



## **Tribunals**

**T**he original Constitution did not contain provisions with respect to tribunals. The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution. This part is entitled as ‘Tribunals’ and consists of only two Articles—Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

### **ADMINISTRATIVE TRIBUNALS**

Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities. In other words, Article 323 A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.

In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985. The act authorises the Central government to establish one Central administrative tribunal and the state administrative tribunals. This act opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.

### **Central Administrative Tribunal (CAT)**

The Central Administrative Tribunal (CAT) was set up in 1985 with the principal bench at Delhi and additional benches in different states. At present, it has 17 regular benches, 15 of which operate at the principal seats of high courts and the remaining two at Jaipur and Lucknow<sup>1</sup>. These benches also hold circuit sittings at other seats of high courts.

The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it. Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defence services. However, the members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

The CAT is a multi-member body consisting of a chairman and members. Earlier, the CAT consisted of a Chairman, Vice-Chairmen and members. With the amendment in Administrative Tribunals Act, 1985 in 2006, the members have been given the status of judges of High Courts. At present (2016), the sanctioned strength of the Chairman is one and sanctioned strength of the Members is 65. They are drawn from both judicial and administrative streams and are appointed by the president. They hold office for a term of five years or until they attain the age of 65 years, in case of chairman and 62 years in case of members, whichever is earlier.

The appointment of Members in CAT is made on the basis of recommendations of a high powered selection committee chaired by a Sitting Judge of Supreme Court who is nominated by the Chief Justice of India. After obtaining the concurrence of Chief Justice of India, appointments are made with the approval of Appointments Committee of the Cabinet (ACC).

The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice. These principles keep the CAT flexible in approach. Only a nominal fee of ₹50 is to be paid by the applicant. The applicant may appear either in person or through a lawyer.

Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts. However, in the *Chandra Kumar* case<sup>2</sup> (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of

the basic structure of the Constitution. It laid down that appeals against the orders of the CAT shall lie before the division bench of the concerned high court. Consequently, now it is not possible for an aggrieved public servant to approach the Supreme Court directly against an order of the CAT, without first going to the concerned high court.

## **State Administrative Tribunals**

The Administrative Tribunals Act of 1985 empowers the Central government to establish the State Administrative Tribunals (SATs) on specific request of the concerned state governments. So far (2016), the SATs have been set up in the nine states of Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal and Kerala. However, the Madhya Pradesh, Tamil Nadu and Himachal Pradesh Tribunals have since been abolished. The Kerala Administrative Tribunal was set up with effect from 26<sup>th</sup> August, 2010.

But subsequently Himachal Pradesh re-established the SAT and the state of Tamil Nadu has also requested now to re-establish the same.

Like the CAT, the SATs exercise original jurisdiction in relation to recruitment and all service matters of state government employees.

The chairman and members of the SATs are appointed by the president after consultation with the governor of the state concerned.

The act also makes a provision for setting up of joint administrative tribunal (JAT) for two or more states. A JAT exercises all the jurisdiction and powers exercisable by the administrative tribunals for such states.

The chairman and members of a JAT are appointed by the president after consultation with the governors of the concerned states.

## **TRIBUNALS FOR OTHER MATTERS**

Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

- (a) Taxation
- (b) Foreign exchange, import and export

- (c) Industrial and labour
- (d) Land reforms
- (e) Ceiling on urban property
- (f) Elections to Parliament and state legislatures
- (g) Food stuffs
- (h) Rent and tenancy rights<sup>3</sup>

Articles 323 A and 323 B differs in the following three aspects:

1. While Article 323 A contemplates establishment of tribunals for public service matters only, Article 323 B contemplates establishment of tribunals for certain other matters (mentioned above).
2. While tribunals under Article 323 A can be established only by Parliament, tribunals under Article 323 B can be established both by Parliament and state legislatures with respect to matters falling within their legislative competence.
3. Under Article 323 A, only one tribunal for the Centre and one for each state or two or more states may be established. There is no question of hierarchy of tribunals, whereas under Article 323 B a hierarchy of tribunals may be created.

In *Chandra Kumar* case<sup>4</sup> (1997), the Supreme Court declared those provisions of these two articles which excluded the jurisdiction of the high courts and the Supreme Court as unconstitutional. Hence, the judicial remedies are now available against the orders of these tribunals.

**Table 63.1** *Name and Jurisdiction of Benches of CAT*

<b>Sl.No.</b>	<b>Bench</b>	<b>Territorial Jurisdiction of the Bench</b>
1.	Principal Bench, Delhi	Delhi
2.	Allahabad Bench	Uttar Pradesh (except the districts covered by Lucknow Bench)
3.	Lucknow Bench	Uttar Pradesh (except the districts covered by the Allahabad Bench)
	Cuttack	

4.	Bench	Orissa
5.	Hyderabad Bench	Andhra Pradesh
6.	Bangalore Bench	Karnataka
7.	Madras Bench	Tamil Nadu and Puducherry
8.	Ernakulam Bench	Kerala and Lakshadweep
9.	Bombay Bench	Maharashtra, Goa, Dadra and Nagar Haveli, and Daman and Diu
10.	Ahmedabad Bench	Gujarat
11.	Jodhpur Bench	Rajasthan (except the districts covered by the Jaipur Bench)
12.	Jaipur Bench	Rajasthan (except the districts covered by the Jodhpur Bench)
13.	Chandigarh Bench	J&K, Haryana, Himachal Pradesh, Punjab and Chandigarh
14.	Jabalpur Bench	Madhya Pradesh
15.	Patna Bench	Bihar
16.	Calcutta Bench	West Bengal, Sikkim and Andaman and Nicobar Islands
17.	Guwahati Bench	Assam, Meghalaya, Manipur, Tripura, Nagaland, Mizoram and Arunachal Pradesh

**Table 63.2** *Circuit Sitzings of Benches of CAT*

<b><i>Sl.No.</i></b>	<b><i>Bench</i></b>	<b><i>Circuit Sitzings held at</i></b>
1.	Allahabad Bench	Nainital
2.	Calcutta Bench	Port Blair, Gangtok
3.	Chandigarh Bench	Shimla, Jammu
4.	Madras Bench	Puducherry
5.	Guwahati Bench	Shillong, Itanagar, Kohima, Agartala, Imphal
6.	Jabalpur Bench	Indore, Gwalior, Bilaspur
7.	Bombay Bench	Nagpur, Aurangabad, Panaji
8.	Patna Bench	Ranchi
9.	Ernakulam Bench	Lakshadweep

**Table 63.3** *Articles Related to Tribunals at a Glance*

<b><i>Article No.</i></b>	<b><i>Subject-matter</i></b>
323A.	Administrative tribunals
323B.	Tribunals for other matters

## NOTES AND REFERENCES

1. See Table 63.1 at the end of this chapter.
2. *L. Chandra Kumar v. Union of India*, (1997). Clause 2(d) of Article 323 A was declared as unconstitutional.
3. Added by the 75th Amendment Act of 1993.
4. *L. Chandra Kumar v. Union of India*, (1997). Clause 2(d) of Article 323 A and Clause 3(d) of Article 323 B were declared as unconstitutional.