

Jharkhand Education Tribunal Rules, 2006

JHARKHAND

India

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Rule JHARKHAND-EDUCATION-TRIBUNAL-RULES-2006 of 2006

- Published on 1 January 2006
- Commenced on 1 January 2006
- [This is the version of this document from 1 January 2006.]
- [Note: The original publication document is not available and this content could not be verified.]

Jharkhand Education Tribunal Rules, 2006 In exercise of the powers conferred by Section 20 and 21 of the Jharkhand Education Tribunal Act, 2005 the Government hereby makes the following Rules, namely The Jharkhand Education Tribunal Rules, 2006.

1. Short title, extent and commencement.

- (i) These Rules may be called "The Jharkhand Education Tribunal Rules, 2006". (ii) They shall come into force with effect from the day on which these rules are notified in the official Gazette. (iii) These Rules shall be effective in whole of Jharkhand State.

2. Definitions.

- In these rules, unless the context otherwise requires:- (a) "Act" means the Jharkhand Education Tribunal Act, 2005; (b) "State" means the Jharkhand State and State Government means the State of Jharkhand; (c) "Section" means the section of the Act; (d) "Member" means Member of the Jharkhand Education Tribunal including the Chairman. (e) "Tribunal" means Jharkhand Education Tribunal as defined in Section 3 of the Act; (f) "Applicant" means a party which makes an application regarding his grievances defined in Section 9 of the Act; (g) "Respondent" means the person who answers the complaint of the applicant; (h) "Legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961); (i) "Legal representative" means a person who in law represents the estate of a deceased person and includes person in whom the right to receive pecuniary, retirement, terminal or other benefits or family [pension] [Word 'pension' being given in place of 'person' appearing in the text in view of its Hindi version.] vests; (j) "Form" means a form specified in Appendix 'A' to this rule; (k) "Words" and "Expressions" used in the Rule and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Working days and office hours of the Tribunal.

- The working days and office hours of the Jharkhand Education Tribunal shall be the same as of the Jharkhand State Government offices.

4. Seal and emblem.

- The office "seal" and "emblem" of the Tribunal shall be such as prescribed by the State Government.

5. Pay and allowance of the Chairman.

- The Chairman shall be entitled to such pay and allowances and other perks as admissible to: (a) The High Court Judge in case the Chairman is a retired Judge of the Hon'ble High Court. (b) The pay scale he was drawing at the time of his retirement in case the Chairman is a retired Secretary rank officer: Provided that if at the time of appointment as Chairman, the concerned person was in receipt of or had become entitled to receive retirement benefits by way of pension, gratuity, contributory Provident fund or otherwise, the pay specified in the rules shall be reduced by the gross amount of pension (including any portion of the pension which may have been commuted) and the pension equivalent of other forms of retirement benefits, if any.

6. Pay and allowances of the Members.

- The Member shall be entitled to such pay and allowances and other perks as admissible to: (a) the pay scale he was drawing at the time of his retirement in case the Member is a retired Vice Chancellor or Professor or State Education service officer; (b) the pay scale he was drawing at the time of appointment in case he is a service officer; (c) the scale and other corresponding allowances and perks admissible to an Additional Secretary rank officer in the State Government: Provided that if at the time of appointment as Member, the concerned person was in receipt of or had become entitled to receive retirement benefits by way of pension, gratuity, contributory Provident fund or otherwise, the pay specified in the rules shall be reduced by the gross amount of pension (including any portion of the pension which may have been commuted) and the pension equivalent of other forms of retirement benefits, if any.

7. Staff of the Tribunal.

- The Category, Number and pay scale of the officers/staff of the Jharkhand Education Tribunal will be as prescribed by the State Government.

8. Financial powers of the Chairman.

- (i) The Chairman shall have full financial powers to spend the money within the budgetary provision duly approved by the State Government. (ii) The Chairman shall spend the money

following the financial rules prescribed and defined by the Finance Department from time to time.(iii)The Chairman may delegate his financial powers to any Member/Officer of the Tribunal for discharge of routine functions.

9. Procedures to be followed under the Act.

- (i) An application, neatly typed either in English or Hindi on one side of a thick paper of good quality and supported by an affidavit, shall be filed u/s 9 of the Act, in the form of Application as prescribed in Appendix 'A':Provided that if the application is in a language other than English or Hindi a translated copy of application either in English or Hindi should be attached therewith.(ii)An application so filed must be accompanied by two extra copies plus one copy for each respondent and together with unused full sized envelopes bearing the full addresses of the respondents concerned.(iii)[An application to the Tribunal shall be presented by applicant only regarding matters specified in section 8 of the Act in person or by an agent or by a duly authorized legal practitioner to the Registrar/officer designated or any other officer authorized in writing by the Registrar to receive the same or be sent by Registered Post with acknowledgement duly addressed to the Chairman of the Tribunal. [Numbering of sub-rules (iii) to (vi) arranged as per Hindi Text of the Rules.](iv)The language of the Tribunal shall be English or Hindi.(v)Notwithstanding anything contained in sub-rules (i) to (iv), the Tribunal may permit more than one person to join together and file a single application if the Tribunal is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter.(vi)On receipt of the application the Registrar will duly register it, give it a serial number and refer it to the Chairman for perusal and order for admission.]

10. Service of notices.

- (i) Notices to be issued by the Tribunal may be served by any of the following modes-(a) Service by the party himself, (b) by hand delivery (c) by registered post with acknowledgement due:Provided that, if the notice is not delivered by the aforesaid modes the Chairman with the consent and at the cost of the party concerned shall publish it in two daily Newspapers for three consecutive days and it shall be deemed to be a notice duly and validly served on the respondents concerned.(ii)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:Provided that no application shall be heard unless the notice of the application has been served on the authority who has passed the order against which the application has been filed.(iii)The Tribunal shall notify to the parties the date and the place of hearing of the application in a manner as the Chairman may by general or special order direct.(iv)Every application shall be heard and decided as far as possible, within six months from the date of its registration.(v)The Tribunal shall have the power to declare an adjournment and also to limit the time for oral arguments.

11. Hearing and disposal of application.

- Where the notice has been duly served and the Chairman is convinced and satisfied that the respondents are wilfully not appearing/avoiding appearance or are adopting non-cooperative

attitude, the Chairman may hear and dispose off the application ex parte.

12. Power to remove difficulty.

- If any difficulty arises in giving effect to these rules, the State Government shall consistent with the provisions of these rules have power to issue any direction in the matter. Appendix 'A' Form of Application

1. Name and full address of the Applicant

2. Name and full address of Respondents

3. Charges in brief

4. Evidence in support of charges

5. Applicant's signature and date