

# **The Armed Forces Tribunal (Procedure) Rules, 2008**

UNION OF INDIA

India

The Armed Forces Tribunal Act, 2007

## **The Armed Forces Tribunal (Procedure) Rules, 2008**

### **Rule THE-ARMED-FORCES-TRIBUNAL-PROCEDURE-RULES of 2008**

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Central Government ActThe Armed Forces Tribunal (Procedure) Rules, 2008THE ARMED FORCES TRIBUNAL (PROCEDURE) RULES, 20081

#### **1. Short title and commencement. (1) These rules may be called the Armed Forces Tribunal (Procedure) Rules, 2008.**

(2) They shall come into force from the date of publication in the Official Gazette. \_\_\_\_\_

**1. Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**2. Came into force on 17-9-2008.**

#### **2. Definitions. (1) In these rules, unless the context otherwise requires, (i) Act means the Armed Forces Tribunal Act, 2007 (55 of 2007);**

(ii) agent means a person duly authorised by a party to present an application, written reply, rejoinder or any other document on its behalf before the Tribunal; (iii) applicant means a person making an application to the Tribunal under sub-section (2) of section 14 or an appeal under sub-section (2) of section 15 of the Act; (iv) application includes Original Application (O.A.), Review Application (R.A.), Transferred Application (T.A.), Miscellaneous Application (M.A.), Application for Transfer (A.T.) and Contempt Application (C.A.), filed before the Tribunal; (v) Code means the Code of Civil Procedure, 1908 (5 of 1908); (vi) Court appealed from includes a tribunal or any other judicial body or court martial or authority against the decision of which an appeal is preferred to this Tribunal; (vii) Form means the Form set out in the appendices

to these rules;(viii) judgment includes decree, order, sentence or determination of any Court, Tribunal, Judge, Judicial Officer or authority;(ix) legal practitioner shall have the same meaning as assigned to it in the Advocates Act, 1961 (25 of 1961) and includes a Standing Counsel authorised or appointed by the Central Government to accept the service for any Department or Organization of Union of India;(x) legal representative means a person who in law represents the estate of a serving or deceased person and includes a person or persons in whom the right to receive pensionary, retirement, terminal, disability or other benefits or family pension vests;(xi) Officer of the Judge-Advocate General's Department means an officer commissioned into the Judge-Advocate General's Department of the Army or an officer permanently transferred to that Department after qualifying at the Judge-Advocate General's Departmental examination and includes an officer of Judge-Advocate General's Department of Navy and Air Force;(xii) Pleadings shall include original applications, reply statement, rejoinders and additional applications or statements supplementing the original applications and the reply statements, as may be permitted by the Tribunal;(xiii) Registrar means Registrar of the Armed Forces Tribunal or its Benches and shall include Registrar-General, Principal, Additional, Joint and Deputy Registrars, authorised to discharge the functions of the Registrar;(xiv) Registry means the Registry of the Tribunal or any of its Benches, as the case may be;(xv) section means a section of the Act;(xvi) Services means the Army, Navy and Air Force, as applicable;(xvii) Standing Counsel means an advocate authorised to act, represent and accept the service for the Army, Navy or Air Force or for the Union of India;(xviii) Transferred application means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) or sub-section (2) of section 34;(xix) Vice-Chairperson means a Vice-Chairperson of a Tribunal.(2)The words and expressions used and not defined in these rules but defined in the Act, the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950) shall have the same meaning respectively assigned to them in those Acts and respective rules made thereunder.

\_\_\_\_\_ (1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**3. Language of the Tribunal. (1) The language of the Tribunal shall be English: Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi: Provided further that (a) the Bench may, in its discretion permit the use of Hindi in the proceedings;**

(b)the Bench hearing the matter may, in its discretion, direct English translation of pleadings and documents to be filed.(2)No document in a language other than English intended to be used in any proceeding shall be received by the Registrar unless it is accompanied by a translation in English certified to be a true translation.(3)The Bench may, in its discretion, make final orders either in Hindi or in English: Provided that where a final order is made in Hindi, an authenticated English translation thereof shall simultaneously be prepared and kept on record. \_\_\_\_\_ (1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**4. Procedure for filing applications. (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 Chairperson or Vice-Chairperson to receive the same or be sent by registered post or by courier with acknowledgment due addressed to the Registrar of the Bench concerned. \_\_\_\_\_**

(2)(i)The application under sub-rule (1) shall be presented in triplicate in the following two compilations: (a) Compilation No 1. application along with an attested true copy of the impugned order against which the application is filed;(b)Compilation No 2. all other documents and annexures relied upon by the applicant and referred to in the application in a paper book form.(ii)All the documents filed in the Tribunal shall be accompanied by an index in duplicate containing their details memo of the parties and a list of relevant dates. The amount of application fee affixed or paid on any such documents shall also be indicated in the index.(3)Where the number of respondents is more than one, as many extra copies of the application and all other documents and annexures referred thereto in paper-book form as are the number of 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 respondents is more than five, the Registrar may permit the applicant to file extra copies of the application at the time of issue 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 more than one person, other than the person serving in the regular Army, Navy or Air Force 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: Provided that all affected persons are impleaded as parties and they join together to file such an application, when they are likely to be affected by the decision in the case.(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**5. Presentation and scrutiny of applications. (1) The Registrar or the officer authorised under rule 4 shall endorse the date of receipt on the application and also on the duplicate copy of the index and return the same to the party and in case of an application received by post, he shall endorse the date of its receipt and send the duplicate index to the applicant concerned.**

(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 is found to be defective and the defect noticed is formal in nature, the Registrar may allow the applicant to rectify the same in his presence, and if the said defect is not formal in nature, the Registrar may for sufficient cause return the said application for rectification or amendment to the party filing the same, and for this purpose may allow the party concerned such reasonable time as he may consider necessary. Where an application is received by registered post,

the applicant shall be informed of the defects, if any, and he shall be required to rectify the same within such time as may be stipulated by the Registrar.(4)(i)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 place the matter before the Bench for appropriate orders. Such matter may be dealt with and disposed of by the Bench in chamber.(ii) Any applicant aggrieved by any order made by the Registrar under this rule may, within fifteen days of the making of such order, appeal against it to the Chairperson in case the matter relates to Principal Bench and to the Vice-Chairperson concerned, in the case of any other Bench and such appeal may be dealt with and disposed of in chamber by the Chairperson or the Vice-Chairperson concerned or in their absence by any Member authorised by the Chairperson by special or general order, whose decision thereon shall be final. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**6. Place of filing application. (1) An 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 was last posted or attached; or**

(ii)where the cause of action, wholly or in part, has arisen:Provided that with the leave of the Chairperson the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 14 or section 15 of the Act, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.(2)Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**7. Application fee. Every application filed with the Registrar shall be accompanied by a fee of rupees two hundred and fifty to be remitted either in the form of crossed demand draft on a nationalized 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 situate: Provided that where the Tribunal permits a single application to be filed on behalf of more than one person, the fee payable shall be rupees five hundred: Provided further that where the Tribunal is satisfied that an applicant is unable to pay the prescribed fee on ground of indigence, it may exempt such an applicant from the payment of application fee. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published**

**in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**8. Contents of application. (1) Every application filed under section 14 or section 15 shall be fairly and legibly typed or printed in double spacing on one side of thick paper of good quality with an inner margin of about three cm width on top and on the left side.**

(2) Paragraphs shall be divided into sub-paragraphs and numbered consecutively. Each paragraph shall contain, as nearly as may be a, separate accounts of events. (3) Dates of Gregorian Calendar shall also be given where Saka or other dates are used. (4) At the foot of every application there shall appear the name and signature of the applicant or the agent or legal practitioner, if any, who has drawn and settled it. (5) The particulars to be stated in address for service shall as far as possible contain the following: (i) the name of the road, street, lane or municipal or other number of the house; (ii) the name of the town or village; (iii) the post office or postal district together with pin code; and (iv) any other particulars including personal number, rank, appointment held, unit or office or pension payment order (PPO) number necessary to identify the addressee. (6) Every interlineations, erasure or correction in any application shall be initialled by the applicant or his agent/legal practitioner presenting it. (7) It shall not be necessary to present a separate application to seek an interim order or direction if the same is prayed for in original application. (8) An applicant may, subsequent to the filing of an application made under the Act, may apply for an interim order or direction. Such an application shall, as far as possible, be in separate form. (9) Where the applicant seeks condonation of delay, he shall file a separate application supported by an affidavit.

\_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**9. Documents to be annexed to the application. (1) The following documents shall be annexed to the application: (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; and (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 document shall be marked serially as Annexures A-1, A-2, A-3 and so on. (3) Where an application is filed by an agent, documents authorizing him to act as such 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 .

\_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**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. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th**

**September, 2008.**

**11. Service of notices and processes issued by the Tribunal. (1) Notices to be issued by the Tribunal may be served to the party by any of the following modes: (i) service by the party itself;**

(ii) by hand delivery (dasti) through a process server; (iii) by registered post or a courier agency with acknowledgment due' or (iv) through the concerned Head of office of the same Department: Provided that if the Tribunal does not specify the mode of service, notice may be sent by registered post with acknowledgment due and the provision of Order V of First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply to such mode of service. (2) Where notice issued by the Tribunal is served by the party himself by hand delivery' (dasti), he shall file with the Registry of the Tribunal, the acknowledgment, 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 proper. The Tribunal may also, in its discretion, having regard to the nature of the case, direct the service of the notice on the Standing Counsel, authorised to accept the service, for all the three services Headquarters, Army, Navy and Air Force and the Ministry of Defence. (4) Every notice issued by the Tribunal shall unless otherwise ordered, be accompanied by a copy of the application and a copy of the impugned order. (5) Every applicant shall pay the following fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five: (i) a sum of rupees fifty 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 sum, not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal. (6) The fee for the service or execution of processes under sub-rule (3), shall be remitted in the manner prescribed in rule 4 within one week of the date of the order determining the fee or within such extended time as the Registrar may permit. (7) Notwithstanding anything contained in sub-rules (1) to (3), 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 other respondents on whom notice of the application has been served. (8) The office of the Department or Ministry receiving notices or documents from the Tribunal shall mention name and designation along with office stamp, date and time of receipt on the acknowledgment slip before the same are returned to the Tribunal. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**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 along with 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 along with documents as mentioned in sub-rule (2) on the applicant or his legal practitioner, if any, and file proof of such service in the Registry. In the case of more than one applicant, a copy of the reply shall be sent to each one of them. (5) The Tribunal may allow filing of the reply after the expiry of the prescribed period with the leave of the Tribunal, or where appropriate order imposition of costs or pass any other order. (6) The Tribunal may permit the parties to amend the pleadings in the same manner as provided under Order 6, rule 17 of the Code of Civil Procedure, 1908 (5 of 1908). (7) An officer acquainted with the facts of the case but not below the rank of Commissioned Officer or a Group A' Officer or a Desk Officer in any Ministry or Department of the Union of India may verify the pleadings and other documents to be filed for and on behalf of the Union of India before the Tribunal. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**13. Filing of written statements before the Benches expeditiously. After the receipt of the notice from the Tribunal the respondents will file their statements/reply on the date fixed for hearing to enable the Tribunal to dispose of the application filed before it as expeditiously as possible. If for any reasons, the service Headquarter or the Department/Ministry is unable to file their statements on the date fixed, they will produce through a responsible official, the required records/documents before the Tribunal to enable it to proceed with the case further on the basis of the records/documents and written statements may be filed subsequently.**

\_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**14. Date and place of hearing to be notified. The Tribunal shall notify to the parties the date and the place of hearing of the application in such manner as the Chairperson may by general or special order direct. \_\_\_\_\_ (1) Vide**

**S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**15. Calendar of cases. 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. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**16. Action on application for applicant's 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 merits.**

(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 that, where the case has been disposed of on merits the same shall not be reopened except by way of review. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**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 within thirty days from the date of the order to the Tribunal for an order to set 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 shall 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 (6) of rule 11, the Tribunal shall not set aside ex parte hearing of an application merely on the ground that such notice was not served upon a respondent or respondents. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th



September, 2008.

**18. Application for review. (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.**

(2)An application for review shall ordinarily be heard by the same Bench which has passed the order, unless the Chairperson may, for reasons to be recorded in writing, direct it to be heard by any other Bench.(3)Unless otherwise ordered by the Bench concerned, an application for review shall be disposed of by circulation where the Bench may either dismiss the application or direct notice to be issued to the opposite party.(4)Where an application for review of any judgment or order has been disposed of, thereafter no application for further review shall lie.(5)No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise. The counter-affidavit in review application will also be a duly sworn affidavit wherever any averment of fact is disputed. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**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 heir or representatives of the deceased party may apply within ninety days of the date of such death for being brought on record as a necessary party.**

(2)Where no application is received from the legal heir or representatives within the period specified in sub-rule (1), the proceedings against the deceased party shall abate: Provided that for good and sufficient reasons the Tribunal, may on an application, set aside the order of abatement and substitute the legal heir or representatives. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**20. Adjournment of hearing. (1) 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 deems fit with respect to the costs occasioned by the adjournment. All adjournments shall be to a day certain and no application or matter shall be adjourned sine die except for reasons recorded in writing.**

(2)The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments: Provided that where the Tribunal deems it necessary, for reasons to be recorded in writing, it may allow oral evidence to be adduced. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**21. Order to be signed and dated.** 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. The orders shall be pronounced in open Court. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**22. Publication of orders.** Such of the orders of the Tribunal, as are deemed fit for publication in any authoritative report or Military Law Journal or the press, may be released for such publication on such terms and conditions as the Chairperson may specify by general or special order. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**23. Communication of orders to the parties.** (1) Every interim order, granting or refusing or modifying interim relief and final order shall be communicated to the applicant and to the concerned respondent or to their legal practitioner either by hand delivery or by post free of cost: 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 applicants or the respondents are represented by a legal practitioner, under a single Vakalatnama, only one copy shall be supplied to such legal practitioner as named therein.

(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 and on payment of such fee as may be fixed by the Chairperson by general or special order. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**24. Inspection of the records.** (1) Inspection of records of a pending or decided case before the Tribunal shall be allowed only under the orders of the Registrar.

(2) The parties to any case or their legal practitioner may be allowed to inspect the record of the case on making an application in writing to the Registrar. (3) Subject to such terms and conditions as may be prescribed by the Chairperson by a general or special order, a person who is not a party to the proceedings, may also be allowed to inspect the record after obtaining the permission of the Registrar in writing. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in

the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**25. Powers of the Tribunal with regard to certain orders and directions.**

**Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to 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. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**26. Commission for local inquiry and accounts. (1) Whenever it becomes necessary in the course of proceedings before the Tribunal to appoint a commission to make a local inquiry or to examine documents or accounts, the Chairperson or the Vice-Chairperson may issue orders for such appointments, specifying therein (i) the precise matter of the inquiry; and**

(ii) the reason asking why the evidence bearing on that matter could not reasonably have been taken in the usual way in the proceedings in the Tribunal. (2) Commissioners to examine accounts may be selected from persons competent in the particular form of accounts. (3) The Tribunal shall exercise great care in selecting persons for appointment as commissioners for the purpose of making inquiries. The habitual employment of the same person should be avoided. (4) The Tribunal shall for the said purpose, maintain a list of legal practitioner's whom the Chairperson or Vice-Chairperson may select, from time to time, as fit to be employed in such cases. (5) The legal practitioner so appointed shall receive a fee of Rs. 800 for the first effective hearing and Rs. 500 for every subsequent effective hearing in the same or similar matters or for non-effective hearing. In criminal cases including murder appeals, the fee shall be Rs. 2000 for preparation of the case, Rs. 1200 per effective hearing and Rs. 500 per non-effective hearing. (6) The certificate for the hearing shall be signed by the Registrar and the payment shall be made by the Government on production of the said certificate. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**27. Registration of legal practitioner's clerk. (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 practice 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) No person shall be employed by a legal practitioner as his clerk unless such person has been a legal practitioner's clerk for three years, or is a qualified petition-writer or has passed the Graduation Examination of a recognized University: Provided that no such person shall by

employed as a Clerk: (i) if he has been declared a tout; or(ii)if he is an undischarged insolvent; or(iii)if he has been convicted for an offence involving moral turpitude; or(iv)if he has been dismissed from the service of Government, unless he can show that his dismissal was not due to conduct showing him unfit to be legal practitioner's clerks, or(v)if he is an ex-petition-writer, whose licence has been cancelled for corruption or for some other reasons involving dishonesty, or(vi)if he is unfit to be a legal practitioner's clerk for any other sufficient reason.Explanation . Tout means a person who procures or attempts to procure for any consideration from any legal practitioner or from any person acting on his behalf, the employment of such legal practitioner in legal business, or who, for purposes of such procurement, frequents the precincts of the Tribunal.(3)A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form III and pay a sum of one hundred rupees as one time Tribunal Fee. On such application being allowed by the Registrar, his name shall be entered in the Register of Clerks.(4)The Registrar may, for reasons to be recorded in writing, declined to register any clerk, who in his opinion suffers from any disqualification specified in rule 27 or is otherwise unsuitable to be registered at such.(5)The Registrar may, for reasons to be recorded in writing, cancel the registration of any clerk after giving him and his employer an opportunity to show cause against such cancellation.(6)An appeal may be filed against the order of the Registrar made under sub-rules (4) and (5) within 30 days from the date of the order to the Chairperson or Vice-Chairperson.(7)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 this behalf. The identity card shall be issued under the signature of the Deputy Registrar of the Bench concerned.(8)A register of all the clerks registered under sub-rule (2) shall be maintained in the office of the Registrar of each Bench.(9)A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits.(10)Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact 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.(11)No legal practitioner shall employ as his clerk any person who is prohibited in the sub-rule (b) above. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**28. Working hours of the Tribunal. The offices of the Tribunal except on Saturday, Sundays and other public holidays, shall remain open daily from 9.30 A.M. to 5.30 P.M. subject to any general or special order made by the Chairperson. Any urgent matter filed before 12 noon shall be put before the Bench for hearing on the following working day. In exceptional cases, it may be received thereafter for hearing on the same day with the leave of the Chairperson or Vice-Chairperson, as the case may be. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**29. Sitting hours of the Tribunal. Unless otherwise ordered by the Chairperson by any general or special order or by the Vice-Chairperson concerned with the prior approval of the Chairperson, the Tribunal, including Vacation Bench shall hold its sitting on all working days from 10.00 A.M. to 1.00 P.M. and from 2.00 P.M. to 4.30 P.M. \_\_\_\_\_(1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**30. Functions of the Registrar. (1) 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 Chairperson or the Vice-Chairperson of the Bench concerned by separate order.**

(2)The Registrar may, with the approval of the Chairperson or of the Vice-Chairperson of the Bench concerned delegate to the Additional 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 Additional Registrar or any other officer to whom the powers and functions of the Registrar are delegated by the Chairperson or Vice-Chairperson, may exercise the powers and functions of the Registrar.(4)The Registrar may if the circumstances so require, or if so directed by the Bench, at any time adjourn any matter and lay the same before the concerned Bench. \_\_\_\_\_(1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**31. Powers and duties of Registrar. The Registrar shall have the following powers and duties subject to any general or special order of the Chairperson or the Vice-Chairperson 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 direction 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 30 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, Service Headquarter, office, Department or other authority;(x)to receive application within ninety 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 application for substitution, except where

the substitution would involve setting aside an order of abatement;(xii) to receive and dispose of application by parties for return of documents.(xiii)registration of the legal practitioner's clerk.(xiv)in case of the Principal Bench, 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 Chairperson from time to time. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**32. Seal and emblem. (1) The official seal and emblem of the Tribunal shall be such as the Chairperson may from time to time direct and shall be kept in the custody of the Registrar.**

(2)Subject to any general or special direction by the Chairperson, 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 Additional Registrar.(3)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 Additional Registrar. \_\_\_\_\_ (1)Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.

**33. Dress of the Members and staff of the Tribunal. The dress for the Members of the Tribunal including Chairperson and Vice-Chairperson and the staff shall be such as the Chairperson may specify. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.**

**34. Dress of the parties. A legal practitioner or, as the case may be, the 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 shirt and trousers with or without tie or in a lounge suit;**

(ii)if a female, in a saree or any other customary dress of a sober colour. \_\_\_\_\_ (1) Vide S.R.O. 26(E), dated 17th September, 2008, published in the Gazette of India, Extra., Pt. II, Sec. IV, dated 17th September, 2008.