

### The Central Administrative Tribunal Act, 1985

#### Brief Knowledge about CAT

1. Central Administrative Tribunal had been established under Article 323-A of the Constitution.
2. For adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other authorities under the control of the Government.
3. There are 19 Benches and 19 Circuit Benches in the Central Administrative Tribunal all over India.
4. The Central Administrative Tribunal is headed by Hon'ble Chairman Sh. Ranjit Vasantrao More, retired Chief Justice of Meghalaya High court.
5. There are 69 Hon'ble Members in various Benches of the Tribunal out of which 34 are Judicial Members, including the Hon'ble Chairman and 35 are administrative members.
6. The conditions of service of Hon'ble Chairman and Members are the same as applicable to a Judge of High Court.
7. The procedural simplicity of the Act can be appreciated from the fact that an aggrieved government employee can also appear personally before the Tribunal.
8. An Original Application can be filed by remitting a nominal fee of Rs. 50/- before the Tribunal. The Tribunal has duly justified its creation through speedy and inexpensive disposal of pending cases.
9. Under Section 17 of the Administrative Tribunal Act, 1985, the Tribunal has been conferred with the power to exercise the same jurisdiction and authority in respect of contempt of itself as a High Court.
10. Initially the decision of the Tribunal could be challenged before Hon'ble Supreme Court by filing Special Leave Petition. However, after the Supreme Court's decision in L. Chandra Kumar's case, the orders of Central Administrative Tribunal are now being challenged by way of Writ Petition under Article 226/227 of the Constitution before respective High Court in whose territorial jurisdiction the Bench of the Tribunal is situated.
11. Appeal to high court within 60 Days, every appeal shall be heard by a bench of two judges of high court.

### The Central Administrative Tribunals Act, 1985

Act No. 13 of 1985

Enactment date- 27 Feb 1985

#### **Section-1. Short Title, extent and commencement**

- (1) The act may be called the Central Administrative Tribunals Act, 1985. It effects from 01 July 1985.
- (2) It extends to the whole of India (w.e.f. 31 oct. 2019)

#### **Section-2. Act not to apply to certain persons.**

- (a) any member of the naval, military or air forces or of any other armed forces of the Union



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- (b) any officer or servant of the Supreme Court or of any High Court or courts subordinate thereto.
- (c) any person appointed to the secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union territory having a Legislature, of that Legislature.

### Section-3. Definition

- a) **Administrative Member** means a Member of a Tribunal who is not a Judicial Member.
- (aa) **Administrative Tribunal**, in relation to a State, means the Administrative Tribunal for the State or, as the case may be, the Joint Administrative Tribunal for that State and any other State or States.
- b) **application** means an application made under section 19.
- c) **Appointed day**, in relation to a Tribunal, means the date1 with effect from which it is established, by notification, under section 4.
- d) **Appropriate Government** means
  - (i) in relation to the **Central Administrative Tribunal or a Joint Administrative Tribunal**, the **Central Government**.
  - (ii) in relation to a State Administrative Tribunal, the State Government.
- e) **Bench** means a Bench of a Tribunal.
- f) **Central Administrative Tribunal** means the Administrative Tribunal established under sub-section (1) of section 4.
- g) **Chairman** means the Chairman of a Tribunal.
- h) **Joint Administrative Tribunal** means an Administrative Tribunal for two or more States established
- i) **Judicial member** means a Member of a Tribunal appointed as such under this Act, and includes the Chairman who possesses any of the qualifications specified in sub-section (3) of section 6
- (ia) **Member** means a member (whether Judicial or Administrative) of a Tribunal, and includes the Chairman
- j) **notification** means a notification published in the Official Gazette
- k) **post** means a post within or outside India
- l) **prescribed** means prescribed by rules made under this Act
- m) **President** means the President of India;
- o) **rules** means rules made under this Act
- p) **service** means service within or outside India
- q) **Service matters**, in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India.



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- (i) remuneration (including allowances), pension and other retirement benefits;
  - (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation
  - (iii) leave of any kind.
  - (iv) disciplinary matters; or
  - (v) any other matter whatsoever;
- r)** “Service rules as to redressal of grievances
- s)** “Supreme Court” means the Supreme Court of India.
- t)** “Vice-Chairman” means a member who has been authorized by the appropriate Government to perform administrative functions at each of the places where Benches of the Tribunal have been set up.

## Chapter II- Establishment of Tribunals and Benches Thereof

### Section-4. Establishment of Administrative Tribunal

- (1)** The Central Government shall establish an Administrative Tribunal.
- (2)** The Central Government on receipt of a request from State Government, establish an Administrative Tribunal for the State to be known as the ..... (Name of the State) Administrative Tribunal.
- (3)** For Two or more States Joint Administrative Tribunal may establish for those states by agreement or under this act by the by Central Government.

### Section-5. Composition of Tribunals and Benches thereof -

- (1)** Each Tribunal shall consist of a Chairman and such number of Judicial and Administrative Members as the appropriate Government may deem fit.
- (2)** A Bench shall consist one judicial member and one administrative member.
- (3)** The chairman of Bench may transfer any member from one bench to another.
- (4)** The chairman may, in addition to discharging the functions of Judicial member or administrative member of the bench or another bench.
- (5)** Any stage of the hearing of any such case or matter it appears to the Chairman or such Member it ought to be heard by a Bench consisting of two Members be transferred by the Chairman such Bench as the Chairman may deem fit.
- (6)** The Benches of the Central Administrative Tribunal shall ordinarily sit at New Delhi, known as Principal Bench.
- (7)** The places at which the Principal Bench and other Benches of a State Administrative Tribunal shall ordinarily sit shall be such as the State Government may, by notification, specify.

### Section-6. Qualifications for appointment as Chairman, Vice-Chairman and other Members-

- 1)** A person shall not be qualified for appointment as the Chairman unless he is, or has been, a judge of a High Court.  
 Provided that a person appointed as Vice-Chairman before the commencement of this Act shall be qualified for appointment as Chairman if such person has held the office of the



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Vice-Chairman at least for a period of **two years**.

- 2) A person shall be qualified for appointment -
  - (a) **as an Administrative Member**-
    - Secretary to the Govt of India or other post but scale of pay not less than secretary of Govt. of India = **2 years**.
    - Additional Secretary to the Government of India other post but scale of pay not less than additional secretary of Govt. of India = **5 years**
  - (b) **as a Judicial Member**,
    - Secretary to the Govt of India in the Department of Legal Affairs or the Legislative Department including Member-Secretary, Law Commission of India = **2 years**.
    - Additional Secretary to the Government of India in the Department of Legal Affairs and Legislative Department = **5 years**.
- 2) The Chairman and every other Member of the Central Administrative Tribunal shall be appointed after consultation with **the Chief Justice of India by the President**.
- 3) The Chairman and every other Member of an **Administrative Tribunal for a State** shall be appointed **by the President after consultation with the Governor of the concerned State**.
- 4) The Chairman and every other Member of a Joint Administrative Tribunal shall, be appointed by **the President after consultation with the Governors of the concerned States**.

#### **Section-7. Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.**

Vice-Chairman to act as Chairman, vacancy in the office of the chairman by reason of his death, illness resignation or otherwise. The appropriate Govt. authorized by notification.

#### **Section-8. Term of office**

**Chairman** – **5 years** or age attaining **68 years** whichever is earlier.

**Members** - **5 years** or age attaining **65 years**, whichever is earlier.

**(According to The Tribunals Reforms Act 2021)**

**Chairman** – **4 years** or age attaining **70 years** whichever is earlier.

**Members** - **4 years** or age attaining **67 years**, whichever is earlier.

- The conditions of service of **Chairman** and **Members** shall be the same as applicable to **Judges of the High Court**.

#### **Section-9. Resignation and removal**

- 1) The Chairman or other Member may, by notice in writing under his hand addressed to **the President, resign his office**.
- 2) The Chairman, or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehavior or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.



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- 3) The Central Government may, by rules, regulate the procedure for the investigation of misbehavior or incapacity of the Chairman or other Member.

#### **Section-10. Salaries and allowances and other terms and conditions of service of Chairman and other Members.**

- 1) The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, and other Members shall be such as may be prescribed by the Central Government.
- 2) Where a serving Government officer is appointed as a Member, he shall be deemed to have retired from the service to which he belonged on the date on which he assumed the charge of the member.

#### **Section-11. Provision as to the holding of offices by Chairman, etc., on ceasing to be such Chairman, etc.**

- (1) Chairman of CAT shall be ineligible for employment either Central Govt. or State Govt.
- (2) Chairman of SAT or JAT, shall be eligible for appointment for chairman or any member of CAT or as chairman of any other SAT and JAT, but not for any employment of either Central Govt. or state Govt.
- (3) A member of any Tribunal, shall be eligible for appointment as the Chairman, vice-chairman or other member of other Tribunal, but not for further employment either Central Govt. or State Govt.
- (4) The Chairman, or other Member shall not appear, act or plead before any Tribunal of which he was the Chairman, or other Member.

#### **Section-12. Financial and administrative powers of the Chairman.**

#### **Section-13. Staff of the Tribunal.**

- (1) Appropriate Govt. appoint officers and other employment required to assist a Tribunal in the discharge of its functions.
- (2) The officers and other employees of a Tribunal shall discharge their functions under the general superintendence of the Chairman.
- (3) The salaries and allowances and conditions of service of the officers and other employees of a Tribunal shall be such as may be specified by rules made by the appropriate Government.

### **Chapter III-Jurisdiction, Powers and Authority of Tribunals**

#### **Section-14. Jurisdiction, powers and authority of the Central Administrative Tribunal.**

- (1) The Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts except the Supreme Court.
- (2) The Central Administrative Tribunal shall also exercise, recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation or society owned or controlled by Central Govt.



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### **Section-15. Jurisdiction, powers and authority of State Administrative Tribunals**

- (1) Recruitment, and matters concerning recruitment, to any civil service of the State or to any civil post under the State.
- (2) All service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service in local authority or corporation or society controlled or owned by state Govt.

### **Section-16. Jurisdiction, powers and authority of a Joint Administrative Tribunals**

- A Joint Administrative Tribunal for two or more States shall exercise all the jurisdiction, powers and authority exercisable by the Administrative Tribunals for such States.

### **Section-17. Power to punish for contempt.**

- A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court.

### **Section-18. Distribution of business amongst the Benches**

- (1) Where any Benches of a Tribunal are constituted, the appropriate Government may, from time to time, by notification, make provisions as to the distribution of the business of the Tribunal amongst the Benches and specify the matters which may be dealt with by each Bench.
- (2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench of a Tribunal, the decision of the Chairman thereon shall be final.

## **Chapter IV- PROCEDURE**

### **Section-19. Applications to tribunals**

- (1) A person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.
- (2) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee (if any, not exceeding one hundred rupees) in respect of the filing of such application and by such other fees for the service or execution of processes, as may be prescribed by the Central Government.
- (3) On receipt of an application under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application; but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.
- (4) Where an application has been admitted by a Tribunal under sub-section (3), if such application pending, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.

### **Section-20. Applications not to be admitted unless other remedies exhausted**

- (1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.
- (2) A person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, —



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- a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person.
- b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period **of six months from the date** on which such appeal was preferred or representation was made has expired.
- (3) Any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall **not be deemed to be one of the remedies which are available** unless the applicant had elected to submit such memorial.

### **Section-21. Limitation**

- (1) A Tribunal shall not admit an application-
- (a) Unless within **one year** from the date on which such final order has been made or rejecting appeal or representation.
- (b) in a case where an appeal or representation has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of **expiry of the said period of six months**.
- (2) Notwithstanding anything contained in sub-section (1), an application may be admitted after the period of one year specified, if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

### **Section-22. Procedure and powers of Tribunals**

- (1) A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.
- (2) A Tribunal shall decide every application made to it **as expeditiously as possible** and ordinarily every application shall be decided on a perusal of documents and written representations and after hearing such oral arguments as may be advanced.
- (3) A Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit.

### **Section-23. Right of applicant to take assistance of legal practitioner and of Government, etc., to appoint presenting officers.**

- (1) A person making an application to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.
- (2) The Central Government or a State Government or a local or other authority or corporation or society, may authorise one or more legal practitioners or any of its officers to act as



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presenting officers and every person so authorized by it may present its case with respect to any application before a Tribunal.

#### **Section-24. Conditions as to making of interim orders**

No interim order shall be made on, or in any proceedings relating to, an application unless—

- a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made.
- b) opportunity is given to such party to be heard in the matter:
  - But Tribunal may make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant which cannot be adequately compensated in money.
  - Interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

#### **Section-25. Power of Chairman to transfer cases from one Bench to another. —**

- On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench.

#### **Section-26. Decision to be by majority**

- If the Members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Tribunal and such point or points shall be decided according to the opinion of the majority of the Members of the Tribunal who have heard the case, including those who first heard it.

#### **Section-27. Execution of orders of a Tribunal**

- The order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any court (including a High Court) and such order shall be executed in the same manner in which any final order of the nature.

### **Chapter V- Miscellaneous**

#### **Section-28. Exclusion of jurisdiction of courts except the Supreme Court under article 136 of the Constitution**

- No court except- Supreme Court of India and any Industrial tribunal, labour court shall have to entitled exercise any jurisdiction, power in relation to recruitment or matters.



### Section-29. Transfer of pending cases.

- (1) Every suit or other proceeding pending before any court (except High court) or other authority immediately before the date of establishment of a Tribunal under this Act, within the jurisdiction of such Tribunal, shall stand transferred on **that date to such Tribunal.**
- (2) Where any suit, appeal or other proceeding stands transferred from any court-
  - (a) the court or other authority shall, as soon as may be after such transfer, forward the records of such suit, appeal or other proceeding to the Tribunal.

### Section-29-A. Provision for filing of certain appeals

- Where any decree or order has been made or passed by any court (other than a High Court) in any suit or proceeding before the establishment of a Tribunal, **such appeal shall lie-**
- (a) to the Central Administrative Tribunal, within ninety days from the date on which the Administrative Tribunals (Amendment) Bill, 1986 receives the assent of the President, or within ninety days from the date of receipt of the copy of such decree or order, whichever is later.
- (b) to any other Tribunal, **within ninety days** from its establishment or within ninety days from the date of receipt of the copy of such decree or order, whichever is later.

### Section-30. Proceedings before a Tribunal to be judicial proceedings

### Section-31. Members and staff of Tribunal to be public servants

### Section-32. Protection of action taken in good faith.

### Section-35. Power of the Central Government to make rules

### Section-36. Power of the appropriate Government to make rules.

### Section-37. Laying of rule.

S.L. No.	Bench	Jurisdiction of Bench
1	Principal Bench (New Delhi)	National Capital Territory of Delhi State of Uttarakhand
2	Ahmedabad Bench	State of Gujarat
3	Allahabad Bench	Uttar Pradesh excluding districts under Lucknow Bench
4	Lucknow Bench	Uttar Pradesh excluding districts under Allahabad Bench
5	Bangalore Bench	State of Karnataka
6	Calcutta Bench	Sikkim, West Bengal Union Territory of Andaman and Nicobar Islands
7	Jammu Bench	Up to 10 districts of UT of J&K and one district Leh from UT of Ladakh
8	Chandigarh Bench	Haryana, Himachal Pradesh, Punjab and Union Territory of Chandigarh
9	Cuttack Bench	Orissa
10	Ernakulam Bench	Kerala, Union Territory of Lakshadweep
11	Guwahati Bench	Assam, Manipur, Meghalaya, Nagaland, Tripura Arunachal Pradesh, Mizoram
12	Hyderabad Bench	Andhra Pradesh and Telangana
13	Jabalpur Bench	Madhya Pradesh, Chhattisgarh
14	Jodhpur Bench	Rajasthan excluding the districts under Jodhpur Bench
15	Jaipur Bench	Rajasthan excluding the districts under Jaipur Bench
16	Chennai Bench	Tamil Nadu, Union Territory of Pondicherry
17	Mumbai Bench	Maharashtra, Goa, Union Territory of Dadra and Nagar Haveli, Union Territory of Daman and Diu
18	Patna Bench	Bihar, Jharkhand
19	Srinagar Bench	Up to 10 districts of UT of J&K and one district Kargil from UT of Ladakh



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