

## **L. Chandrakumar vs India And Others on 7 September, 1993**

**Equivalent citations: AIR1994SC1266, (1994)5SCC539, AIR 1994 SUPREME COURT 1266, 1994 (5) SCC 539, 1994 AIR SCW 611, 1994 SCC (L&S) 1195, (1994) 28 ATC 110, (1994) 2 LAB LN 54**

**Bench: S.C. Agrawal, S.P. Bharucha**

### **JUDGMENT**

1. These matters relate to hearing by single Member Benches of matters before the Central Administrative Tribunal and the State Administrative Tribunals constituted under the Administrative Tribunals Act, 1985. The power to constitute a single Member Bench is traced to Sub-section (6) of Section 5 of the said Act.

2. The appellant/petitioners have challenged the constitutional validity of Sub-section (6) of Section 5 and have placed reliance on the observations of this Court in Section P. Sampat Kumar v. Union of India . It appears that the matter came up before this Court in Amulya Chandra Kalita v. Union of India wherein a two Judge Bench, after referring to the provisions contained in Section 5(2) and the observations in Sampat Kumar's case (supra), has held that a Bench shall consist of one Judicial Member and an Administrative . Member and an Administrative Member alone cannot hear and decide a matter. Thereafter in Dr. Mahabal Ram v. Indian Council of Agriculture Research, Civil Appeal No. 2361 decided on May 3,1991 by a three Judge Bench, the earlier decision in Amulya Chandra Kalita's case (supra) has been considered and the observations in Sampat Kumar's case (supra) have also been taken note of. This Court has, however, referred to Sub-section (6) of Section 5 and has held that it may be permissible for a single Member Bench of the Tribunal to hear matters subject to certain safeguards that have been provided with regard to exercise of the power under Section 5(6). In that case, however, it has been observed that the validity of Sub-section (6) of Section 5 was not challenged. It may also be stated that the said decision was rendered without hearing the Counsel for the respondents.

3. Having heard Counsel for both the parties, we consider it appropriate that the matters are heard by a three Judge Bench of this Court because the validity of Sub-section (6) of Section 5 has been challenged in these matters. The matter may be placed before Hon'ble the Chief Justice of India for appropriate directions.

C.A. No. 4501/89:

4. Shri K.V. Vishwanathan, learned Counsel appearing on behalf of the appellant, states that he would like to avail the benefit of the observations in Dr. Mahabal Ram's case. The appeal is disposed of in terms of the observations made by this Court in Dr. Mahabal Ram's case and the appellant is permitted to move the Chairman, Central Administrative Tribunal for appropriate directions in the light of the said observations.