

The Armed Forces Tribunal (Practice) Rules, 2009

UNION OF INDIA

India

The Armed Forces Tribunal Act, 2007

The Armed Forces Tribunal (Practice) Rules, 2009

Rule THE-ARMED-FORCES-TRIBUNAL-PRACTICE-RULES of 2009

- Published on 1 January 2009
- Commenced on 1 January 2009
- [This is the version of this document from 1 January 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

1. Short title and commencement.

(1) These rules may be called the Armed Forces Tribunal (Practice) Rules, 2009.(2)They shall come into force from the date of publication in the Official Gazette. _____

1. Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

2. Came into force on 14-5-2009.

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 the Tribunal;(vii) Form means the form set out in the Appendices A and B to these rules;(viii) Full Bench means a Bench duly constituted consisting of three or more Members;(ix) judgment includes decree, order, sentence or determination of any Court, Tribunal, Judge, Judicial officer or authority;(x) 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 the Union of India;(xi) legal representative means person who 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 under any law for the time being in force;(xii) 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;(xiii) Procedure Rules means the Armed Forces Tribunal (Procedure) Rules, 2008 under the Act;(xiv) 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;(xv) 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;(xvi) Registry means the Registry of the Tribunal or any of its Benches, as the case may be;(xvii) section means a section of the Act;(xviii) Services means the Army, Navy and Air Force, as applicable;(xix) 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;(xx) 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;(xxi) Vice-Chairperson means a Vice-Chairperson of the Tribunal appointed under sub-section (2) of section 7 of the Act.(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. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

3. Preparation of pleadings and other papers.

(1) All pleadings, affidavits, memoranda and other papers filed in the Tribunal shall be fairly and legibly typed written or printed in English or Hindi language on durable white foolscap folio paper of metric A4 size (30.5 cms long and 21.5 cms wide) on one side only in double space with a left margin of 5 cms and right margin of 2.5 cms duly paginated, indexed and stitched together in the paper book form.(2)English translation of documents or pleadings shall be duly authenticated by any legal practitioner. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

4. Date and signature.

A party required to affix his signature shall also state his name in capital letters near his signature and, initial or sign at the bottom of each page and shall also put date beneath his signature on the last page. Explanation. The expression 'signature' or 'initial' includes thumb-mark.

_____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

5. Attestation.

(1) The attestation contemplated in sub-rule (2) of rule 9 of the AFT (Procedure) Rules, 2008, shall be made at the end of the document in the form given below: This Annexure..... is the true copy of the original document. (Signature) Name and Designation of the Attestor with date .(2) Sub-rule (1) above shall also govern production of photocopies of the documents, provided they are clear and legible. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

6. Production of authorisation for and on behalf of more than one person.

Where an application or pleading or other proceeding is purported to be filed by more than one person as single application under sub-rule (5) of rule 4 of the AFT (Procedure) Rules, 2008, the person or persons who sign or verify the same shall produce along with such application, etc., for verification by the registry, a true copy of the authorisation or Vakalatnama empowering such person(s) to do so:

Provided that the Registrar may at any time call upon the party to produce such further materials as he deems fit for satisfying himself about due authorisation. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

7. Procedure on production of defaced, torn or damaged documents.

When a document produced along with any pleading appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be made by the party producing the same in the index of such a pleading and the same shall be verified and initialled by the officer authorised to receive the same. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

8. Receipt of papers.

(1) All pleadings and papers shall be received in the Registry only during the office hours on the working days, provided they are presented or sent by post in the manner provided under rule 4 of the AFT (Procedure) Rules, 2008. (2) All pleadings and papers received before 12 noon shall ordinarily be processed immediately for being listed before the Bench on the next working day. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

9. Date of stamping of papers and maintenance of Inward Register.

(1) The receiving branch of the Registry shall immediately on receipt of any application or appeal or other pleadings or papers and in accordance with rule 5 of the AFT (Procedure) Rules, 2008, and affix the date-stamp of the tribunal in the following manner: (i) Date-stamp shall be affixed on all pages of the main copy and on the first page of each other copy. (ii) Receiving clerk shall affix his initials on the stamp affixed on the first page of the main application or appeal and on the first page of all other copies. (2) Receiving branch of the Registry shall after affixation of the date-stamp, enter the details thereof in the Inward Register, Register No. I and assign a diary number. The Index shall be in Form No. 1. The same diary number shall be entered immediately below the date-stamp on the first page of the main application or appeal and on the first page of all other copies.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

10. Scrutiny of application or petition or other pleadings and papers.

(1) The Scrutiny Branch of the Registry shall, on receipt of the application or appeal or pleadings from the receiving branch, scrutinise the same as expeditiously as possible but not beyond two days from the date of receipt: Provided that if, for any reason, the scrutiny is not completed within the said period, the same shall be immediately reported to the Registrar, who shall take prompt steps to complete the scrutiny. (2) The report of the scrutiny of the application shall be in Form No. 2 and of Contempt Application either Civil or Criminal in Form No. 3 and the scrutiny report shall be annexed to the application or appeal. (3) Report of scrutiny of all other pleadings and papers shall be recorded on the reverse side of the last page of such pleadings or papers. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

11. Maintenance of Order Sheet.

(1) The Scrutiny Branch shall attach an order sheet to every OA or RA or TA or AT or CA in duplicate in Form No. 4. (2) The column Notes of the Registry in the order sheet shall be used for the notings by the Registry and the column Orders of the Tribunal is meant for the use of the Bench. (3) (a) The entries in the order sheet shall be in hand writing and removal of the order sheet for typing should be avoided. (b) Continuous page numbers should be given to the order sheet. (c) Before any entry is made in the order sheet for the day, the date, month and year shall first be entered and underlined in the middle of the column. (d) Brief order may be written on the order sheet itself and initialled by the Members of the Bench. (e) In the case of lengthy orders, only the operative portion of the order need be entered in the column Orders of the Tribunal and initialled by the Tribunal Officer. (f) The orders shall be annexed to the order sheet giving them continuous paging and reference to the order shall be made by mentioning only page number of the order annexed. (g) The presence of the legal practitioner or party be indicated by their initials. (h) No gaps shall be left between two entries in the order sheet and the gaps, if any, shall be covered by drawing a line across. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

12. Classification of papers.

(1) The papers received in the Registry in all applications and Contempt applications except Miscellaneous applications, shall be classified and placed in files A , B and C as provided in Form No. 5.(2)(i) File A shall consist of two separate parts, i.e., Part I and Part II. Part I shall contain the order sheet and orders annexed thereto and Part II shall contain the application with annexures, reply with annexures and rejoinder with annexures and arrange as far as possible consecutively in the order of the parties.(ii) File B shall contain the duplicate copy of the papers as in File A .(iii) File C shall contain the remaining papers including Vakalatnama, notices, postal acknowledgements, miscellaneous applications, replies and rejoinders thereto and Supreme Court orders, etc., if any. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

13. Submission of case files to Registrar.

On completion of the scrutiny, the Scrutiny Branch shall place the case file duly classified as A , B or C along with the report of scrutiny and the order sheet before the Registrar for his orders. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

14. Registration and Numbering.

(1) The Registrar on examining the application or appeal or pleadings and the scrutiny report shall, if they are in order, direct registration or acceptance. _____(2) Applications under section 14 of the Act ordered to be registered shall be numbered as O.A. No. /20.....(3) Cases received on transfer under section 27 or section 34 of the Act shall be numbered as A.T./T.A. No. /20.....(4) Applications received from the Supreme Court, High Courts and other Courts purporting to be by transfer but not covered by section 34 of the Act shall be numbered as Original Applications of the year during which they are received.(5) Applications for review of any order of the Tribunal and ordered to be registered shall be numbered as R.A. No. /20.....(6) Applications under the Contempt of Courts Act, 1973 ordered to be registered, shall be numbered as C.A. (Civil/Criminal) No. /20.....(7) Other applications of miscellaneous nature ordered to be registered shall be numbered as M.A. No. /20.....(8) Applications referred to in this rule shall be entered in Register No. II.(9) Separate registers shall be used for each category of applications referred to in this rule.(10) The Registers shall be maintained from 1st January to 31st December of each calendar year.(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

15. Maintenance of Indian Postal Orders or Demand Drafts Register.

(1) Indian Postal Orders or Demand Drafts received in the Registry shall be entered immediately on their receipt in the Judicial Branch in Register No. III.(2) On every first working day of the week,

the Indian Postal Orders or Demand Drafts received by the Judicial Branch during the previous week shall be transmitted along with the Indian Postal Orders or Demand Drafts Register to the Section Officer in-charge of Judicial Branch, who after scrutiny shall affix his initials in the relevant column in the register and transmit the same to the Cash Section.(3)The officer in-charge of Cash Section shall, after verifying the entries in the Register along with the Indian Postal Orders or Demand Drafts, put his initials in the relevant column in the Register in token of acknowledgment.

_____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

16. Rectification of defects.

(1) If on scrutiny, any application or pleading filed in the Tribunal is found to be defective, the Registrar shall notify in Form No. 6 on the notice board of the Tribunal fixing the time for rectifying the same in the manner as provided under rule 5 of the AFT (Procedure) Rules, 2008.(2)The Registrar may, for good and sufficient reasons, extend the time for rectifying the defects, provided the total period for rectification including the extended period does not exceed thirty days.(3)If the party or his legal practitioner contests the office objection and the Registrar is not satisfied, the matter shall be placed before the Bench for appropriate orders.(4)If the party or its legal practitioner rectifies the defects and submits the application or pleadings within the time granted, the Registrar on being satisfied, may order for its registration or acceptance and numbering as provided in sub-rule (2) of the rule 5 of the AFT (Procedure) Rules, 2008.(5)The papers shall be returned to the party or his legal practitioner only after obtaining acknowledgment thereof in the Inward Register Register No. I. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

17. Posting of cases for admission or orders before the Bench.

(1)Subject to the orders of the Chairperson or Vice-Chairperson of the concerned Bench, all registered applications or appeals shall be posted for admission or orders before the appropriate Bench on the next working day.(2)The notice of posting shall be given by notifying in the daily cause list for the day in such manner as the Chairperson may by general or special order direct.(3)Before placing the records of the case for admission or order, the Registry shall state in brief in the column Notes of the Registry of the order sheet, the date of presentation and registration, the subject matter of the application and the date of posting before the Bench and fill up the columns in file covers A and B .(4)The constitution of Benches and distribution of work shall be as per the orders as may be made by the Chairperson from time to time. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

18. Posting of urgent cases.

Notwithstanding anything contained in rule 14 of the AFT (Procedure) Rules, 2008, the Chairperson or Vice-Chairperson and in his absence the senior most Member of the Bench may order any case not included in the daily cause list to be listed on urgent basis for admission or orders. Such directions shall promptly be carried out by the Registry after completing all the

formalities. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

19. Matters to be attended to prior to commencement of sitting.

(1) Unless otherwise directed by the Members constituting the Bench, the Tribunal Officer shall ensure that records of the cases listed for admission or orders before the Bench on the next working day are sent to the residence of the Members before the evening of the day on which the cause list is published. (2) The Tribunal Officer shall ensure that the case records so sent to the residence of the Members are brought back to the concerned Court Hall before the commencement of the Court sitting. (3) The Tribunal Officer shall verify the case records listed for the day and arrange them in the serial order as given in the cause list before the commencement of the sitting. (4) The Tribunal Officer of the Bench concerned shall ensure that the Court Hall is ready for commencement of the sitting at the prescribed time for such sitting. (5) If for any reason, the Bench cannot sit or the sitting is delayed, the Registrar shall immediately obtain the orders of the Chairperson or Vice-Chairperson and notify the same on the notice board and in the Court Hall through the Tribunal Officer.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

20. Maintenance of Tribunal diary.

(1) The Tribunal Officer of the Bench concerned shall maintain legibly a Tribunal Diary in Register No. IV, wherein he shall record the proceedings of the Tribunal for each sitting day with respect to the applications listed in the daily cause list. (2) The matters to be recorded in the Tribunal Diary shall include details as to whether the case is adjourned, or part-heard or heard and disposed of or heard and orders reserved, as the case may be. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

21. Statutes or citations for reference.

The parties or legal practitioners shall before the commencement of the proceedings for the day, furnish to the Tribunal Officer a list of law journals, reports, statutes and other citations, which may be cited for reference. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

22. Calling of cases in Tribunal.

The Tribunal Officer shall call the cases listed in the cause list in the serial order in accordance with rules 14 and 15 of the AFT (Procedure) Rules, 2008, and orders of the Bench. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

23. Regulation of Tribunal Work.

(1) When the Bench is sitting, the Tribunal Officer shall ensure (a) that no inconvenience or wastage of time is caused to the Bench in making available the services of Tribunal Master, stenographer or peon; (b) that perfect silence is maintained in and around the Tribunal Hall and no disturbance whatsoever is caused to the functioning of the Bench; and (c) that proper care is taken to maintain dignity and decorum of the Tribunal. (2) When the Bench passes an order or direction, the Tribunal Officer shall ensure that the records of the case along with proceedings or orders of the Bench are transmitted immediately to the Judicial Branch. (3) The Judicial Branch shall verify the case records received from the Tribunal Officer with reference to the cause list and take immediate steps to communicate the directions or orders of the Bench to all concerned. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

24. Issue of Notices.

(1) Unless otherwise ordered by the Tribunal, when a notice is ordered, the applicant shall, in cases governed by sub-rule (5) of the rule 11 of the AFT (Procedure) Rules, 2008, pay the prescribed fee for service of notice accompanied by a memo in Form No. 7 within seven days from the date of order and in case of default, no notice shall be issued to any of the respondents and the matter shall be placed immediately before the Bench for appropriate orders. (2) Where the notice is returned to the Tribunal with an endorsement of the postman regarding non-service owing to refusal of the same by the party concerned, the Registrar shall declare that the notice has been duly served on the respondent. (3) Where the notice was properly addressed, prepaid and duly sent by registered post, acknowledgment due, the declaration referred to in sub-rule (2) shall be made when for any reason the acknowledgment is not received by the Tribunal within thirty days from the date of the issue of the notice. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

25. Steps for issue of fresh notice.

(1) If any notice is returned unserved under the circumstances not specified in sub-rules (2) and (3) of rule 24, the facts and the reason therefor shall be notified immediately on the notice board of the Registry. (2) The applicant or his legal practitioner shall within seven days from the date of such notice take steps for service of fresh notice. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

26. Consequence of failure to take steps for issue of fresh notice.

If the applicant or his legal practitioner fails to take necessary steps in time for service of fresh notice on the respondent(s) and consequently, the service remains incomplete, the Registrar shall post the case before the Bench for further directions. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

27. Service of notice, etc., on legal practitioners.

A legal practitioner representing a party in any proceeding and any person authorised to accept notices on behalf of a party, shall receive notices, orders, directions, pleadings, etc. required to be served on such party in connection with such proceedings and such service shall be deemed to be proper service on the party. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

28. Form of Notice.

Notice to show cause regarding admission shall be in Form No. 8. and the notice ordered after admission shall be in Form No. 9. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

29. Entries regarding service of notice or process.

The Judicial Branch of the Registry shall record in the column in the order sheet Notes of the Registry , the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice if unserved, steps taken for issuing fresh notice and date of completion of service, etc. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

30. Filing of reply statement.

(1)Each respondent shall file the reply statement in the manner as provided under rule 12 of the AFT (Procedure) Rules, 2008.(2)When all or any of the respondent(s) fail to file reply statement in the form, manner and within the time as provided under rule 12 of the AFT (Procedure) Rules, 2008, the case shall be deemed to be ready for hearing and included in the ready list for final hearing. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

31. Filing of rejoinder.

(1)The applicant(s) intending to file rejoinder to the reply statement filed by all or any of the respondent(s) shall do so, with the leave of the Bench or Registrar within the time granted.(2)The rejoinder shall be filed within the time granted, duly signed and verified in the manner prescribed for filing reply statement under rule 12 of the AFT (Procedure) Rules, 2008.(3)After the expiry of the time granted for filing the rejoinder, the case shall be deemed to be ready for hearing and included in the list for final hearing. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

32. Papers not to form part of the records.

(1) Except with the leave of the Tribunal, the following shall not form part of the records of the case: (a) reply statement filed after the expiry of the time granted for the purpose; (b) rejoinder filed without the leave of the Court or filed after the expiry of the time granted; and (c) additional pleadings filed without the leave of the Court or filed after the expiry of the time granted. (2) The papers referred under sub-rule (1) which are treated as not forming part of the record shall be notified on the notice board of the Registry requiring the party to take them back within four weeks from the date of such notice, failing which the Registry shall take steps to destroy the same.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

33. Incorporation of amendments, filing of additional reply, etc.

(1) When the Tribunal allows an application for amendment of the pleadings or for addition of parties, the same shall be carried out in red ink indicating the date of the order and duly signed, by the party or legal practitioner, who has obtained the order, within the time granted for the purpose by the order or if no time is granted, within 14 days from the date of the order. (2) If the Bench or the Tribunal has directed furnishing of a fresh copy incorporating the amendments or addition of parties, the same shall be filed in triplicate and after serving a copy of the amended pleading on the other party within the time granted by the Court or if no time is granted, within 14 days from the date of the order. (3) In case of default under sub-rules (1) and (2), the Registry shall place the matter before the Bench for orders. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

34. Matters to be listed before the Registrar's Court.

Once an application or appeal is admitted and notice ordered, the same shall be posted before the Registrar for completion of pleadings. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

35. Cause list for Registrar's Court.

Cases required to be dealt with by the Registrar shall be notified in a separate daily cause list and the cases so notified shall be taken up in the Registrar's Court in the serial order as indicated in the cause list. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

36. Recording of proceedings.

After hearing the parties or their legal practitioners and on perusing the record, the Registrar may record his decisions in the column Notes of the Registry in the order sheet and put his initials with date. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of

India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

37. Inclusion of cases in the ready list when pleadings are complete.

If the pleadings are complete or if the case is deemed to be ready for hearing, the Registrar shall record the same in the order sheet and order for inclusion in the list of cases ready for final hearing.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

38. Maintenance of Ready list.

The Judicial Branch of the Registry shall maintain separate registers in Register No. V for each category of cases, which are ready for hearing. (2) The registers shall contain separate sections for each year and inclusion of cases in the registers shall be year-wise and in the order in which they become ready for hearing. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

39. Preparation of Warning list.

(1) The Registry shall prepare for each category of cases, a separate list called Warning list consisting of such number of cases as may be sufficient in the opinion of the Registrar, for being posted for hearing for a period of two weeks. (2) Cases in the Warning list shall be arranged according to the year and number of registration and not on the basis of their serial number in the Ready List and oldest among the cases be included first followed by the next oldest and so on.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

40. Publication of Warning list.

(1) The Judicial Branch of the Registry shall publish the Warning list on the notice board of the Registry on the last working day previous to the 1st and 15th of every month. (2) The total number of cases to be included in each Warning list as fixed by the Registrar shall, as far as possible, be maintained by adding at the bottom of the list, such number of cases as are required to make good the deficiency, having regard to the number of cases transferred to the Daily Cause List. (3) From the Warning list so published, sufficient number of cases shall be taken for inclusion in the Daily Cause List in the order in which they appear in the Warning list, subject to the orders of the Chairperson or Vice-Chairperson or the Bench. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

41. Preparation and Publication of Daily Cause List.

(1) The Judicial Branch of the Registry shall prepare and display on the notice board of the Registry before 5.30 p.m. on each working day the cause list for the next working day and where practicable

on the internet.(2)Subject to the directions of the Chairperson or Vice-Chairperson or the Bench, listing of cases in the Daily Cause List shall be in the following order: (i) cases for Pronouncement of Orders ,(ii)cases for being spoken to ,(iii)cases for Admission ,(iv)cases for Order and directions ,(v)contempt applications,(vi)part-heard cases, latest part-heard having precedence,(vii)cases posted as per directions of the Court,(viii)cases from the Warning list ,(2)The title of the Daily Cause List shall consist of the name of the Bench, the day, date and time of the Bench sitting, Tribunal Hall number and the quorum indicating the names of the Chairperson or Vice-Chairperson or Member constituting the Bench with abbreviations in bracket (J) for Judicial and, (A) for Administrative.(3)In the Warning list and in the Daily Cause List, the following particulars shall be shown against the number of each case: (i) names of legal practitioners appearing on both sides, giving in brackets the rank of the parties whom they represent;(ii)names of the parties, it unrepresented, with their serial order in brackets.(4)Office objections and special directions, if any, shall be briefly indicated in the Daily Cause List below the case number.(5)The Daily Cause List and progress of the cases listed for the day before the Benches will be made available on the internet and hard copy will be available on the nominal payment as decided by the Chairperson or Vice-Chairperson. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

42. Carry forward of Daily Cause list and adjournment of cases on account of non-sitting of a Bench.

(1)If by reason of declaration of holiday or for any other reason, the Bench does not function for the day, the Daily Cause list for that day shall, unless otherwise directed, be treated as the Daily Cause List for the next working day in addition to the cases already posted for that day.(2)When the sitting of a particular Bench is cancelled for the reason of absence of Member(s) of the Bench, the Registrar shall, unless otherwise directed, adjourn the cases posted before that Bench to a convenient date.(3)The adjournment or posting or directions shall be notified on the notice board. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

43. Supply of Cause list.

(1)Two copies of Warning list and Daily Cause List shall be furnished to the Bar Association of Armed Forces Tribunal for display on their notice board.(2)Copies of the Daily Cause List or the Warning list or both may be furnished to the legal practitioners on payment of fee at the rate specified below: (i) Daily Cause List: Per Bench (consisting of two members) Rs. 240 per annum.(ii)Warning list: Per Bench (consisting of two members) Rs. 100 per annum.(3)Application for supply of Warning or Daily Cause lists or both shall be made in writing to the Registrar accompanied by one year's subscription by way of Demand Draft or Indian Postal Orders drawn in favour of the Registrar of the concerned Bench seven days before the date from which supply is to commence.(4)The rates specified in sub-rule (2) shall be subject to such modifications as may be made by the Chairperson from time to time.(5)The legal practitioners concerned shall be responsible to obtain copies of above lists from the delivery counter. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May,

2009.

44. Request for adjournments.

Unless the Bench otherwise permits, request(s) for adjournment of any case(s) listed in the Daily Cause List shall be entertained only at the beginning of the session. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

45. Early hearing of the cases.

(1) If early hearing of a case out of turn is required, the party or legal practitioner shall make an application stating the reasons thereof in Form No. 10, after serving copy thereof to the other party or parties. (2) The application shall, if in order, be listed before the Bench headed by the Chairperson or in his absence the Vice-Chairperson nominated by him in the case of the Principal Bench and before the Vice-Chairperson and in his absence before the senior-most available Member for orders in the case of other Benches. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

46. Maintenance of Stage Register and Posting Register.

(1) The Judicial Bench of the Registry shall maintain a Stage Register in Register No. VI for each category of applications or appeals from the stage of first posting till disposal. (2) Posting Register shall be maintained in Register No. VII. (3) All orders regarding clubbing of cases shall be entered in the order sheets of all the cases required to be clubbed together and posted accordingly. (4) The Section Officer concerned shall ensure that the aforesaid registers are properly maintained and the directions of the Bench faithfully carried out. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

47. Vacation Bench Sitzings and Posting of cases.

(1) When the Tribunal is closed for vacation, the Vacation Bench shall sit on such days, as the Chairperson in the case of Principal Bench, and Vice-Chairperson, in the case of other Benches, and in their absence the senior most Member available, may specify. (2) During the vacation, only matters, which are required to be immediately dealt with, shall be received in the Registry. (3) The Registrar, on being satisfied about the urgency, shall order registration and posting of such cases. (4) During the vacation, the Registrar may accept replies, rejoinders, etc., provided a copy of the same has been served on all the other parties or legal practitioners. (5) Inspection of records may be permitted during the vacation in accordance with these rules. (6) Certified copies of records may be supplied during the vacation in accordance with these rules. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

48. Preparation and filing of paper books on reference to the Full Bench.

When a Bench of the Tribunal makes an order referring the case or issue to a Full Bench, the applicant or such other party, as the Bench directs, shall furnish in Paper Book form duly indexed and continuously paginated three or five sets (depending upon the number of Members of the Full Bench) for the use of the Bench and one set to each of the parties or their legal practitioner on the other side, within two weeks or such period as the Bench may direct, arranging the papers in the following order: (i)Index, Page No.(ii)Written chronology of events or orders relevant to the case,(iii)Order of Reference,(iv)Memo of Parties,(v)Application,(vi)Annexures to the application,(vii)Reply by each respondent in the order of their ranking,(viii)Annexures at the end of reply of each respondent,(ix)Rejoinder, if any,(x)Annexures to rejoinder, if any,(xi)Other relevant papers with description and date:Provided that if the same legal practitioner appears for more than one party, only one set of paper book need be furnished to him. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

49. Circulation of order of reference to other Benches.

The Registrar of the referring Bench shall send a copy of the Order of reference to all the other Benches of the Tribunal for information. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

50. Seeking orders of Chairperson for constitution of Full Bench and fixing the date of hearing.

The Registrar of the referring Bench shall forward a copy of the Order of Reference to the Registrar of the Principal Bench for securing orders of the Chairperson for the constitution of the Full Bench and fixing the date of hearing. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

51. Conveyance of the orders of the Chairperson.

The Registrar of the Principal Bench shall, on receipt of the copy of the order under rule 50, obtain the orders of the Chairperson and convey the same to the Registrar of the referring Bench. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

52. Notice regarding Full Bench hearing.

The Registrar of the referring Bench shall, immediately on receipt of orders of the Chairperson, notify the parties or legal practitioners the date of hearing of the case by the Full Bench. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

53. Circulation of Full Bench decision.

The Registrar of the referring Bench shall circulate the decision rendered by the Full Bench to all other Benches of the Tribunal _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

54. 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 specified 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 records after obtaining the permission of the Registrar in writing. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

55. Application for grant of inspection.

(1) The application for inspection of records, as provided under rule 54, shall be in Form No. 11 and presented at the filing counter of the Registry between 10.00 a.m. and 3.00 p.m. on any working day, two days before the date on which inspection is sought, unless otherwise permitted by the Registrar. (2) The Judicial Branch of the Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same pass appropriate orders. (3) Inspection of records of a pending case shall not ordinarily be permitted on the date fixed for hearing of the case or on the preceding day. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

56. Fee payable for Inspection.

(1) No fee shall be charged for inspection of records of a pending case from a party to the case or his legal practitioner. (2) A fee of twenty-five rupees shall be payable by way of Demand Draft or Indian Postal Order drawn in favour of the Registrar on any application for inspection of records of a decided case by a party to the case or his legal practitioner. (3) A fee of one hundred rupees shall be payable by way of Demand Draft or Indian Postal Order drawn in favour of the Registrar on any application for inspection of records of a pending or decided case by a person other than a party to the case. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

57. Mode of Inspection.

(1) On grant of application for inspection of the records, the Section Officer in-charge of the Judicial Branch shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar between 10.00 a.m. and 12.30 p.m. and between 2.30 p.m. and

4.30 p.m. in the presence of an officer authorised in that behalf.(2)The person inspecting the records shall not in any manner cause dislocation, mutilation, tempering or damage to the records in the course of inspection.(3)The person inspecting the records shall not make any marking on any record or paper so inspected and copying, if any, of the documents or records inspected may be done only in pencil.(4)The officer supervising the inspection, may at any time prohibit further inspection, if in his opinion any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and shall make entry to that effect in column (8) of the Inspection Register and seek further orders of the Registrar, thereof.

_____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

58. Maintenance of Register of inspection.

The Section Officer in-charge of the Judicial Branch shall cause to maintain a register in Register No. VIII for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

59. Appearance of legal practitioners.

No legal practitioner shall be entitled to appear or act, in any proceedings before the Tribunal unless he files before the Tribunal a Vakalatnama in Form No. 12 duly executed by or on behalf of the party for whom he appears. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

60. Appearance on behalf of the Union of India, etc.

Any legal practitioner appearing on behalf of the Union of India or its Department or all three Services (Army, Navy and Air Force) or any Government servant sued or suing in his official capacity shall not be required to file a Vakalatnama but he shall file before the Tribunal a Memo of Appearance in Form No. 13 duly signed by him. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

61. Nomination or engagement of another legal practitioner.

Where a legal practitioner who has filed the Vakalatnama engages or nominates another legal practitioner to appear and argue his client's case but not to act for the client, the Tribunal may permit such other legal practitioner to appear and argue. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

62. Consent for engaging another legal practitioner.

A legal practitioner proposing to file a Vakalatnama in any case or proceeding before the Tribunal in which there is already legal practitioner on record, shall do so only with the written consent of the legal practitioner on record or when such consent is refused, with the permission of the Tribunal.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

63. Restrictions on appearance.

A legal practitioner who has tendered advice in connection with the institution of any case or other proceedings before the Tribunal or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in any case or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Tribunal.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

64. Access to information.

A legal practitioner appearing for the party in any matter before the Tribunal shall be entitled to communicate personally with or receive any information regarding the said matter from any officer of the Tribunal subject to such conditions as may be specified by Tribunal. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

65. Execution of Vakalatnama.

(1) Every Vakalatnama authorising a legal practitioner to plead or act shall be dated at the time of its execution and acceptance. (2) In case the person is in custody, the Vakalatnama shall be attested by a Judicial Officer or Gazetted Officer serving in connection with the affairs of the Union or of any State in India. (3) The authority attesting the Vakalatnama under sub-rule (2) shall certify that it has been duly executed in his presence and subscribe his signature giving his name and designation and attestation shall be made only after the name of the legal practitioner is inserted in the Vakalatnama before its execution. (4) When a Vakalatnama is executed by a party who appears to be illiterate, blind or unacquainted with the language of the Vakalatnama, the attester shall certify that the contents of the Vakalatnama were read, translated and explained in his presence to the executant, and that he signed or affixed his thumb mark in his presence. (5) Every Vakalatnama shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address for service. (6) If the Vakalatnama is in favour of more than one legal practitioner, it shall be signed and accepted by all of them, giving the address for service of any one of them.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

66. Notifying registration and cancellation of clerks.

The registration of a clerk or cancellation under rule 27 of the AFT (Procedure) Rules, 2008, shall be notified on the notice board of the Tribunal and a copy shall be sent to the legal practitioners, Bar Association. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

67. Issue of Identity Card.

(1) An Identity Card as referred to in sub-rule (7) of rule 27 of the AFT (Procedure) Rules, 2008, shall be issued in Form No. 14 to every registered clerk, of the legal practitioner on his remitting a fee of fifteen rupees by way of Indian Postal Order or Demand Draft drawn in favour of the Registrar. (2) An Identity Card once issued shall be in force for a period of five years unless cancelled under sub-rule (5) of the rule 27 of the AFT (Procedure) Rules, 2008. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

68. Access to information by registered clerks.

The registered clerks may communicate personally with any sectional or Departmental Head not below the rank of a Section Officer for information regarding matters of their respective legal practitioners (employers) pending in the Tribunal. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

69. Carrying out corrections.

(1) The Section Officer in-charge of Judicial Branch may permit a registered clerk to correct any clerical or typographical mistake in any pleadings or other proceedings. (2) The correction shall be made in the presence of the Section Officer and duly initialled by the maker as well as the Section Officer. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

70. Discharge of duties of an absentee clerk.

In case of illness or absence on leave of a registered clerk, the Registrar or the Sectional Head of the Judicial Branch may, on the requisition of the legal practitioner under whom such registered clerk is engaged, permit the registered clerk of another legal practitioner to discharge the duties of absentee for a specified period, which will not exceed more than two months. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

71. Presentation and return of papers.

Registered clerk may present or take back papers on behalf of the legal practitioner whom he represents but he will not act at his own in any other case unless permitted in writing by the Registrar or Sectional Head of Judicial Branch on the requisition of the legal practitioner as mentioned under rule 70. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

72. Title of affidavits.

Every affidavit shall be ascribed In the Armed Forces Tribunal, Bench at..... followed by the cause title of the application or other proceeding in which the affidavit is sought to be used. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

73. Form and contents of the affidavit.

(1) Every affidavit shall be drawn up in Form No. 15 in the first person and divided into paragraphs and numbered consecutively.(2)Every affidavit shall contain the full name, occupation, age, father's or mother's or husband's name, as the case may be, and address of the deponent.(3)The deponent shall be identified with such other particulars as may be necessary to identify him and he shall affix his signature or mark on each page. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

74. Corrections or erasures, etc.

Corrections, erasures and interlineations shall be initialled by the attestor and the number of corrections made on each page indicated. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

75. Persons authorised to attest.

Affidavits shall be sworn or affirmed before any Judicial Officer, Registrar, Joint Registrar and Deputy Registrar of the Tribunal, Notary, District Registrar or Sub-Registrar. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

76. Affidavits of illiterate, blind, etc.

Where an affidavit is sworn or affirmed by any person who appears to be illiterate, blind or unacquainted with the language in which the affidavit is written, the attestor shall certify that the contents of the affidavit were read, explained or translated by him or in his presence to the deponent and that the deponent has put his signature or mark in his (attestor) presence in Form No. 16.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

77. Identification of deponent.

If the deponent is not known to the attester, his identity shall be testified by a person known to him and the identifying person shall affix his signature in token thereof. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

78. Annexures to the affidavit.

Document accompanying an affidavit shall be referred to therein as Annexure No.and the attester shall make the following endorsement thereon: This is the document marked as Annexure No.in the affidavit of.....(Signature)Name and Designation of the attester with date. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

79. Application for production of documents, form of summons.

(1)Except otherwise provided, discovery, production and return of documents shall be regulated by the provisions of the Code of Civil Procedure, 1908 (5 of 1908).(2)An application for summons to produce documents shall be in Form No. 17 setting out (i) the document(s) the production of which is sought,(ii)the relevancy of the document(s), and(iii)in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.(3)The summons for production of documents in the custody of a public officer other than a Court shall be in Form No. 18 and shall be addressed to the concerned Head of the Department or such other authority as may be specified by the Tribunal. the attester with date.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

80. Summoning of documents.

Notwithstanding anything contained in these rules, the Tribunal may, suo motu, issue summons for production of public documents or other documents in the custody of a public officer.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

81. Marking of documents.

(1) The documents when produced shall be marked as follows:(i) if relied upon by the applicant's side, they shall be numbered as 'A' series;(ii)if relied upon by the respondent's side, they shall be marked as 'R' series;(iii)Tribunal exhibits shall be marked as 'C' series.(2)The Tribunal may direct

the applicant to deposit in Tribunal by way of Indian Postal Order or Demand Draft drawn in favour of the Registrar a sum sufficient to defray the expenses for transmission of the records before the summons is issued.(3)The transmission of the records shall ordinarily be by registered post or parcel. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

82. Return and transmission of documents.

(1) An application for return of the documents produced shall be in Form No. 17.(2)No application referred in sub-rule (1) shall be entertained after the destruction of the records,(3)The Tribunal may, at any time, direct return of documents produced subject to such conditions as it deems fit. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

83. Procedure for examination of witnesses, issue of commission, etc.

The provisions of Orders XVI and XXVI of the Code of Civil Procedure, 1908 (5 of 1908) shall mutatis mutandis apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

84. Examination in camera.

The Tribunal may in its discretion examine any witness in camera and may also hold the entire or part of the proceedings in camera depending upon the sensitivity of the case. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

85. Form of oath or affirmation to witness.

An oath or solemn affirmation shall be administered to a witness in the following form:

I..... do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

86. Form of oath or affirmation to interpreter.

An oath or solemn affirmation shall be administered to the interpreter, if any, in the following form before his assistance is taken for examining a witness: I..... do swear in the name of God/solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation by this Tribunal. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published

in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

87. Officer to administer oath.

The oath or affirmation shall be administered by the Tribunal Officer. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

88. Recording of deposition.

(1) The deposition of a witness shall be recorded in Form No. 19.(2) Each page of the deposition shall be initialled by the Members constituting the Bench.(3) Corrections, if any, pointed out by the witness may, if the Bench is satisfied, be carried out and duly initialled and in case corrections pointed out by witness are not accepted by the Bench, a note to the effect be appended at the bottom of the deposition. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

89. Numbering of witnesses.

The witnesses called by the applicant or petitioner shall be numbered consecutively as PWs and those by the respondents as RWs. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

90. Grant of discharge certificate.

A witness discharged by the Tribunal may be granted a certificate to that effect in Form No. 20 by the Registrar. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

91. Payment to witnesses.

(1) Where the Tribunal issues summons to a Government servant to give evidence or to produce documents, the person, so summoned shall be paid travelling allowance (T.A.) and daily allowances (D.A.) admissible to him as per rules.(2) Where there is no provision for payment of T.A. and D.A. by the employer to the person, summoned to give evidence or to produce documents, he shall be entitled to be paid as 'bhatta', a sum assessed by the Registrar sufficient to defray the travelling and other expenses having regard to the status and position of the witness.(3) The party applying for the summons shall deposit with the Registrar the amount of 'bhatta' as estimated by the Registrar before the summons is issued.(4) If the witness is summoned as a Court witness, the amount estimated by the Registrar shall be paid as per the directions of the Tribunal.(5) The provisions of sub-rules (1) to (4) would apply mutatis mutandis to the interpreter as well. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

92. Records to be furnished to the Commissioner.

(1)The Commissioner shall be furnished by the Tribunal with such of the records of the case as the Tribunal considers necessary for executing the Commission.(2)Original documents will be furnished only if a copy will not serve the purpose or cannot be obtained without unreasonable expense or delay.(3)The delivery and return of records shall be made under proper acknowledgement.

_____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

93. Taking of specimen handwriting, signature, etc.

The Commissioner may, if necessary, take specimen of the handwriting, signature or fingerprint of any witness examined before him. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

94. Order.

The final decision of the Tribunal on an application or appeal before it shall be described as Order . _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

95. Operative portion of the Order.

All orders and directions of the Bench shall be stated in clear and precise terms in the last paragraph of the order. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

96. Corrections.

The Member of the Bench who has prepared the order shall initial all corrections and affix his initials at the bottom of each page. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

97. Pronouncement of order.

(1)The Bench shall where possible pronounce the order immediately after the hearing is concluded.(2)When the orders are reserved, the date for pronouncement not later than 30 days shall be fixed and the date so fixed shall not be changed without due notice to all parties or legal practitioners.(3)Reading of the operative portion of the order in the open Court shall be deemed to be pronouncement of the order.(4)Any order reserved by a Circuit Bench of the Tribunal may be pronounced at the principal place of sitting of the Bench. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

98. Pronouncement of order by any one Member of the Bench.

(1) Any one Member of the Bench may pronounce the order for and on behalf of the Bench. (2) When an order is pronounced under this rule, the Tribunal Officer shall make a note in the order sheet, that the order of the Bench consisting of..... as Members was pronounced in Open Court by..... (the name of the Member). _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

99. Authorising any Member to pronounce order.

(1) If the Members of the Bench who heard the case are not readily available or have ceased to be Members of the Tribunal, the Chairperson or Vice-Chairperson as the case may be, authorise any other Member to pronounce the order on his being satisfied that the order has been duly prepared and signed by all the Members who had heard the case. (2) The order pronounced by the Member so authorised shall be deemed to be duly pronounced. (3) The Member authorised under sub-rule (1) for pronouncement of the order shall affix his signature in the order sheet of the case stating that he has pronounced the order as provided in this rule. (4) If the order has not been signed by reason of sickness, death, retirement or resignation or for any other reason by any one of the Members of the Bench who heard the case, it shall be deemed to have been released from part-heard and listed afresh for hearing. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

100. Making of entries by Tribunal Officer.

The Tribunal Officer shall, immediately after pronouncement of an order by the Bench, make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal and the constitution of the Bench pronouncing the order and he shall also make necessary entries in the Tribunal diary maintained by him. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

101. Transmission of order by the Tribunal Officer.

(1) The Tribunal Officer shall immediately on pronouncement of the order, transmit it with the case file to the Principal Registrar or Registrar as the case may be. (2) On receipt of the order from the Tribunal Officer, the Principal Registrar or Registrar as the case may be, shall after due scrutiny, satisfy himself that the provisions of these rules have been duly complied with and in token thereof affix his initials, with date on the outer cover of the order. (3) The Principal Registrar or Registrar as the case may be, shall thereafter cause to transmit the case file and the order to the Judicial Branch for taking expeditious steps to prepare copies and their communication to the parties. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

102. Format of order of the Tribunal.

(1)The order of the Tribunal shall be in Form No. 21. _____(2)All orders shall be neatly and fairly typewritten in double space on one side only on durable foolscap folio paper of metric A4 size (30.5 cms long and 21.5 cms wide) with left side margin of 5 cms and right side margin of 2.5 cms.(3)The corrections, if any, in the order shall be carried out neatly.(4)Sufficient space may be left both at the bottom and at the top of each page of the order to make its appearance elegant.(5)Members constituting the Bench shall affix their signatures in the order of their seniority from right to left.(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

104. Compliance of urgent orders.

(1) Whenever the Bench passes an order, final or interlocutory, requiring immediate compliance, the Tribunal Officer shall immediately transmit the case file and the order to the Principal Registrar or Registrar as the case may be, who shall ensure prompt action on the same day.(2)Files with Dasti orders should be stapled with Today flags and superscribed with O.A. or T.A. or R.A. or C.A. or M.A. or A.T. No. with the signature of the Tribunal Officer with date. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

105. Placing copies of common orders.

(1)When more than one case is disposed of by a common order, the Judicial Branch shall keep the original order in the main case and a certified copy in the other connected case files.(2)In the order sheet of the connected case(s), the Section Officer in-charge of the Judicial Branch shall note that the original order is kept in the main case file (giving its number). _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

106. Indexing of case files after disposal.

After communication of the order to the parties or legal practitioners, the official concerned shall arrange the records with pagination and prepare the Index Sheet in Form No. 23 and he shall affix initials and then transmit the records with the index duly initialled, to the records room.

_____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

107. Transmission of files or records or orders.

Transmission of files or records of the cases or orders shall be made only after obtaining acknowledgement in the movement register maintained at different sections or levels as per the directions of the Registrar. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in

the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

108. Copies of orders in Library.

(1) The Section Officer of the Judicial Branch shall send copies of every final order to the Library. (2) Copies of all orders received in each month shall be kept at the Library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched. (3) A consolidated index shall also be prepared at the end of every year and kept in a separate file in the Library. (4) The order folders and the indices may be made available for reference in the library to the legal practitioners. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

109. Form and fee of application.

(1) Every application for grant of certified copy of any document shall be in Form No. 24 and accompanied with a non-refundable fee of ten rupees, and in case of urgent copy a non-refundable fee of twenty-five rupees in the form of Indian Postal Order or Demand Draft drawn in favour of the Registrar and payable at the place of the Bench of the Tribunal. (2) If the certified copies applied for are for more than one document in the same case, only one application shall be filed. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

110. Right of the party to obtain certified copy.

A party to an application or appeal or his legal practitioner shall be entitled to obtain certified copy of the record, proceeding or original document filed in case on payment of fee specified under these rules. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

111. Application for copies by stranger.

(1) Applications for copies of documents (other than orders) by persons who are not parties to the proceedings shall be allowed only by order of the Registrar obtained on a duly verified petition in Form No. 17, setting forth the purpose for which the copy is required on payment of fee specified under these rules. (2) Copies of orders can, however, be granted to any person on payment of fee specified under these rules. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

112. Register of copy applications and requisition register.

(1) A Register of copy application shall be maintained in Register No. IX and a Requisition Register in Register No. X with regard to request for the files in the copying branch. (2) Entries in respect of urgent copy applications shall be underlined in red ink. _____ (1) Vide S.R.O. 6(E), dated

11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

113. Copying fee.

The copying fee payable for obtaining an ordinary copy shall be at the rate of two rupees per page and for urgent copy at the rate of five rupees per page, irrespective of the number of words or lines in each page. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

114. Scrutiny of copy application, requisitioning of case records and rectification of defects.

(1) If the application is in order, necessary entries shall be made in the Register of Copy Applications and the Requisition. Register and the same shall be sent to the officer-in-charge of records, The officer-in-charge of the records shall as soon as possible transmit the records alongwith the application after making an entry in the application and initialling the same. (2) If the application is found to be defective, the same shall be notified on the notice board of the Registry. (3) If the defects are not rectified within three days from the date of such notice, the copy application shall be struck off. (4) On removal of defects within three days, the application shall be deemed to have been made on the date of the application. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

115. Determination of additional copying fee.

(1) On receipt of the records, the officer in-charge of copying section after satisfying that the records are complete shall determine the additional copying fee payable over and above the copying fee of ten or twenty-five rupees already paid and make an entry thereof in the application with his initials. (2) Additional fee payable shall be notified on the Notice Board of the Registry. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

116. Remittance of additional copying fee.

(1) Additional copying fee shall be remitted by the applicant between 10.30 a.m. and 4.30 p.m. in the form of Indian Postal Order or Demand Draft drawn in favour of the Registrar and payable at the place of the Bench within two days in the case of urgent copy and within seven days in the case of ordinary copy, from the date of notice. (2) If the additional fee payable is not remitted within the time permitted under sub-rule (1), the application shall be struck off. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

117. Order of preparation of certified copy.

Certified copies shall be prepared in the order in which they become ready in all respects and the urgent applications shall take precedence over all ordinary applications. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

118. Time-limit for issue of urgent or ordinary copy.

Urgent copy shall be delivered to the applicant as far as possible within three days and ordinary copy within ten days from the date of the application. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

119. Notifying when copies are ready for delivery and consequence of not taking delivery.

(1) On each working day before 11.30 a.m., the Officer-in-charge of the copying branch shall cause to prepare in duplicate in Form No. 25, a list of cases in which certified copies are ready for delivery and publish one copy of the same on the notice board of the Registry under his signature, and the other copy shall be retained for record. (2) If the applicant fails to take delivery within three months, the certified copy prepared shall be destroyed and the copying fee paid forfeited to Government. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

120. Proper accounting of copying fee received.

The Officer-in-charge shall ensure that the copying fee received in the registry is promptly accounted in the Indian Postal Order or Demand Draft Register and transmitted to the Cash Section for crediting them to the Government account. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

121. Preparation and comparison of certified copy.

(1) A certified copy shall be made by photocopying process or by typing. (2) When the copy is so made, it shall be compared by the Officer-in-charge of the copying branch with the document of which the copy is made, aided by another official in the copying branch and he shall, after satisfying himself that the copy is prepared faithfully, and legibly reproduces the document desired, append a certificate as under and affix his initials: Certified that this is a true and accurate copy of the document or order as in the case file (O.A./R.A./T.A./C.A./M.A./A.T No.20.....) and that all the matters appearing therein have been legibly and faithfully copied with no modifications. (3) The officer-in-charge of copying branch shall affix an endorsement on the last page of the copy as under and put his initials: (i) Serial No. of the copy application (ii) Name of the applicant (iii) Date of presentation of application (iv) No. of pages (v) Copying fee charged/urgent or

ordinary(vi)Date of preparation of copy(vii)Date on which copy is ready(viii)Date given for collection of copy(ix)Date of delivery.(4)The certificate and the endorsement shall be made with the help of a rubber stamp and the entries however, shall be made in ink.(5)The officer authorised to issue the copy shall affix his signature below the endorsement and cause to affix the seal of the Tribunal on all pages of the copy and also initial wherever there are corrections.

_____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

122. Re-transmission of case records.

On completion of the preparation of the certified copy, the officer-in-charge of the copying branch shall re-transmit the records of the case to the concerned branch, after making necessary entries in the Requisition Register and obtain acknowledgement of the official, who receives back the records, in the relevant column of the Register. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

123. Mode of delivery of certified copy.

At the time of the delivery of the certified copy, the official concerned shall obtain the signature of the applicant in the relevant column in the Register of Copy Applications, record the date of such delivery on the copy application and fill up relevant column regarding the date of delivery in the endorsement stamped on the certified copy. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

124. Request for certified copy by post.

(1) Where the applicant desires to have the certified copy sent to him by post, he shall send an additional sum of twenty-five rupees by way of Indian Postal Order or Demand Draft drawn in favour of the Registrar and payable at the place of the Bench for defraying the postal charges, etc.(2)If the amount sent is found to be inadequate, the applicant shall be intimated to remit the balance amount within the time specified and on receipt of the intimation, the applicant shall remit the amount in the manner provided in sub-rule (1) and within the time specified.

_____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

125. Intimation of rejection.

If for any reason, the copy application is rejected, due intimation shall be given to the applicant and the refundable amount if any, returned to him. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

126. Supply of free copy only once.

Once free copy of the order is sent as provided in rule 23 of the AFT (Procedure) Rules, 2008, the Tribunal shall not be required to issue any more free copies. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

127. Certifying on free copies.

Every free copy issued to a party or his legal practitioner in accordance with the rules shall be certified to be True Copy and shall be superscribed FREE COPY UNDER RULE 23 of AFT (PROCEDURE) RULES, 2008 with a rubber stamp and signed by the officer authorised in that behalf and he shall also cause to enter the date and other details furnishing of such free copy in the Register of Free Copies in Register No. XI. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

128. Time for furnishing free copies.

(1) The Judicial Branch of the Registry shall issue free copies of the order to the parties or their legal practitioners as provided under rule 23 of the AFT (Procedure) Rules, 2008, as far as possible within seven days from the date of pronouncement of the order,(2)If the free copy of the order is delivered by hand to parties or their legal practitioner, the officer-in-charge shall obtain acknowledgement thereof in the relevant column in the Register of Free Copies.

_____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

129. Furnishing of free copy in a joint application.

Where a joint application or appeal is made, only one free copy of the order contemplated by rule 23 of the AFT (Procedure) Rules, 2008, shall be issued, either to their legal practitioners or if they are appearing in person, to any one of the applicants. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

130. Furnishing of corrected free copy of order.

Whenever clerical or typographical errors or mistakes in an order are rectified subsequent to the issue of the free copy thereof, the Registrar shall cause to issue a corrected free copy of such order to the parties or their legal practitioners. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

131. Manner of service of order or notice issued by the Supreme Court.

Service of orders or notices on respondents ordered by the Supreme Court in an appeal or application pending before that Court shall be effected in the manner provided by the Supreme

Court Rules, 1966 as amended from time to time. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

132. Steps to comply with Supreme Court directions.

(1) Unless otherwise ordered by the Supreme Court, the appellant or his legal practitioner shall be notified to deposit the transmission charges and cost of preparation of record, if any, within fifteen days of the receipt of the notice. (2) When the party or legal practitioner fails to deposit the amount as aforesaid, the Registrar shall forthwith submit a report thereof to the Registrar of the Supreme Court. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

133. Register of Special Leave Petitions or Appeals.

(1) A Register in the form of Register No. XII shall be maintained in regard to Special Leave Petitions (SLPs) or Appeals against the orders of the Tribunal to the Supreme Court and necessary entries therein be made by the Judicial Branch. (2) The register under sub-rule (1) shall be placed for scrutiny of the Chairperson or Vice-Chairperson in the first week of every month.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

134. Placing of Supreme Court orders before Chairperson, etc.

Whenever an interim or final order, passed by the Supreme Court in an appeal or other proceeding preferred against a decision of the Tribunal, is received, the same shall forthwith be placed before the Chairperson or Vice-Chairperson or Members for information and kept in the relevant case file and immediate attention of the Registrar shall be drawn to the directions requiring compliance.

_____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

135. Circulation of the orders of the Supreme Court.

All orders of the Supreme Court including dismissal of Special Leave Petitions shall be circulated to the Members of the Bench whose decision was challenged before the Supreme Court and kept in the relevant case file. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

136. Registrar to ensure compliance of Supreme Court Orders.

It shall be the duty of the Registrar to take expeditious steps to comply with the directions of the Supreme Court. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

137. Procedure regarding retention and preservation of records.

All the records, registers and files shall be retained and preserved in the record room from the date of completion till the period provided for their destruction in accordance with the rules made in this behalf. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

138. Receipt, scrutiny and custody of records.

The Officer-in-charge of the record room shall be the custodian and responsible for the records lodged in the record room and he shall receive the records sent to, the record room and scrutinise the records within three days of the date of receipt of records in the record room. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

139. Rectification of defects or securing of missing records.

If on scrutiny under rule 138, any defect or missing of documents is found in the records, the Officer-in-charge of record room shall intimate the same and remit the records back to the branch or section from which the records were received and thereupon, the Section Officer in-charge of the concerned branch or section shall cause to take steps to rectify the defects or secure the missing records so pointed out, and after such rectification or securing the missing documents, re-transmit the records to the record room within three days of its receipt from the record room. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

140. Maintenance of Register of records received in the record room.

The Officer-in-charge of record room shall maintain a register in Register No. XIII of records received in the record room. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

141. Entry regarding destruction.

Entry regarding destruction shall be made in the relevant columns of Register No. XIII. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

142. Preservation of records requiring permanent retention.

(1) Records required to be preserved permanently shall be stacked in bundles of convenient size, arranging them in chronological order. (2) The bundles so prepared under sub-rule (1) shall be wrapped in 'Kora Cloth' on which shall be attached labels indicating in chronological order,

registration numbers of the cases included in each bundle and such bundles shall be arranged serially and kept in the record room. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

143. Retention of records beyond prescribed period.

The Registrar may for reasons to be recorded in writing and with prior permission of the Chairperson order that record of any particular case be preserved beyond the prescribed period provided under the rules for destruction. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

144. Circuit Benches.

The provisions of these rules shall mutatis mutandis govern applications entertained by circuit benches subject to such adaptations as may by order be made by the concerned Vice-Chairperson on being satisfied that it is necessary to do so in the interest of justice. _____(1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

145. Use of computers.

(1)The Chairperson may issue such orders or directions as may be necessary for complying with the provisions of the relevant rules with the aid of the computer and for effective use of the computer facility as and when introduced.(2)Compliance with such orders or directions issued by the Chairperson from time to time shall be deemed to be due compliance of the provisions of the relevant rules. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

146. Classification of cases.

(1) The scrutiny branch of the Registry shall, at the time of scrutiny make classification of the cases as both department-wise (Army, Navy and Air Force) and subject-wise.(2)The department-wise (Army, Navy and Air Force) classification shall be made in accordance with Form No 26, as may be modified by the Chairperson from time to time.(3)Subject-wise classification shall be made in accordance with Form No. 27, as may be modified by the Chairperson from time to time.(4)The classification under this rule shall be entered in the relevant columns in the report of scrutiny in Form No. 2 or Form No. 3, Order Sheet in Form No. 4 and Facing Sheet of the final cover in Form No. 5. _____(1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

147. Furnishing of weekly and monthly statements.

(1)The Registrar of each Bench shall prepare a weekly progress report in Form No. 28 and circulate among all the Members of the Bench concerned.(2)The Vice-Chairperson of the Bench concerned shall forward a consolidated monthly progress report in Form No. 28 to the Chairperson before the 7th day of each month.(3)The Registrar of the concerned Bench shall prepare a monthly statement in two parts as in Form No. 29 regarding filing, disposal and pendency of cases and forward the same to the Principal Registrar of the Principal Bench before the 7th day of each month.

_____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

148. Inspection of Registry.

(1)The Principal Registrar or the Registrar as the case may be, shall conduct inspection of all the sections twice a year, viz ., for the period from 1st January to 30th June and 1st July to 31st December, on such dates as may be found convenient.(2)The report of inspection of the Judicial Branch, Library, Administrative Branch and Record Room shall be as per Schedules I to IV to Appendix 'C', as may be modified by the Chairperson from time to time.(3)The Section Officer concerned shall promptly comply with the directions of the Registrar and submit a report about due compliance to the Registrar within such time as the Registrar may grant.(4)The Registrar shall submit a report to the Chairperson or Vice-Chairperson containing brief summary of his inspection of the Registry, directions given by him to the sections and branches and the steps taken for due compliance with such directions. _____ (1)Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

149. Due compliance with the provisions of the Act and the rules.

The Registrar or any officer authorised by him may, for the purpose of satisfying himself that the provisions of the Act and the rules are duly complied with, make such inquiry as he deems fit and call upon such party, as he deems necessary to appear before him and pass such orders as he deems proper. _____ (1) Vide S.R.O. 6(E), dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.

THE ARMED FORCES TRIBUNAL (PRACTICE) RULES, 20091 FORM NO. 16 (See rule 76) ARMED FORCES TRIBUNAL,BENCH

CERTIFICATION WHEN DEPONENT IS UNACQUAINTED WITH THE LANGUAGE OF THE AFFIDAVIT OR IS BLIND OR ILLITERATE Contents of the affidavit were truly and audibly read over/translated into..... language known to the deponent and put his signature or mark in my presence. (Signature) Name and Designation with date. _____ 1. Vide S.R.O. 6(E), dated

11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009. THE

ARMED FORCES TRIBUNAL (PRACTICE) RULES, 20091 FORM NO. 24 [See rule 109(1)]

ARMED FORCES TRIBUNAL,BENCH O.A./T.A./R.A./C.A. (Civ/Cri.) /M.A./A.T.

No.....of 20.....

.....Applicant(s) Versus

.....Respondent(s)

APPLICATION FOR GRANT OF CERTIFIED COPIES 1. Name & Address of the applicant: 2.

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the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009. THE ARMED FORCES TRIBUNAL
(PRACTICE) RULES, 20091 FORM NO. 26 [See rule 146 (2)] DEPARTMENT-WISE
CLASSIFICATION OF CASES (A) ARMY (B) NAVY (C) AIR FORCE (D) EX-SERVICEMAN (E)
WIDOWS/DEPENDENTS _____ 1. Vide S.R.O. 6(E), dated 11th May, 2009, published in the
Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009. THE ARMED FORCES TRIBUNAL
(PRACTICE) RULES, 20091 FORM NO. 27 [See rule 146(3)] SUBJECT-WISE CLASSIFICATION
OF CASES 100.1. Enrolment and grant of commission. 2. Ad hoc appointments/regularization. 3.
*Allotment/Vacation/Eviction of Govt. Quarters/of Govt. hired accommodation matters. 4.
Examination and courses. 5. Creation and abolition of posts. 6. Pay and allowances, pensionary
benefits, compensation. 7. Disciplinary - Cases (a) Court Martial - SGCM, GCM, DCM, SCM. (b)
Summary awards/Summary Trial. (c) Adm. Action including termination of service. (d) Award of
censure. (e) Suspension (f) Bails. (g) Wrongful confinement (h) Disciplinary and Vigilance Ban. 8.
Deputation/repatriation/absorption in Govt./public sector. 9. Ration and uniform. 10. LTC. 11.
Medical facilities. 12. Special provisions for Ex-serviceman/physically handicapped/casualty. 13.
Retirement, dismissal, discharge, release and resignation. 14. Selection/Promotion/grant of
substantive rank etc. 15. Seniority/Confirmation. 16. Claims of Medical Reimbursement, Leave,
Joining time etc. 17. Compassionate appointment/appointment of dependents dying in harness. 18.
Crossing of efficiency bar. 19. Date of birth. 20. Entry in Character Rolls/Confidential
Records/Service Record. 21. Fixation of Pay. 22. Travel Regulations. 23. Grant of pension, family
pension, other retirement benefits and Interest on retirement benefits. 24. Grant of refusal to grant
Advances/Loans. 25. Grant, refusal or recovery of allowances. 26. Stagnation increment. 27. Annual
Confidential Reports. 28. Compulsory retirement 29. Retiral benefits (other than pension) 30.
Pension matters- (a) Disability pension (b) Family pension (c) Special family pension 31.
Maintenance allowance 32. Contempt matters 33. Miscellaneous. _____ 1. Vide S.R.O. 6(E),
dated 11th May, 2009, published in the Gazette of India, Extra., Pt. II, Sec. 4, dated 14th May, 2009.