

Administrative Tribunals in India

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- Tribunal is a **quasi-judicial institution** that is set up to deal with problems such as resolving administrative or tax-related disputes.
- It performs a number of functions like adjudicating disputes, determining rights between contesting parties, making an administrative decision, reviewing an existing administrative decision and so forth.
- The **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**:

1. **Article 323 A** dealing with administrative tribunals in India, and
2. **Article 323 B** dealing with tribunals for other matters.

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Administrative Tribunals In India

Art 323-A deals with Administrative Tribunals in India

- Article 323 A empowers the **Parliament** to provide for the establishment of administrative tribunals in India 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**

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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.
- It provides tribunals **for public services matters only**.
- Tribunals can be established **only by Parliament**.
- Only 1 tribunal for the Center and 1 for each or 2 or more states may be established. There is **no question of the hierarchy of tribunals**.

Central Administrative Tribunal (CAT) -- For Union services including All India Services



- It is a Statutory Body set up in 1985.
- CAT exercises **original jurisdiction** wrt recruitment and all service matters of **public servants**.
- It includes **Central service** employees, **civil employees** of **defense** services, **officers and servants of SC**, and secretarial staff of

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Parliament.

- **Composition:** 1 Chairman and 66 members. Drawn from **both judicial and administrative sources**. Members are given the status of **Judge of HCs**.
- **Appointment by President:** on the basis of Selection Committee: **Sitting Judge of Supreme Court as the Chairman** who is **nominated by CJI**. After the concurrence of CJI, appointments are made by the approval of the Appointments Committee of Cabinet (ACC). **No reappointment**.
- **Tenure:** 5 years / 65 years for Chairperson and Vice-Chairperson and 62 for members.
- The CAT is **not bound by the Civil Procedure Code, 1908**. It is guided by the **principles of Natural Justice**. **Appeals** against the orders of CAT can be **made to High Courts or directly to Supreme Court**.
- The **CAT exercises jurisdiction** over all service matters concerning the following:
 1. a member of any All-India Service
 2. a person appointed to any civil service of the Union or any civil post under the union
 3. a civilian appointed to any defense services or a post connected with defense
 4. However, the members of the defense forces, officers, staff of the Supreme Court, and the secretarial staff of the Parliament are not covered under the jurisdiction of CAT.
- **Benches:** There are 17 Benches and 21 Circuit Benches in the Central Administrative Tribunal all over India. In addition, the Central Administrative Tribunal, Principal Bench is dealing with the matters of Govt. of the National Capital Territory of Delhi.

State Administrative Tribunal (SAT) -- For states services including state PSC

- The Administrative Tribunals Act, 1985 (not ©) empowers the Central govt to establish SAT on the specific requests of States (So far in 9 States).
- The SAT exercises original jurisdiction wrt recruitment and all service matters of public servants of State.
- The Chairperson and members of SAT and JAT are appointed by President after consulting the Governor.
- The following categories of employees are exempted from the purview of the Administrative tribunal:
 1. Employees of SC & HC
 2. Armed force professionals
 3. Rajya Sabha & Lok Sabha members

Important points

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- SC may grant a writ of certiorari if a tribunal's decision infringes a Fundamental Right.
- Chairman & members of CAT & SAT are appointed by President after consultation with CJI
- Chairman & Vice Chairman retire at the age of 65 and other members retire at the age of 62
- Chairman must be an HC judge (Serving/Retired) or VC of tribunal for at least 2 years
- Members of administrative tribunals can be Judges of HC & or from civil services

Tribunal for other Services (323B)

- **Both Parliament and State Legislature** are empowered to establish tribunals for adjudication of disputes with respect to matters within their legislative competence.
- It provides for tribunals for other matters also.
- A hierarchy of tribunals may be created.
- For jurisdiction of disputes relating to the following matters
 1. Taxation
 2. Foreign exchange (export & import)
 3. Land reforms
 4. Industrial & labour disputes
 5. Ceiling on urban property
 6. Election to parliament or state legislature
 7. Rent & Tenancy Issues
 8. Production, procurement & distribution of foodstuff

Why in news?

- Union Minister Dr. Jitendra Singh inaugurates a separate Bench of Central Administrative Tribunal (CAT) at Srinagar to deal exclusively with service matters of government employees.
- Jammu and Kashmir is the rare State/UT in the country to have two CAT Benches and this is because Prime Minister Narendra Modi accords special priority to J&K and he takes a keen interest in the matters and issues related to the new Union Territory.