

CHAPTER 36

Tribunals

The original Constitution did not contain provisions with respect to tribunals. The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution. This part is entitled as 'Tribunals' and consists of only two Articles—Article 323A dealing with administrative tribunals and Article 323B dealing with tribunals for other matters.

ADMINISTRATIVE TRIBUNALS

Article 323A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities. In other words, Article 323A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.

In pursuance of Article 323A, the Parliament has passed the Administrative Tribunals Act in 1985. The act authorises the Central government to establish one Central administrative tribunal and the state administrative tribunals. This act opened a new chapter in the sphere of providing speedy and inexpensive justice to the aggrieved public servants.

Central Administrative Tribunal (CAT)

The Central Administrative Tribunal (CAT) was set up in 1985 with the principal bench at New Delhi and additional benches in different states. At present, it has 19 regular benches, 17 of which operate at the principal

seats of high courts and the remaining two at Jaipur and Lucknow. These benches also hold circuit sittings at other seats of high courts.

The name and jurisdiction of Benches of CAT are given in Table 36.1. Similarly, the details of circuit sittings of Benches of CAT are given in Table 36.2.

The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it. Its jurisdiction extends to the All-India Services, the Central civil services, civil posts under the Centre and civilian employees of defence services. However, the members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

The CAT is a multi-member body consisting of a Chairman and Members. Originally, the CAT consisted of a Chairman, Vice-Chairman and Members. Later, in 2006, the provision for the Vice-Chairman was removed by the Administrative Tribunals (Amendment) Act, 2006. Hence, there is now no Vice-Chairman in the CAT. At present, the sanctioned strength of the Chairman is one and sanctioned strength of the Members is 69. They are drawn from both judicial and administrative streams. But, a person who has not completed the age of 50 years is not eligible for appointment as a Chairman or Member. They hold office for a term of four years or until they attain the age of 70 years in case of Chairman and 67 years in case of Members, whichever is earlier.¹

¹ As per the Tribunals Reforms Act, 2021.

The appointment of Chairman and Members in the CAT is made by the central government on the basis of recommendations of a search-cum-selection committee chaired by the Chief Justice of India or a Judge of Supreme Court, who is nominated by the Chief Justice of India.

The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice. These principles keep the CAT flexible in approach. Only a nominal fee of ₹50 is to be paid by the applicant. The applicant may appear either in person or through a lawyer.

Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts. However, in the *Chandra Kumar* case² (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution. It laid down that appeals against the orders of the CAT shall lie before the division bench of the concerned high court. Consequently, now it is not possible for an aggrieved public servant to approach the Supreme Court directly against an order of the CAT, without first going to the concerned high court.

State Administrative Tribunals

The Administrative Tribunals Act of 1985 empowers the Central government to establish the State Administrative Tribunals (SATs) on specific request of the concerned state governments.

Like the CAT, the SATs exercise original jurisdiction in relation to recruitment and all service matters of state government employees. The chairman and members of the SATs are appointed by the central government on the recommendations of a search-cum-selection committee shared by the Chief Justice of the High Court of the concerned state.

The act also makes a provision for setting up of joint administrative tribunal (JAT) for two or more states. A JAT exercises all the jurisdiction

and powers exercisable by the administrative tribunals for such states.

TRIBUNALS FOR OTHER MATTERS

Under Article 323B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

- (a) Taxation
- (b) Foreign exchange, import and export
- (c) Industrial and labour
- (d) Land reforms
- (e) Ceiling on urban property
- (f) Elections to Parliament and state legislatures
- (g) Food stuffs
- (h) Rent and tenancy rights³

Articles 323A and 323B differ in the following three aspects:

1. While Article 323A contemplates establishment of tribunals for public service matters only, Article 323B contemplates establishment of tribunals for certain other matters (mentioned above).
2. While tribunals under Article 323A can be established only by Parliament, tribunals under Article 323B can be established both by Parliament and state legislatures with respect to matters falling within their legislative competence.
3. Under Article 323A, only one tribunal for the Centre and one for each state or two or more states may be established. There is no question of hierarchy of tribunals, whereas under Article 323B a hierarchy of tribunals may be created.

In the *Chandra Kumar* case⁴ (1997), the Supreme Court declared those provisions of these two articles which excluded the jurisdiction of the high courts and the Supreme Court as unconstitutional. Hence, the judicial remedies are now available against the orders of these tribunals.

³Added by the 75th Amendment Act of 1993.

⁴*L. Chandra Kumar vs. Union of India* (1997). Clause 2(d) of Article 323A and Clause 3(d) of Article 323B were declared as unconstitutional.

²*L. Chandra Kumar vs. Union of India* (1997). Clause 2(d) of Article 323A was declared as unconstitutional.

**Table 36.1** Name and Jurisdiction of Benches of the CAT

Sl. No.	Bench	Territorial Jurisdiction of the Bench
1.	Principal Bench, New Delhi	NCT of Delhi
2.	Allahabad Bench	Uttar Pradesh (except the districts covered by the Lucknow Bench) and Uttarakhand
3.	Lucknow Bench	Uttar Pradesh (except the districts covered by the Allahabad Bench)
4.	Cuttack Bench	Odisha
5.	Hyderabad Bench	Andhra Pradesh and Telangana
6.	Bangalore Bench	Karnataka
7.	Madras Bench	Tamil Nadu and Puducherry
8.	Ernakulam Bench	Kerala and Lakshadweep
9.	Bombay Bench	Maharashtra, Goa and Dadra and Nagar Haveli and Daman and Diu
10.	Ahmedabad Bench	Gujarat
11.	Jodhpur Bench	Rajasthan (except the districts covered by the Jaipur Bench)
12.	Jaipur Bench	Rajasthan (except the districts covered by the Jodhpur Bench)
13.	Chandigarh Bench	Haryana, Himachal Pradesh, Punjab and Chandigarh
14.	Jabalpur Bench	Madhya Pradesh and Chhattisgarh
15.	Patna Bench	Bihar and Jharkhand
16.	Calcutta Bench	West Bengal, Sikkim and Andaman and Nicobar Islands
17.	Guwahati Bench	Assam, Meghalaya, Manipur, Tripura, Nagaland, Mizoram and Arunachal Pradesh
18.	Jammu Bench	Jammu and Kashmir (except the districts covered by the Srinagar Bench) and Leh district of Ladakh.
19.	Srinagar Bench	Jammu and Kashmir (except the districts covered by the Jammu Bench) and Kargil district of Ladakh.

Table 36.2 Circuit Sitzings of Benches of CAT

Sl. No.	Bench	Circuit Sitzings held at
1.	Allahabad Bench	Nainital
2.	Calcutta Bench	Port Blair, Gangtok
3.	Chandigarh Bench	Shimla
4.	Madras Bench	Puducherry

(Contd.)



Sl. No.	Bench	Circuit Sittings held at
5.	Guwahati Bench	Shillong, Itanagar, Kohima, Agartala, Imphal, Aizwal
6.	Jabalpur Bench	Indore, Gwalior, Bilaspur
7.	Bombay Bench	Nagpur, Aurangabad, Panaji
8.	Patna Bench	Ranchi
9.	Ernakulam Bench	Lakshadweep

Table 36.3 Articles Related to Tribunals at a Glance

Article No.	Subject-matter
323A.	Administrative tribunals
323B.	Tribunals for other matters