

# The Kerala Administrative Tribunal (Procedure) Rules, 2010

UNION OF INDIA

India

## The Kerala Administrative Tribunal (Procedure) Rules, 2010

### Rule

### THE-KERALA-ADMINISTRATIVE-TRIBUNAL-PROCEDURE-RULES-2010 of 2010

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The Kerala Administrative Tribunal (Procedure) Rules, 2010 Published vide Notification No. G.S.R. 758(E), 14th September, 2010 Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) G.S.R. 758(E). - In exercise of the powers conferred by clauses (d), (e) and (f) of sub-section (2) of section 35 and clause (c) of section 36 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely :- Rules

### 1. Short title and commencement.

(1) These rules may be called the Kerala Administrative Tribunal (Procedure) Rules, 2010 (2) They shall come into force on the date of their publication in the official Gazette.

### 2. Definitions.

- In these rules, unless the context otherwise requires - (a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985); (b) "agent" means a person duly authorised by a party to present an application, reply or rejoinder on its behalf before the Tribunal; (c) "applicant" means a person making an application to the Tribunal under section 19; (d) "application" means an application made to the Tribunal under section 19; (e) "Form" means the Form annexed to these rules; (f) "State Government" means the Government of Kerala; (g) "Legal Practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961); (h) "Registrar" means the Registrar of the Tribunal and includes any officer authorised to exercise the powers and functions of the Registrar under sub-rules (2) and (3) of rule; (i) "section" means a section of the Act; (j) "transferred application" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of section 29; (k) "Tribunal" means the Kerala Administrative Tribunal established

under sub-section (2) of section 4;(1)the words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

### **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 Malayalam, if they so desire:Provided further that a Bench may in its discretion permit the use of Malayalam in the proceedings. However, the final order shall be in English.

### **4. Procedure for filing applications.**

(1)Subject to the provisions of rule 9, 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 by the Registrar to receive the same or be sent by registered post with acknowledgment due addressed to the Registrar.(2)The application under sub-rule (1) shall be presented in triplicate sets in a paper-book form along with one empty file size envelope bearing full address of the respondent:Provided that where the number of respondents is more than one, as many extra copies of the application in paper-book form as number of respondents together with required number of empty file size envelopes bearing the full address of each respondent shall be furnished by the applicant.(3)The applicant may attach to and present with his application a receipt slip as in Form II which shall be signed by the Registrar or the Officer receiving the applications on behalf of the Registrar in acknowledgment of the receipt of the application.(4)Notwithstanding anything contained in sub-rules (1), (2) and (3), the Tribunal may permit -(a)more than one person 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 the same interest in the service matter; or(b)an Association representing persons desirous of joining in to file a single application:Provided that such application shall disclose the name, class, category and grade of all persons on whose behalf it has been filed.

### **5. Presentation and scrutiny of application.**

(1)The Registrar or the officer authorised by him under sub-rule (1) of rule 4 shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.(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, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence, and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.(4)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 Tribunal for appropriate orders.

## **6. Application fee.**

- Every application filed with the Registrar shall be accompanied by a fee of rupees fifty which shall be paid in the form of court fee stamps affixed on the application or remitted in the form of crossed demand draft on a nationalised bank in favour of the Registrar, payable at the main branch of the Bank at the station where the Tribunal is situated or remitted through a crossed Indian Postal order drawn in favour of the Registrar payable at the Post Office of the station where the Tribunal is situate: Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be rupees fifty: Provided further that when the Tribunal is satisfied that an applicant is unable to pay the fee on ground of indigence, it may exempt such an applicant from the payment of fee.

## **7. Contents of application.**

(1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application and such grounds shall be numbered consecutively and typed on a thick paper of good quality in double space on one side. (2) It shall not be necessary to present a separate application to seek an interim order or direction pending final disposal if such prayer has been made in the application. (3) An applicant may, subsequent to the filing of an application under section 19, apply for an interim order or direction and such an application shall, as far as possible, be in Form III.

## **8. Documents to accompany the application.**

(1) Every application shall be accompanied by a paper-book containing, - (i) an attested true copy of the order against which the application has been filed; (ii) copies of the documents relied upon by the applicant and referred to in the application; (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 Annexure A-1, A-2, A-3 and so on. (3) Where an application is filed by an agent, documents authorising him to act as such agent 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'.

## **9. Plural remedies.**

- An application shall be based upon a single cause of action and may seek one or more reliefs provided they are consequential to one another.

## **10. Service of notices and processes issued by the Tribunal.**

(1) Any notice or process issued by the Tribunal may be served as directed or by any of the following modes namely :- (i) by hand delivery through the applicant or through a process server; or (ii) by registered post with acknowledgment due; or (iii) through the head of the Department concerned, by

anyone of the above modes.(2)Where notice issued by the Tribunal is served by the applicant himself by 'hand delivery', he shall file with the Registrar of the Tribunal, the acknowledgement, 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 place 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 convenient.(4)Notwithstanding anything done under sub-rule (1) the Tribunal, may in its discretion, having regard to the nature and urgency of the case, direct the service of the notice on the Standing Counsel appointed as such by the State Government or any Department of the State Government.(5)Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the application along with a copy of the paper-book.(6)Every applicant shall pay a fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five, as under -(i)a sum of rupees twenty five for each respondent in excess of five respondents; or(ii)where the service is in such manner as the Tribunal may direct under sub-rule (3), a sum, not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal.(7)The fee for the service or execution of processes under sub-rule (6) shall be remitted by the applicant in the manner specified in rule 6 within one week of the date of the order determining the fee or within such extended time as the Registrar may permit.(8)Notwithstanding anything contained in sub-rules (1), (2), (3) and (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all respondents, it may for reasons to be recorded in writing, direct that the application 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 Government, if 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 respondent on whom notice of the application has not been served is adequately and sufficiently represented by the respondent on whom notice of the application has been served.

## **11. 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 Registrar 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 and such reply 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 (1) shall also be filed as 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 (1) on the applicant or his legal practitioner, if any, and file proof of such service with the Registrar.(5)The Tribunal may allow filing of the reply after the expiry of the prescribed period.(6)The Tribunal may permit the parties to amend the pleadings in the same manner as provided under order VI Rule 17 of the Code of Civil Procedure, 1908 (5 of 1908).

## **12. 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 chairman may by general or special order direct.

## **13. Settings of the Tribunal.**

- The Tribunal shall ordinarily hold its sittings at Thiruvananthapuram: Provided that, if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary to have sittings of the Tribunal at any place other than Thiruvananthapuram, the Chairman may direct to hold the sittings at any such appropriate place.

## **14. Calender of cases and Decisions.**

(1) The Tribunal shall draw up a calendar for the hearing of transferred applications and as far as possible hear and decide the cases according to the calendar. (2) Every application shall be heard and decided, as far as possible, within six months of the date of its presentation. (3) For the purposes of sub-rules (1) and (2), the Tribunal shall have the power to declare an adjournment and to limit the time for oral arguments.

## **15. 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 on for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit. (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 was disposed of on merits the decision shall not be reopened except by way of review.

## **16. 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 or hear and decide the application exparte. (2) Where an application has been heard exparte against a respondent or respondents, such respondent or respondents, may apply to the Tribunal to set it aside the order within thirty days there from 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 may make an order setting aside the exparte hearing as against such respondent or respondents upon such terms as it thinks fit, and shall appoint a day for proceeding with the application: Provided that where the exparte hearing of the application is of

such a 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 no Tribunal shall set aside ex parte hearing of an application merely on the ground that there has been an irregularity in the service of notice, if it is satisfied that the respondent had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim.

## **17. Adjournment of hearing.**

- The Tribunal may, on such terms including the costs as it deems fit, and at any stage of the proceedings adjourn the hearing of the application.

## **18. Orders to be signed and dated.**

(1) Every order of the Tribunal shall be in writing and shall be signed and dated by the Members constituting the Bench which pronounced the order. (2) The order shall be pronounced in the open court.

## **19. Publication of orders.**

- Such orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may specify by general or special order.

## **20. Communication of orders to parties.**

(1) Every order including interim order and the final order shall be communicated to the applicant and to the respondent either in person or by registered post free of cost. (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 Chairman by general or special order.

## **21. Review of application to be filed within thirty days.**

- No application for review shall be entertained unless it is filed within thirty days from the date of the order of which the review is sought.

## **22. Substitution of legal representatives.**

(1) In the case of death of a party during the pendency of the proceeding before the Tribunal, the legal representatives of the deceased party may apply within thirty days of the date of such death for being brought on record as necessary parties. (2) Where no application is received from the legal representatives within the period specified in such-rule (1), the proceeding against the deceased party shall abate: Provided that on good and sufficient reasons, the Tribunal, on an application, may

set aside the order of abatement and substitute the legal representatives.

### **23. No fee for inspections of records.**

- No fee shall be charged for inspecting the records of a pending application by a party thereto.

### **24. Orders and directions in certain cases.**

- The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect or in relation to its orders or to prevent abuse of its process or to secure the ends of justice.

### **25. Registration of legal practitioner's clerks.**

(1) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form IV and on such application being allowed by the Registrar, the name of his clerk shall be entered in the register of clerks. (2) 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 practices unless he is registered clerk having his name entered in the registers of clerks maintained by the Tribunal. (3) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits. (4) A register of all the registered clerks shall be maintained in the office of the Registrar and after registration of the clerk, the Registrar shall direct the issue of an identify card to him, which shall be non-transferable and shall be produced by the holder upon request by an officer or any other employee of the Tribunal authorised in this behalf. (5) The identify card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal. (6) 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 and on receipt of such letter the name of the said registered clerk shall be struck off from the register.

### **26. Working hours of the Tribunal.**

- Except on Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman remain open from 10.15 a.m. to 5.15 p.m. but no work, unless it is of an urgent nature, shall be admitted after 3.30 p.m. on any working day.

### **27. Sitting hours of the Tribunal.**

- The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 11 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m., subject to any order made by the Chairman.

## **28. Powers and functions of the Registrar.**

(1)The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as may be assigned to him under these rules or by the Chairman.(2)The Registrar may, with the approval of the Chairman, authorise the Deputy Registrar or any other person to carry out any of his functions.(3)In the absence of the Registrar, the Deputy Registrar or the person so authorised under sub-rule (2) may perform or exercise all or any of the functions and powers of the Registrar.(4)The Registrar shall keep in his custody the official seal of the Tribunal.(5)The Registrar shall, subject to any general or special direction by the Chairman, affix the official seal of the Tribunal on any order, notice or other process.(6)The Registrar shall have the power to authorise in writing the affixing of the seal of the Tribunal on a certified copy of any order of the Tribunal.

## **29. Additional powers and duties of Registrar.**

- In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman, 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 directions of the Tribunal to fix dates of 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 or for extending the time there for;(ix)to requisition records from the custody of any court or other authority;(x)to receive applications for the substitution of legal representatives of the deceased parties, during the pendency of the application;(xi)to receive and dispose of applications for substitution, except where the substitution would involve setting aside an order or abatement; and(xii)to receive and dispose of applications by parties for return of documents.

## **30. Seal and emblem.**

- The official seal and emblem of the Tribunal shall be such as the State Government may specify.

## **31. Dress for the Members and Staff of the Tribunal.**

- The dress for the Members of the Tribunal (including Chairman) and Members of the staff of the Tribunal shall be such as the Chairman may specify.

## **32. Dress for the parties.**

- A legal practitioner or, as the case may be, a 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 a closed collared coat or in



an open collared coat with white shirt, trousers and a tie or in a lounge suit;(ii)It a female, in a saree or in any other dress in where or any other light colour.In The Kerala Administrative Tribunal, Thiruvananthapuram(.....Bench)Form I(See rule 4)Application Under Section 19 of the Administrative Tribunals Act, 1985Title of the Case:Index

SI No. Description of documents relied upon Page No.

1. Application

2.

3.

4.

5.

6.

Signature of the applicant

For use in Tribunal Office

Date of filing .....

or

Date of Receipt by Post .....

Registration No ..... Signature

For Registrar

In The Kerala Administrative Tribunal, Thiruvananthapuram(.....Bench)

BETWEEN

A. B. Applicant

And

C. D. Respondent

Details of Application

## 1. Particulars of the applicant:

(i)Name of the applicant;(ii)Name of Father/Husband;(iii)Age of the applicant;(iv)Designation and particulars of office (Name and Station in which employed) or was last employed before ceasing to be in service(v)Office address;(vi)Address for service of notices.

## 2. Particulars of the respondent;

(i)Name of the respondent;(ii)Name of Father/Husband;(iii)Age of the respondent;(iv)Designation and particulars of office (Name and Station) in which employed;(v)Office address;(vi)Address for services of notices.

### **3. Particulars of the order against which application is made**

The application is against the following order-(i)Order No. with reference to Annexure.(ii)Date(iii)Passed by(iv)Subject, in brief.

### **4. Jurisdiction of the Tribunal:**

The applicant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

### **5. Limitation:**

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

### **6. Facts of the case:**

The facts of the case given below:- (Given here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise)

### **7. Details of the remedies exhausted:**

The applicant declares that he was availed of the remedies available to him under the relevant service rules, etc. (Give here chronologically the details of representations made and the outcome of such representations with reference to the Annexure members).

### **8. Matters not previously filed or pending with any other court:**

The applicant further declares that he had not previously filed any applications, writ petition or suit regarding the matter in respect of such this application has been made before any court of law or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them. In case the applicants had previously filed any application, writ petition or suit the stage at which it is pending and if decided, the gist of the decision should be given with reference to the Annexure.

### **9. Relief(s) sought:**

In view of the facts mentioned in para 6 above, the applicant prays for the following relief (s):- [Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon]

**10. Interim order, if any prayed for:**

Pending final decision on the application, seeks issue of the applicant the following interim order:(Given here the nature of the interim order prayed for with reasons).

**11. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.**

**12. Particulars of Bank Draft/Postal Order in respect of the application fee:-**

**1. Name of the Bank on which draw Demand Draft No.**

Or

**1. Number of Indian Postal Order(s)**

**2. Name of issuing Post Office**

**3. Date of issue of Postal Order(s)**

**4. Post Office at which payable.**

**13. List of enclosures:**

**1.**

**2.**

**3.**

**4.**

VerificationI, ..... (Name of the applicant) S/o, W/o, D/o ..... age ..... working as ..... in the office of / Department and residing at ..... do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras ..... to ..... believed to be true on legal advice and that I have not suppressed any material fact.Date:

.....Place: .....Signature of the ApplicantToThe RegistrarKerala Administrative Tribunal,Thiruvananthapuram.Form II(see rule 4(3))Receipt SlipReceipt of the application filed in the Kerala Administrative Tribunal, Thiruvananthapuram (..... Bench) by

Shri/Kum/Smt ..... working as ..... in the Department / Office of .....  
residing at ..... is hereby acknowledged. Date: ..... For Registrar, Kerala  
Administrative Tribunal, Thiruvananthapuram Seal: ..... Bench In The  
Kerala Administrative Tribunal Thiruvananthapuram (..... Bench) Form III [See rule  
7(3)] Misc. Application No ..... of ..... in Original / Transferred / Application No  
..... of 20..... XXX ..... Applicant / Petitioner) Versus YYY .....  
Respondent/Applicant) Brief fact leading to the application. Relief or Prayer: Verification I,  
..... (Name of the applicant) S/o, D/o, W/o ..... age ..... working  
as ..... in the office of ..... resident of ..... do hereby verify that the  
contents of para ..... to ..... are true on legal advice and that I have not suppressed, any  
material fact. Place ..... Date ..... Signature of the applicant In The  
Kerala Administrative Tribunal Thiruvananthapuram (..... Bench) Form IV [See rule  
25(1)] Application for the Registration of a Clerk

Attested passport size photograph to be pasted

**1. Name of legal practitioner on whose behalf the clerk is to be registered.**

**2. Particulars of the clerk to be registered.**

(i) Full name : (in capital) (ii) Father's name : (iii) Age and date of Birth : (iv) Place of birth  
: (v) Nationality : (vi) Educational qualification : (vii) Particulars of previous employment, if any: I,  
..... (Clerk above-named) do hereby affirm that the particulars relating to me given  
above are true. Signature of Clerk

**3. Whether the legal practitioner has a clerk already registered in his employ and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.**

**4. Whether the clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.**

I, ..... (legal practitioner) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any fact which would render unsuitable the registration of the said ..... (name) as a clerk. Further, I enclose, Postal Order for Rs.10 being the cost of Identity Card along with 2 passport size photographs of the applicant duly attested by me. Signature of the Legal Practitioner Place: ..... Date: ..... To The Registrar, Kerala Administrative Tribunal, Thiruvananthapuram.