

THE ADMINISTRATIVE TRIBUNALS ACT, 1985

ARRANGEMENT OF SECTIONS

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THE ADMINISTRATIVE TRIBUNALS ACT, 1985

ACT NO. 13 OF 1985

[27th February, 1985.]

An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of ¹[any corporation or society owned or controlled by the Government in pursuance of article 323A of the Constitution] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follow:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Administrative Tribunals Act, 1985.

(2) It extends,—

(a) in so far as it relates to the Central Administrative Tribunal, to the whole of India;

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(3) The provisions of this Act, in so far as they relate to the Central Administrative Tribunal, shall come into force on such date³ as the Central Government may, by notification, appoint.

(4) The provisions of this Act, in so far as they relate to an Administrative Tribunal for a State, shall come into force in a State on such date as the Central Government may, by notification, appoint.

2. Act not to apply to certain persons.—The provisions of this Act shall not apply to—

(a) any member of the naval, military or air forces or of any other armed forces of the Union;

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(c) any officer or servant of the Supreme Court or of any High Court ⁵[or courts subordinate thereto];

(d) any person appointed to the secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union territory having a Legislature, of that Legislature.

3. Definitions.—In this Act, unless the context otherwise requires,—

⁶[(a) “Administrative Member” means a Member of a Tribunal who is not a Judicial Member within the meaning of clause (i);]

⁷[(aa) “Administrative Tribunal”, in relation to a State, means the Administrative Tribunal for the State or, as the case may be, the Joint Administrative Tribunal for that State and any other State or States;

(b) “application” means an application made under section 19;

1. Subs. by Act 19 of 1986, s. 2, for “any corporation owned or controlled by the Government” (w.e.f. 22-1-1986).
2. Clause (b) omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).
3. 1st July, 1985, vide notification No. G.S.R. 527(E), dated by 1st July, 1985, see Gazette of India, Extraordinary, Part II, sec. 3(i).
4. Clause (b) omitted by Act 19 of 1986, s. 3 (w.e.f. 1-11-1985).
5. Ins. by Act 51 of 1987, s. 2 (w.e.f. 22-12-1987).
6. Ins. by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).
7. Clause (a) re-lettered as clause (aa) thereof by s. 4, *ibid.* (w.e.f. 22-1-1986).

(c) “appointed day”, in relation to a Tribunal, means the date with effect from which it is established, by notification, under section 4;

(d) “appropriate Government” means,—

(i) in relation to the Central Administrative Tribunal or a Joint Administrative Tribunal, the Central Government;

(ii) in relation to a State Administrative Tribunal, the State Government;

(e) “Bench” means a Bench of a Tribunal;

(f) “Central Administrative Tribunal” means the Administrative Tribunal established under sub-section (1) of section 4;

(g) “Chairman” means the Chairman of a Tribunal;

(h) “Joint Administrative Tribunal” means an Administrative Tribunal for two or more States established under sub-section (3) of section 4;

¹[(i) “Judicial Member” means a Member of a Tribunal appointed as such under this Act, and includes ²[the Chairman] who possesses any of the qualifications specified in sub-section (3) of section 6;

(ia) “Member” means a Member (whether Judicial or Administrative) of a Tribunal, and includes the Chairman ³***;]

(j) “notification” means a notification published in the Official Gazette;

(k) “post” means a post within or outside India;

(l) “prescribed” means prescribed by rules made under this Act;

(m) “President” means the President of India;

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(o) “rules” means rules made under this Act;

(p) “service” means service within or outside India;

(q) “service matters”, in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation ⁵[or society] owned or controlled by the Government, as respects—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;

(iii) leave of any kind;

(iv) disciplinary matters; or

(v) any other matter whatsoever;

(r) “service rules as to redressal of grievances”, in relation to any matter, means the rules, regulations, orders or other instruments or arrangements as in force for the time being with respect to redressal, otherwise than under this Act, of any grievances in relation to such matters;

1. Subs. by Act 19 of 1986, s. 4, for clause (i) (w.e.f. 22-1-1986).

2. Subs. by Act 1 of 2007, s. 2, for “the Chairman or a Vice-Chairman” (w.e.f. 19-2-2007).

3. The words “and a Vice-Chairman” omitted by s. 2, *ibid.* (w.e.f. 19-2-2007).

4. Clause (n) omitted by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).

5. Ins. by s. 4, *ibid.* (w.e.f. 22-1-1986).

¹[(*rr*) “society” means a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State;]

(*s*) “Supreme Court” means the Supreme Court of India;

(*t*) “Tribunal” means the Central Administrative Tribunal or a State Administrative Tribunal or a Joint Administrative Tribunal;

²[(*u*) “Vice-Chairman” means a Member who has been authorised by the appropriate Government to perform administrative functions at each of the places where Benches of the Tribunal have been set up.]

Explanation.—In the case of a Tribunal having two or more Vice-Chairmen, references to the Vice-Chairman in this Act shall be construed as a reference to each of those Vice-Chairmen.

CHAPTER II

ESTABLISHMENT OF TRIBUNALS AND BENCHES THEREOF

4. Establishment of Administrative Tribunals.—(*1*) The Central Government shall, by notification, establish an Administrative Tribunal, to be known as the Central Administrative Tribunal, to exercise the jurisdiction, powers and authority conferred on the Central Administrative Tribunal by or under this Act.

(*2*) The Central Government may, on receipt of a request in this behalf from any State Government, establish, by notification, an Administrative Tribunal for the State to be known as the.....(name of the State) Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunal for the State by or under this Act.

(*3*) Two or more States may, notwithstanding anything contained in sub-section (*2*) and notwithstanding that any or all of those States has or have Tribunals established under that sub-section, enter into an agreement that the same Administrative Tribunal shall be the Administrative Tribunal for each of the States participating in the agreement, and if the agreement is approved by the Central Government and published in the Gazette of India and the Official Gazette of each of those States, the Central Government may, by notification, establish a Joint Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunals for those States by or under this Act.

(*4*) An agreement under sub-section (*3*) shall contain provisions as to the name of the Joint Administrative Tribunal, the manner in which the participating States may be associated in the selection of the ³[Chairman and other Members] of the Joint Administrative Tribunal, the places at which the Bench or Benches of the Tribunal shall sit, the apportionment among the participating States of the expenditure in connection with the Joint Administrative Tribunal and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

⁴[(*5*) Notwithstanding anything contained in the foregoing provisions of this section or sub-section (*1*) of section 5, the Central Government may,—

(*a*) with the concurrence of any State Government, designate, by notification, all or any of the Members of the Bench or Benches of the State Administrative Tribunal established for that State under sub-section (*2*) as Members of the Bench or Benches of the Central Administrative Tribunal in respect of that State and the same shall exercise the jurisdiction, powers and authority conferred on the Central Administrative Tribunal by or under this Act;

(*b*) on receipt of a request in this behalf from any State Government, designate, by notification, all or any of the Members of the Bench or Benches of the Central Administrative Tribunal functioning in that State as the Members of the Bench or Benches of the State Administrative

1. Ins. by Act 19 of 1986, s. 4 (w.e.f. 22-1-1986).

2. Subs. by Act 1 of 2007, s. 2, for clause (*u*) (w.e.f. 19-2-2007).

3. Subs. by s. 3, *ibid.*, for “Chairman, Vice-Chairman and other Members” (w.e.f. 19-2-2007).

4. Ins. by Act 19 of 1986, s. 5 (w.e.f. 22-1-1986).