

The Administrative Tribunals (Procedure for appointment of Vice-Chairmen and Members) Rules, 2006

UNION OF INDIA

India

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Rule

THE-ADMINISTRATIVE-TRIBUNALS-PROCEDURE-FOR-APPOINTMENT of 2006

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The Administrative Tribunals (Procedure for appointment of Vice-Chairmen and Members) Rules, 2006 Published vide Notification No. G.S.R. 144(E), 6th March, 2006 Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) G.S.R. 144(E). - In exercise of the powers conferred by clause (c) of Section 36 of the

1. Short title and commencement.

(1) These rules may be called the Administrative Tribunals (Procedure for appointment of Vice-Chairmen and Members) Rules, 2006. (2) They shall come into force on the date of its 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) "Tribunals" means the Central Administrative Tribunal in relation to the Central and the State Administrative Tribunals in relation to a State.

3. Composition of Selection Committee.

- (1) For selection of Vice-Chairmen and Members of Central Administrative Tribunal. -There shall be a Selection Committee for the purpose of the selection of the Vice-Chairman and Members in the Central Administrative Tribunal consisting of the following; -(i)Sitting Judge of the Supreme Court nominated by the Chief Justice of India, Chairman;(ii)Chairman, Central Administrative Tribunal;(iii)Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training); and(iv)Secretary, Government of India, Ministry of Law and Justice (Department of Legal Affairs).(2)For Selection of Vice-Chairman and Members of State Administrative Tribunals. - There shall be a Selection Committee of the concerned State Government for the purpose of selection of the Vice Chairman and Members of the concerned State Administrative Tribunal consisting of the following;(i)Chief Justice of the High Court of the concerned State, Chairman;(ii)Chief Secretary of the concerned State Government;(iii)Chairman of the State Administrative Tribunal of the concerned State; and(iv)Chairman of the State Public Service Commission of the concerned State.

4. Vacancies.

- The anticipated vacancies of Vice-Chairmen and Members shall be placed before the Selection Committee for a block of six months i.e., January to June and July to December of each calendar year. The Chairman of the Administrative Tribunal concerned shall indicate the number of vacancies of the Vice-Chairman and the Members to be filled from the judicial stream and the administrative stream respectively whereupon the procedure to fill up the vacancies, accordingly, shall be initiated by the Department of Personnel and Training of the Central Government or the Department concerned of the State Government, as the case may be.

5. Procedure for inviting/processing of candidatures.

(1)Central Administrative Tribunal-(i)The Selection Committee shall devise its own procedure or lay guidelines for inviting applications as also for the selection of the Vice-Chairman and the Members of the Central Administrative Tribunal.(ii)The Selection Committee shall recommend persons for appointment as the Vice-Chairman and Members from amongst the persons on the list of candidates prepared by the Ministry of Personnel, Public Grievances and Pensions, after writing to the various cadre controlling authorities.(iii)The Central Government shall, after taking into consideration the recommendations of the Selection Committee, and in consultation with the Chief Justice of India in accordance with the provision contained in sub-section (7) of section 6 of the said Act, make a list of persons for appointment as the Vice-Chairman and Members of the Central Administrative Tribunal.(2)State Administrative Tribunal-(i)The Selection Committee of the concerned State Government shall devise its own procedure or lay down guidelines for inviting applications as also for the selection of the Vice-Chairman and the Members of the Administrative Tribunal of the State Government concerned.(ii)The Selection Committee shall recommend persons for appointment as the Vice-Chairman and Members from amongst the persons on the list of the candidates prepared by the Chief Secretary or Secretary, General Administration Department or Personnel Department of the State Government after writing to the various cadre controlling

authorities of the State.(iii)The State Government shall, after taking into consideration the recommendations of the Selection Committee, make a list of persons selected and send the same with its recommendations to the Central Government who will in consultation with the Chief Justice of India in accordance with the provision contained in sub-section (7) of section 6 of the said Act, appoint the Vice-Chairman or Members of the Administrative Tribunal of the State Government concerned.

6. Meetings of the Selection Committee.

(1)The Selection Committee shall normally hold its meetings at New Delhi in the case of the Central Administrative Tribunals and at the State capital of the State concerned in the case of the State Administrative Tribunal or at such place or places, as may be authorized by the Chairman by recording the reasons for the change of the venue of such meetings.(2)The Notice/Agenda, as the case may be, for the meeting of the Selection Committee shall be issued in advance. The date and venue for the meeting shall be fixed with the convenience of the Chairman of the Committee.(3)The minimum quorum for the meeting shall be the Chairman and at least, one other Member.

7. Criteria for Selection.

- Merit in terms of suitability and not seniority shall be the sole criterion in the matter of filling up the post of the Vice-Chairman from amongst the Members of the Administrative Tribunals.

8. Consultation with the Chief Justice of India.

(1)The recommendations of the Selection Committee shall be placed before the Chief Justice of India for his views.(2)The recommendations of the Selection Committee, together with the views of the Chief Justice of India shall be submitted to the competent authority for orders.