

The Railway Claims Tribunal (Procedure For Investigation Of Misbehaviour Or Incapacity Of The Chairman, Vice-Chairman And Members) Rules, 1991

UNION OF INDIA

India

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Rule

THE-RAILWAY-CLAIMS-TRIBUNAL-PROCEDURE-FOR-INVESTIGATION of 1991

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The Railway Claims Tribunal (Procedure For Investigation Of Misbehaviour Or Incapacity Of The Chairman, Vice-Chairman And Members) Rules, 1991 Published vide G.S.R. 699(E), dated 26.11.1991, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 26.11.1991.

21.

/936 In exercise of the powers conferred by sub-section (1) read with clause (a) of sub-section (2) of section 30 of the Railway Claims Tribunal Act, 1987 (54 of 1987), the Central Government hereby makes the following rules to regulate the procedure for investigation of misbehaviour and incapacity of the Chairman, Vice-Chairman and Members of the Railway Claims Tribunal, namely:-

1. Short title and commencement .-(1) These rules may be called The Railway Claims Tribunal (Procedure for Investigation of Misbehaviour or Incapacity of the Chairman, Vice-Chairman and Members) Rules, 1991.

Vide G.S.R. 699(E), dated 26-11-1991, published in the Gazette of India, Ext., Pt.II, S.3(i), dated 26-11-1991.

(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)"Judge" means the Judge of the Supreme Court appointed for conducting an inquiry under rule 3;(b)"Member" means the Members of the Claims Tribunal established under section 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987) and includes the Chairman, Vice-Chairman of such Tribunal against whom investigation of misbehaviour or incapacity is being made under these rules;(c)words and expression used herein and not defined but defined in the Railway Claims Tribunal Act, 1987 (54 of 1987), shall have the meanings respectively assigned to them in that Act.

3. Judge to conduct inquiry .-(1) Whenever the Central Government is of the opinion that there are reasonable grounds for making an inquiry into truth of any imputation of misbehaviour or incapacity of a Member, it may, after consulting the Chief Justice of India, by notification in the Official Gazette appoint a Judge for the purpose of conducting such inquiry.

(2)Notice of appointment of a Judge under sub-rule (1) shall also be given to such Member.

4. Powers of Judge .-(1) The Judge shall not be bound by the procedure

laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and times of his enquiry.(2)The Judge shall have, for the purposes of discharging his functions under these rules, the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:-(a)summoning and enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of documents;(c)receiving evidence on affidavits;(d)subject to the provisions of sections 123 and 124 of Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office.