served by any of the following

modes directed by the Tribunal:

- (i) service by the party himself;
 - (ii) by hand delivery (dasti) through a process server;
 - (iii) by registered post with acknowledgement due; or
 - (iv) through the head of the department concerned by any one of the above modes.
- (2) Where notice issued by the Tribunal is served by the party himself by hand delivery (Dasti), he shall file with the Registry the acknowledgement together with an affidavit of service.
 - (3) Notwithstanding anything contained in sub-rule (1), the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service, as it appears to the Tribunal just and convenient.
 - (4) Notwithstanding anything done under sub-rule (1), the Tribunal may in its discretion, having regard to the nature and urgency of the case direct the service of the notice on the standing Counsels appointed as such by the Government or any Department of the Government.
 - (5) Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the application, alongwith the paper-book.
 - (6) Every applicant shall pay a fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five, as under:--
 - (i) a sum of rupees five for each respondent in excess of five respondents; or
 - (ii) where the service is in such a manner as the Tribunal may direct under sub-rule (3), such a sum not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal.
 - (7) The fee for the service or execution of process under sub-rule (3) shall be remitted in the manner prescribed in rule 7 within one week of the date of the order determining the fee or within such extended time as the Registrar may permit.
 - (8) Notwithstanding anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all the respondents, it may, for reasons to be recorded in writing, direct that the application shall be heard notwithstanding that some of the respondents have not been served with notice of the application:

Provided that, no application shall be heard unless:

- (i) notice of the application has been served on the Central Government or the State Government, if such Government is a respondent;
- (ii) notice of the application has been served on the authority which passed the order against which

the application has been filed; and

- (iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. Filing of reply and other documents by the respondents.--

- (1) Each respondent intending to contest the application, shall file in triplicate the reply to the application and the documents relied upon in paper-book form with the Registry within one month of the service of notice of the application on him.
- (2) In the reply filed under sub-rule (1) the respondent shall specifically admit, deny or explain the facts stated by the applicant in his application and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed and verified as a written statement by the respondent or any other person duly authorised by him in writing in the same manner as provided for in Order VI, rule 15 of the Code of Civil Procedure, 1908 (5 of 1908).
- (3) The documents referred to in sub-rule (2) shall also be filed alongwith the reply and the same shall be marked as R1, R2, R3 and so on.
- (4) The respondent shall also serve a copy of the reply alongwith documents as mentioned in sub-rule (1) on the applicant or his legal practitioner, if any, and file proof of such service in the Registry.
- (5) The Tribunal may allow filing of the reply after the expiry of the prescribed period.

13. Date and place of hearing to be notified.--

The tribunal shall notify to the parties the date and place of hearing of the application in such manner as the Chairman may, by general or special order, direct.

14. Sitting of the Tribunal.--

The Tribunal shall ordinarily hold its sittings at New Bombay, Nagpur and Aurangabad:

Provided that if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary to have sittings of the said Bench at any place falling within its territorial jurisdiction, other than the place or places at which it ordinarily sits, the Chairman may direct that the Bench shall held its sittings at any such appropriate place for such period as may be specified.

15. Calendar of cases.--

- (1) 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 application shall be heard and decided as far possible within six months from the date

of its registration.

- (3) The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments.

16. Action on application for applicants` default.--

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

Provided, however where the case was disposed of on merits the decision shall not be responded except by way of review.

17. Ex parte hearing and disposal of application.--

- (1) Where on the date fixed for hearing the application or on any other date to which such hearing, may be adjourned, the applicant appears and the respondent does not appear when the application is called for hearing the Tribunal may, in its discretion adjourn the hearing or hear and decide the application ex parte.
- (2) Where an application has been heard ex parte against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the application was called for hearing the Tribunal may make an order setting aside the ex parte hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the application:

Provided that where the ex parte hearing of the application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also:

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

18. Review application to be filed within thirty days.--

No application for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought.

19. Substitution of legal representatives.--

- (1) In the case of death of a party during the pendency of the proceedings before the Tribunal, the legal representatives of the deceased party may apply within thirty days of the date of such death for being brought on record as necessary parties.
- (2) Where no application is received from the legal representative within the period specified in sub-rule (1), the proceeding against the deceased party shall abate:

Provided that on good and sufficient reasons the Tribunal, on an application, may set aside the order of abatement and substitute the legal representatives.

20. Adjournment of hearing.--

The Tribunal may if sufficient cause is shown at any stage of proceedings grant time to the parties or any of them and adjourn the hearing of the application. The Tribunal may make such order as it thinks fit with respect to the costs cautioned by the adjournment.

21. Order to be signed and dated.--

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

22. Publication of orders.--

Any order of the Tribunal deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Chairman or the Vice-Chairman concerned may specify by general or special order.

23. Communication of orders to parties.--

- (1) Every interim order granting or refusing or modifying interim relief and final order passed on any application shall be communicated to the applicant and to the respondent concerned either by hand delivery or by registered post free of cost.
- (2) If the applicant or the respondent to any proceeding requires a copy of any document or proceeding the same shall be supplied to him on such terms and conditions on payment of such fees as may be fixed by the Chairman by general or special order.

24. Inspection of the records.--

- (1) The parties to any case or their Counsel may be allowed to inspect the records of the case on making an application in writing to the Registrar.

- (2) Subject to such terms and conditions as may be specified by the Chairman by a general or special order, a person who is not a party to the proceeding, may also be allowed to inspect the proceedings after obtaining the permission of the Registrar in writing.

25. Orders and directions in certain cases.--

The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

26. Registration of legal practitioners` clerks.--

- (1) No clerk employed by a legal practitioner shall act as such in the Tribunal or be permitted to have access to the records and obtain copies of the orders of the Bench of the Tribunal in which the legal practitioner ordinarily practices unless his name is entered in the Register of clerks maintained by the said Bench. Such clerk shall be known as a "Registered Clerk".
- (2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in form IV. On such application being allowed by the Registrar, his name shall be entered in the Register of Clerks.
- (3) After registration of the clerk, the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or other employees of the Tribunal authorised in his behalf. The identity card shall be issued under the signature of the Deputy Registrar of the Bench concerned.
- (4) A Register of all the clerks registered under sub-rule (2) shall be maintained in the office of the Registrar of each Bench.
- (5) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits.
- (6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the facts at once to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk by the registry, and on receipt of such letter the name of the said registered clerk shall be struck off from the Register.

27. Working hours of the Tribunal.--

The working days and hours of the Bench of the Tribunal New Bombay and of the Benches at Nagpur and Aurangabad shall be the same as in the case of the office of the Government at the respective places, but no work, unless of an urgent nature, shall be admitted after 3.30 p.m. on any working day.

28. Sitting hours of the Tribunal.--

The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30

a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p.m. subject to any order made by the Chairman or by Vice-Chairman concerned with the prior approval of the Chairman.

29. Powers and functions of the Registrar.--

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

30. Additional powers and duties of Registrar.--

In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman or the Vice-Chairman of the Bench concerned, namely:

- (i) to receive all applications and other documents including transferred applications;
- (ii) to decide all questions arising out of the scrutiny of the applications before they are registered;
- (iii) to require any application presented to the Tribunal to be amended in accordance with the Act and the rules;
- (iv) subject to the directions of the respective Benches to fix the date of first hearing of the applications or other proceedings and issue notices thereof;
- (v) to direct any formal amendment of records;
- (vi) to order grant of copies of documents to parties to the proceedings;
- (vii) to grant leave to inspect the records of the Tribunal;
- (viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices and for extending the time for filing such applications and to grant

time not exceeding 15 days for filing a reply or rejoinder, if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period;

- (ix) to requisition records from the custody of any court or other authority;
- (x) to receive applications within thirty days from the date of death for substitution of legal representatives of the deceased parties during the pendency of the application;
- (xi) to receive and dispose of applications for substitution, except where the substitution would involve setting aside an order of abatement;
- (xii) to receive and dispose of applications by parties for return of documents.

31. Additional powers of the Registrar of the Principal Bench.--

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

32. Seal and emblem.--

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

33. Dress of the Members and staff of Tribunal.--

The dress for the Members of the Tribunal (including Chairman and Vice-Chairman) and Members of the Staff of the Tribunal shall be such as the Chairman may specify.

34. Dress of the parties.--

A legal Practitioner or, as the case may be, a presenting officer shall appear before the Tribunal in his professional dress, if any, and if there is no such dress--

- (i) if a male, in a closed collared coat and trousers or in a lounge suit;
- (ii) if a female, in a saree or any other customary dress of a sober colour.