

THE KARNATAKA ADMINISTRATIVE TRIBUNAL RULES OF PRACTICE, 1990

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THE
KARNATAKA ADMINISTRATIVE TRIBUNAL RULES OF
PRACTICE, 1990

In exercise of the powers conferred by Section 22 of the Administrative Tribunals Act, 1985 (Central Act 13 of 1985), and all other powers thereunder enabling the Karnataka. Administrative Tribunal to frame Rules of Practice, to regulate its own procedure, the Karnataka Administrative Tribunal hereby in- supersession of K.A.T. Rules of Practice, 1986 makes the following Rules of Practice prescribing such forms and registers to regulate the proceedings before the Karnataka Administrative Tribunal, for expeditious disposal of the cases and for smooth and effective running of day-to-day administration in the Tribunal.

CHAPTER – I

PRELIMINARY

1. These Rules may be called the **Karnataka Administrative Tribunal Rules of Practice, 1990.**

2. These Rules shall come into force from the date of their publication in the Official Gazette. *

3. These Rules shall apply to all proceedings and matters filed in the Karnataka Administrative Tribunal on and after coming into force of these Rules and shall also apply, as far as may be practicable, to all proceedings pending in the Karnataka Administrative Tribunal.

If any doubt or difficulty arises in the application of any of these Rules the concerned papers shall be placed before the Chairman, who shall pass such orders as he considers just and proper in the circumstances of the case, and compliance of such orders shall be sufficient compliance of the *provisions of these Rules.*

* Published in the Karnataka Gazette under Part IV, Section 2(D), Dated. 19.7.1990.

CHAPTER - II

DEFINITIONS AND INTERPRETATIONS

4(i) In these Rules the words "Act" and "Procedure Rules" shall mean the Administrative Tribunals Act, 1985 (Central Act 13 of 1985) and the Karnataka Administrative Tribunals (Procedure) Rules, 1986, respectively, as amended from time to time.

(ii) All the words defined in the Act and the Procedure Rules, 1986, shall have the same meaning in these Rules of Practice.

5. "Vacation Bench" means a duly constituted Bench, doing duty during the vacation.

6. "Full Bench" means a Bench consisting of three or more Members.

CHAPTER - III

SCRUTINY

7(i) All applications ordered to be registered under rule 5(2) of the Procedure Rules, 1986, shall be numbered as A.No. /19....

(ii) All applications for review of any order or judgment of the Tribunal ordered to be registered under rule 5 (2) of the Procedure Rules, 1986, shall be numbered as R.A.No. /19.....

(iii) All applications for contempt of the Tribunal ordered to be registered under rule 8(2) of Karnataka Administrative Tribunal (Contempt of Tribunal) Rules, 1987, shall be numbered as C.T.A.No. /19....

(iv) Appeals against orders of the Registrar under sub-rule (4) of rule 5 of the Procedure Rules, 1986, shall be numbered as Misc. Appeal No. /19....

(v) All other miscellaneous applications not covered by (i) to (iv) above and ordered to be registered shall be numbered as Misc. Case No. /19....

8 (i) All applications referred to in rule 7 above and all papers affixed with Court Fee Stamp shall be entered in Register No.I.

(ii) Register No.I, shall be written as and when papers are filed into the Tribunal and Court Fee paid thereon shall be progressively totalled at the end of each day.

(iii) Register No.I, shall be maintained from 1st April to 31st March of the succeeding year so as to coincide with the financial year of the Government of Karnataka.

9 (i) On scrutiny, an application under Section 19 of the Act, or any original application, found to be defective, shall be numbered as U.A. No...../19.... and shall be entered in Register No.2, maintained for that purpose. The applicant shall comply with the objections within 15 days from the date of entry in Register No.2. An application may be registered after the expiry of the said period provided the applicant complies with the objections and satisfies the Tribunal that he had sufficient cause for not rectifying the defects within such period.

(ii) On rectification of defects, or on orders of the Chairman, the applications under Section 19 of the Act, and all original applications shall be numbered in accordance with rule 5 of the Procedure Rules, 1986, and under the respective rules relating to the original applications.

**(ii-a). If a decision of any Court or Tribunal is referred to in the pleadings, full particulars thereof namely, the name of the parties and if it is reported in any journal, the correct citation thereof and if not reported in any journal, the number of the application or writ petition or appeal etc., shall be indicated.

(iii) All pleadings, affidavits, memoranda and list of documents and documents presented to, or filed in the Tribunal shall be fairly and legibly typewritten (in English or Kannada) on durable paper of Metric A4 Size (30.5 cms. Long & 21.5 cms. wide), weighing not less than 4.9 Kgs. a ream; in the case of documents other than pleadings on paper of not less than 3.0 K.gms., a Ream, and with outer margin 6.5 cms. wide and inner margin 2.5 cms. wide, in the form of a paper book as provided under Procedure Rules of 1986.

(iv) All pleadings shall be signed and dated by the party and the date of presentation of the pleadings to the Tribunal, shall be written distinctly.

*(v) All dates, sums and figures, shall be written in words as well as in figures, and the words, shall be written in brackets as shown below:

(a) 7th September 1986 (Seventh day of September, one thousand nine hundred and eighty six);

(b) Rs.10,000/- (Rupees ten thousand only)

* Deleted by Notification No.KAT/RP/AMDT/3/94 dated: 19-06-1995

** inserted vide Amendment Slip

(vi) All copies of documents filed before the Tribunal shall be typewritten and attested in accordance with rule 9 of the Procedure Rules, 1986.

Note.— Instead of typewritten copies of documents Zerox copies of the documents may be permitted to be filed provided they are clear and legible.

(vii) The person attesting the documents as "True Copy" shall attest the documents with his full signature and in the form given below:

"This is the True Copy of the Document referred to as Annexure "
....." in the application of "....."

(Name of the Advocate to be typed)
Advocate for
Applicant (s)/Respondent (s).

CHAPTER - IV

PROCEDURE REGARDING PRESENTATION & INTERLOCUTORY APPLICATION

10. In addition to the number of copies of the application, under Section 19 of the Act, to be given under the Procedure Rules, 1986, one extra copy of the application with Annexures shall be filed into the Tribunal for being given to the Government Pleader/Advocate.

11. Process Memo: Memo for payment of process for issue of notice shall be in Form No.I.

12. Where an application filed purports to be by an association, the Person or Persons who sign/s the application shall produce along with the application a copy of the Bye-laws or Rules of the said Association and also a true copy of the resolution of the Association empowering them to sign and verify the pleadings.

13. When a document produced with any pleading appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a note regarding its condition and appearance shall be made in the list of documents by the party producing the same and shall be checked and initialled, by the Officer receiving the same.

14. An application which is found to be in order be posted for admission on the following working day of its presentation, unless otherwise ordered by the Tribunal.

15. (i) All Interlocutory Applications shall contain the name/s of the applicant/s respondent/s and shall specifically state his/their rank and status in the main application.

(ii) Only one relief shall be claimed in one Interlocutory Application.

(iii) All Interlocutory Applications which are found to be in order, after scrutiny, shall be serially numbered as 'I.A.I', 'I.A.II' etc., entered in the order sheet before the I.As are listed for orders, by the Pending Branch. The arrangement of the Interlocutory Applications shall be in chronological order. Respondents objection/s to the Interlocutory Application/s if any filed, shall be placed below the respective Interlocutory Application/s.

(iv) If an order is passed on an I.A., the court Officer shall make a note on that I.A., regarding its disposal as "Disposed of vide order dated".

(v) All I.As found to be in order shall be listed for orders of the Bench within 2 days of the filing of the I.As unless otherwise ordered by the Chairman, Bench or Registrar.

(vi) No Interlocutory Application/s shall be filed in the Court Hall, save under exceptional circumstances, without the leave of the Bench or Member as the case may be. If leave is granted the procedure prescribed for filing of I.As shall be complied with, before the I.A., is filed in the Court Hall.

(vii) If any Interlocutory Application is permitted to be filed in Court, the Court Officer shall follow the same procedure as is provided in Clauses (1) to (iv) above, in relation to such I.A/s.

16. (i) Where Interlocutory Applications are filed subsequent to the filing of any original application, including an application under section 19 of the Act, and where any party likely to be affected by it, has already entered appearance, the Interlocutory Application/s shall not be posted for hearing, unless such Counsel or party has been served with notice of the same by delivering to him a copy of the LA/s and all Annexures to it, if any, and, written acknowledgement of such party or Counsel or Registered Clerk, is obtained and proof of the same is produced along with the said Interlocutory Application.

(ii) If the applicant or his counsel makes an endorsement on the application that the Counsel or respondent refused to receive the copy of the application or could not be served with even after due diligence, the Tribunal or Registrar, may direct the receipt and numbering of such Interlocutory Application.

(iii) Such endorsement shall contain the date, time and place at which such tender was made and refused.

17. Copies of the interim orders passed by the Tribunal before service of notice on the respondent shall not be issued to the applicant or the concerned authority, unless the applicant has filed into the Tribunal a memo in Form No. I for service of notice of the application on parties to whom notice has to be given or is directed to be given by the Tribunal, with the appropriate amount of process affixed thereto in Court Fee labels, together with as many plain paper copies of the application and supporting affidavit or memorandum of facts and annexures, if any, as there are parties to be served with notice and has complied with the office Objection/s.

18. The Fee for issue of orders on Interlocutory Application shall be the same as prescribed by rule 4 of the Procedure Rules of 1986.

CHAPTER - V

PROCEEDINGS OF REGISTRAR

19. The proceedings before the Registrar or any Officer, empowered to discharge the functions of the Registrar, shall be conducted on his Chambers, during office hours of the Tribunal.

20. All the matters that are to be dealt with as per Procedure Rules of 1986 by the Registrar, or any Officer empowered to discharge the functions of the Registrar, shall be notified by way of a cause list issued at least one week in advance.

21. If any party or Advocate does not take steps ordered by the Registrar, or office empowered to discharge the functions of the Registrar, within 15 days of the date of the order, the application or proceedings shall be listed with the report of Registrar or such Officer for orders of the Tribunal.

22. The proceedings of the Registrar, or Officer empowered to discharge the functions of the Registrar, shall be recorded in a separate order sheet and shall form Part of the record of the application or proceedings as the case may be.

CHAPTER - VI

AFFIDAVITS

23. (i) Every affidavit filed in the Tribunal shall set forth the cause title of the proceedings or matter in which it is sought to be used and also in the affidavit of an Interlocutory Application.

(ii) Every person making an affidavit shall describe his Particulars in such manner which shall be sufficient to identify him clearly.

(iii) An affidavit shall contain statement of facts only and avoid arguments.

(iv) When an affidavit contains statement of facts not within the deponent's personal knowledge, but based on the information received by him, he shall state so, and shall also state that he believes the same to be true and shall give the source of such information wherever possible and the grounds of his belief, if any.

(v) Annexures, if any, filed with the Interlocutory Application shall be certified in the same manner as prescribed in rule 9(vii).

(vi) Affidavit intended to be filed in the Tribunal may be sworn to before and attested by any of the following persons, hereinafter called as Attesting Officers, who, for the said purpose, are:

- (a) Registrar, Deputy Registrar, Assistant Registrar of the Tribunal and Authorised Section/Court Officer/s in the Karnataka Administrative Tribunal.
- (b) Any person authorised by any law to administer oath, for purposes of this Rule, shall be deemed to be an Attesting Officer.

24. A deponent of an affidavit shall sign or make his mark at the foot of every page of the affidavit and also at the end of it. The Attesting Officer shall authenticate every correction, alteration or interlineation by placing his initials near it and also note at the foot of every page the number of such authenticated corrections, etc., or enter the word 'Nil', if there is none and initial such entry and sign his name and enter his designation at the end of the affidavit, and affix thereto his official seal or the seal of his office together with the date. The fact of the oath having been administered or solemn affirmation having been made in his presence shall be noted by the Attesting Officer, before he affixes his signature.

25. If the deponent is not personally known to the Attesting Officer, he shall be identified by a person known to the Attesting Officer and the fact

of such identification together with the name and description of the person making the identification shall be noted at the end of the affidavit and the signature of such person shall be affixed. If the deponent, not known to the Attesting Officer, cannot be so identified, the left thumb impression of such deponent shall also be affixed at the end of the affidavit and be certified to be such left thumb impression of the person appearing before him, by the Attesting Officer.

26. If the deponent appears to be illiterate or blind or is unacquainted with the language in which the affidavit is made or written, the affidavit shall be read out and explained to the deponent in a language known to him in the presence of the Attesting Officer, who shall certify that it was so explained in his presence and that the deponent appeared to have understood the same and signed his name or made his mark in the presence of the Attesting Officer.

27. If any document is referred to in the affidavit and produced along with it, the Attesting Officer shall affix his signature with an endorsement thereon as follows:

"This is the document referred to as Exhibit
..... in the affidavit of
..... Sworn to/solemnly affirmed
before me this day of 19"

CHAPTER - VII

POSTING OF CASES AND ADJOURNMENT

28. (i) The cases that are received on transfer to the Tribunal from other Courts shall be re-numbered and posted for hearing by the Tribunal. All cases received on transfer and all applications filed into the Tribunal and registered under rule 5(2) of the Procedure Rules, 1986, which are ready for hearing shall be posted for hearing before the Tribunal in the order that the oldest case/s being posted first, unless otherwise directed by the concerned Bench or by the Chairman.

(ii) If, within the time allowed by the Procedure Rules, 1986, or within the time allowed by the Registrar for filing objections, objections are not filed, the application, shall be deemed to be ready for hearing.

29. (i) All cases received on transfer and all applications filed before the Tribunal and registered under rule 5(2) of the Procedure Rules, 1986, shall be entered in Register No.3.

(ii) All applications for review filed before the Tribunal and registered under rule 5(2) of the Procedure Rules, 1986, shall be entered in Register No.4.

(iii) All complaints/applications for contempt filed before the Tribunal and registered under rule 5(2) of the Procedure Rules, 1986, shall be in Register No.5.

(iv) All other miscellaneous applications of original nature shall be entered in Miscellaneous Application Register No.6.

(v) All appeals against the orders of the Registrar shall be numbered serially and registered in the Register of Appeals against the order of the Registrar in Register No.6(A).

30. (i) All applications that are admitted by the Tribunal and proceedings received on transfer from Courts, for hearing shall be entered in a separate register called Pending Register, (Register No.7).

(ii) As and when applications are disposed of by the Tribunal, the same shall be rounded off in red ink in the Pending Register (Register No.7).

(iii) The Pending Register shall be prepared strictly in accordance with the instructions contained therein.

31. (i) Notice regarding admission shall be in Form No.II.

(ii) Notice on admission with a direction to file reply and documents on the date of appearance shall be in Form No. III.

(iii) Unless otherwise ordered by the Tribunal, the reply of the respondent/s. as provided by the Procedure Rules, 1986, shall be filed within one month of appearance of the respondent/s in the Tribunal.

32. In respect of review applications and contempt applications, the pending register shall be prepared in the same manner as is provided in the case of applications as defined in the Procedure Rules, 1986.

33. (i) During the period when the Tribunal is closed for vacation/s, no application shall be received, unless the applicant satisfies the Registrar by way of an application supported by an affidavit, that the matter is emergent and deserves to be taken for admission, despite the closure of the Tribunal for vacation/s.

(ii) On being satisfied that the application requires urgent consideration, subject to other foregoing rules being complied with, the

Registrar may direct that such application be listed for admission on the next day of sitting of the Vacation Bench.

34. The listing of application in the Weekly list for hearing before the Benches, shall be done strictly according to chronological order of applications that are ready for hearing. The number of applications to be posted for hearing on each day shall be determined by the Chairman.

35. Unless otherwise directed by the Bench, applications listed in the weekly hearing list and not disposed of during the week, shall be listed in the cause list for the week, next after the week in which it was originally listed for hearing, until it is disposed of.

36(i) The Court Officer shall prepare a Court Diary legibly in Register No.8 recording briefly whether the case was adjourned or part-heard or heard and disposed of or heard and reserved for orders, as the case may be, and it shall be signed by him.

(ii) The Court Diary shall be kept open for inspection by the public, during working hours.

37. After judgment/orders are pronounced by the Bench, the Court Officer concerned shall make an entry regarding disposal of the application in Register No.9 before sending records to the Board Branch.

38. Notice after admission with a direction to produce documents/ records/files shall be in Form No.III-B.

CHAPTER-VIII

ORDER AND MEMORANDUM OF COSTS*

39. Whenever costs are awarded by the Tribunal a memorandum of costs shall be drawn within ten days of the pronouncement of the order.

40. Unless otherwise ordered by the Tribunal costs shall include:

(a) Court fee paid on:

(i) Pleadings;

(ii) Documents to be produced with pleadings and produced by the party;

(iii) Vakalath filed for the party (when more vakalaths than one are filed for a party, Court Fee on only one Vakalath shall be included);

* heading substituted by Notification No.KAT/RP/AMDT/3/94 dated 01.12.1994.

- (iv) Process issued at the instance of the party;
- (v) Certified copies filed by the party and which are required for adjudication of the dispute;
- (b) Cost of obtaining certified copies;
- (c) Batta paid by a party to his witness who appeared in the Tribunal to give evidence;
- (d) Cost in interlocutory matter which is made costs in the cause;
- (e) Fee actually paid by him to his Counsel or fee fixed by the Tribunal when fee received by the Counsel is not specified in the memo;
- (f) The expenditure incurred on the typing, and printing of the pleadings by the party;
- (g) Charges paid by the authority for inspection of records;
- (h) Expenditure incurred by a party for producing witness even though not summoned through the Tribunal;
- (i) Expenditure incurred on any notices which though not required to be given by law has been given by any party to the application, before the institution of the application including an application for contempt, if any, shall be added towards costs.

41. (i) Where no advocate's fee is fixed by the Tribunal and where no statement of the amount of fee received is filed, the maximum fee shall be Rs.250/- per case.

(ii) Where batches of applications are heard and disposed of, in which a common Counsel appears a maximum consolidated fee of Rs.1,000/- shall be allowed for all the cases.

(iii) Where Junior Counsel appears along with the Senior Advocate, Junior's fee of 1/4th of the fee allowed in the circumstances of the case, shall be added as Junior's fee.

42(i) The Advocate's fee shall be added to the costs only on production of fee certificate by the Counsel within 7 days from the date of disposal of the application or applications as the case may be.

(ii) In the case of a pleader/advocate appearing for the Government or other Public Body or Authority, or any Corporation, a certificate by him, that he is assured of the receipt of such fee shall be sufficient compliance for purposes of this Rule.

(iii) Whenever costs are ordered by the Tribunal a Memorandum of costs in Form No. IV shall be prepared within 10 days from the date of the Judgment/Order and shall be signed by the Registrar or any other Officer authorised by him.

(iv) Whenever Judgements/Orders are passed issuing any specific direction quashing any document issued by the respondent/s an order in Form No. V shall be issued along with the copy of the Judgment/Order, and such order shall be signed by the Registrar or any other Officer authorized by him.

CHAPTER - IX

CERTIFIED COPIES AND FREE COPIES

43. In addition to free copies which are required to be given as per the Procedure Rules, 1986, parties to the proceedings before the Tribunal are entitled to obtain certified copies of all pleadings, judgments , orders and original documents and depositions, on payment of the fees prescribed hereunder.

44. A person who is not a party to the proceedings may be granted with such certified copies on his application/s, if the Registrar on being satisfied about the sufficiency and bona fides of the grounds or reasons on which the applicant requires the copies, direct that such copies be furnished. Such application shall be accompanied by an affidavit disclosing the grounds why such copy/ies is/are required. .

45. The cost of copies shall be Rs.1.50 paise for every foolscap page or part thereof of the document applied for or at such other rate as the Chairman may fix from time to time.

46. (i) Application for certified copies shall be in Form No . VI and shall contain the case number and nature of the proceedings, the date and full description of the Judgment or Order or Document or Deposition as the case may be and shall be affixed with Court Fee Stamp of Rs.2/-.

(ii) All applications for certified copies shall be entered in Register No .10 and the Fair Copying Examiner-cum-Superintendent shall maintain the said register.

(iii) The Serial Number given in Register No.10 shall be entered on the copy application in red ink.

(iv) On verification of the correctness of names of parties, application numbers, and date of disposal, the copy application shall be put up for orders of the Officer authorised to grant certified copies and only after such grant, certified copies shall be prepared and issued.

(v) If the details mentioned in the copy application are not sufficient to identify the case in respect of which copy is sought, or if the copy cannot otherwise be granted according to Rules, the Officer empowered to grant the copies, shall reject the same. The unused Court Fee Stamps, if any, produced by the party shall be returned.

(vi) After the issue of certified copy sought, the copy application shall be placed in the concerned file, to be disposed as provided by these Rules of Practice.

47. In the case of maps and plans, etc., a reasonable fee having regard to the skill, labour and time required for preparing the copy, shall, in each case, be fixed by the Registrar or Officer authorised by him, and such fee shall be deposited in cash; by the party applying, in the same manner as for a Commission under the Civil Procedure Code 1908. The whole of such fee shall be paid to the person employed for preparing the copy, who shall use his own material for that purpose.

48(i) The prescribed charges for preparing and furnishing certified copies under rule 45 and rule 47, may be deposited by the applicant with the application or shall be deposited within such time as may be specified in the requisition for depositing the said charges. Such requisitions shall be displayed on the Notice Board of the Tribunal.

(ii) On failure to deposit the fee or deficit fee, within the time notified, the copy application shall be rejected by the Registrar or any other Officer authorised by him.

49. All applications for emergent certified copies shall be accompanied by an additional Court Fee Stamp of Rs.2/-.

50. Every certified copy or free copy issued by the Tribunal shall be affixed with the seal of the Karnataka Administrative Tribunal, and shall be certified as required under Section 73 of Indian Evidence Act, 1872 (Central Act No.1 of 1872) and shall be authenticated by the Fair Copying Examiner-cum-Superintendent.

51(i) On every certified copy issued the following particulars shall be entered;

(a) the date on which the application was made;

(b) the date on which charges and additional charges, if any, were called for;

(c) the date on which charges and additional charges, if any, were deposited;

(d) the date on which the copy was ready and the date on which party was directed to appear to receive the copy;

(e) the date on which the copy was delivered to the applicant.

(ii) Every free copy issued to a party in accordance with the Procedure Rules, 1986, shall be certified to be a true copy and shall be superscribed "Free Copy under rule 21 (i) of the Procedure Rules, 1986," and shall be certified as provided in rule 50.

52. Notwithstanding anything contained in this Chapter, no party or person shall be entitled as of right to apply for and receive copies of or extracts from any minute, letter or document or any confidential file or of any paper produced before the Tribunal, for use in any proceedings which the Chairman or the concerned Bench of the Tribunal considers to be of confidential nature or the publication of which is considered to be not in the interest of public, except under and in accordance with an order specially made by the Chairman or the concerned Bench of the Tribunal.

53. (i) Certified copies which are not received by the parties/Advocates within 6 months of the date on which they are notified in the register to receive copies, shall be destroyed.

(ii) Such destruction of the certified copies not received shall take place 15 days after, a notice is put up on the Notice Board, informing the Advocates/parties, that if within 15 days of the date of the Notification, the copies are not received they would be destroyed .

54. No free copy of the interim orders shall be given to any of the parties, unless otherwise ordered by the Tribunal.

55. Whenever Advocates represent the applicant/respondent, free copies of the final orders shall be given in person to the Advocate concerned. If the Advocate concerned does not receive the copy within 15 days of the date of pronouncement of order/judgment the free copy of the final order shall be sent to the applicant/respondent as the case may be, by Registered Post/Recorded Delivery.

56 (i) Where the application is by a single person or an Association representing a group of individuals, one free copy of the final order shall be given to such applicant or Association or to the Counsel, if any, representing the applicant. In applications and other cases which are withdrawn after admission and notice to the other side, free copies may be given to the applicants and respondents as in any other cases.

(ii) Applications and other cases which are disposed of as withdrawn before admission, one free copy of the final orders may be given to the applicant or to the Counsel, if any, representing the applicant.

57(i) Where more than one person files a joint application with one set of Court Fee, each of them claiming similar relief, one copy of the final order shall be given to the Counsel who has filed vakalath for all those applicants.

(ii) If in such a case the applicants are not represented by an Advocate, the Copyist Examiner shall obtain special orders of the Registrar or any Officer authorised by him in the matter of furnishing copies to the applicants.

58(i) Where, the Government and its Departments and/or Officers are made Respondents in their official capacity, each one of such Respondents shall be furnished with a free copy of the final order.

(ii) In addition to the free copies given as aforesaid, the Government Pleader/Advocate, representing the Government and its Department shall be furnished with one free copy of the final order.

59(i) The other Respondents, (other than Government and its Departments or its Officers in their official capacity) if they are affected by the order, shall be supplied with one free copy of the same and such free copy shall be given to the concerned Respondents or to the Counsel representing than, if any.

(ii) In cases referred to in category 59(i) above, if the Respondents were to be more than 5 in number, the Copyist Examiner shall obtain special orders of the Registrar or any Officer authorised by him in the matter of furnishing free copies, to the officials of that category.

60. When clerical mistakes in final orders in which copies have already been granted are rectified either on being spoken to or in view of the orders passed in Interlocutory Applications filed in the concerned cases, corrected free copies shall be supplied to all the concerned.

61. Whenever free copies are handed over personally to the parties or Advocates concerned, acknowledgement shall be obtained in Register No.11 In case free copies are delivered to parties personally, the same shall be done on proper identification of the parties.

62. Unless it is unavoidable, free copies shall be made ready for delivery to parties, and delivered, as aforesaid, within 10 days of the pronouncement of the order by the Bench.

63. If free copies of judgments or orders sent by Registered Post/Recorded Delivery are returned undelivered, the same shall be preserved for 6 months from the date of such return by the postal authorities and shall thereafter be destroyed.

64. If within the period stipulated in rule 63 the party to whom the free copy was addressed appears and claims the free copy, the same shall be delivered to him.

65. The parties to the application are entitled to free copy of the final order only once.

66. A certified copy of Judgment/Order may be made available for publication in any Journal on such terms and conditions as may be determined by the Chairman.

CHAPTER - X

SEARCH AND INSPECTION

67. The parties, Advocates or Advocates' Registered Clerks, may be permitted inspection of records of a pending application, as are in the nature of pleadings, on permission granted by the Registrar on a request made by the party or Advocate without payment of any charges for inspection.

68. For inspection of any record other than those mentioned in the preceding Rule, an application shall be filed by the party or Advocate concerned disclosing the reason for such inspection. Inspection shall be limited to the extent ordered by the Registrar.

69. For search or inspection beyond the first hour, a search fee of Re.1/- per hour shall be paid by affixing Court Fee Stamps, during the subsistence of the search or inspection.

70. Every search or inspection shall be done in the presence of the official in the custody of the records. Carrying or removing the records outside the premises of the Tribunal is totally prohibited.

71. When a search or inspection is allowed the person searching or inspecting the records may be entitled to make notes, but in no event shall be entitled to copy any part of the record.

72. No inspection or search is permitted of a record, a certified copy of which cannot be granted under these Rules.

CHAPTER - XI

RECORD BRANCH

73. Papers in an Application, Review Application and Contempt of Tribunal Application shall be classified as 'A' file and 'B' file.

'A' File shall consist of the following papers:

- (i) Order Sheet* with check slip
- (ii) Application with its Annexures (Original)
- (iii) Reply of the Respondent/s with its Annexures (Original)
- (iv) Judgment and Orders (Photostat Copy)
- (v) Supreme Court Order (if there is)
- (vi) Vakalath(s)

* words " with check slip and item `(vi) to (xi) inserted by Notification No.KAT/RP/AMDT/3/94 dated 01-12-1994.

(vii) Amendment of applications if any (I.As., attached to the main applications, I.A. for impleading/deletion/additional prayer, etc. (originals).

(viii) Interim order of stay, if any.

(ix) Memo for withdrawal, if any.

(x) Memo for disposal (if any terms are mentioned)

(xi) Original papers, documents, records produced by the Advocate for applicant/respondent, Government Advocate.

NOTE: In case Service Register is found in the file it must be immediately returned to the authority from whom it is received, after making necessary entries in the Order Sheet.

'B' File shall consist of the following papers:

- (i) Application (2nd Set)
- (ii) Reply of the Respondent/s (2nd Set)
- (iii) Interim Application (s)

- (iv) Objections to Interim Application(s)
- (v) Orders on I.A. (if any)
- (vi) Vakalath (s)
- (vii) Memos
- (viii) Postal Acknowledgements
- (ix) Notices
- (x) Presentation Forms
- (xi) Other documents filed by applicant/s and Respondent/s.
- (xii) Any other paper not classified in 'A' file.

74. Disposed of records shall be lodged in the record room of the Tribunal as far as possible within 15 days of the disposal of the application (s). Bundles of records sent to record room shall be accompanied by a list as prescribed in Form No.VI-A

75. The Record Keeper shall be the custodian of the records lodged in the Record Room.

76. The Record Keeper shall receive the records from the concerned Branch and shall scrutinise or cause to scrutinise the records consigned, within 7 days from the date of receipt of records in the Record Room.

77. Any defect found in the Records shall immediately be notified to the Branch which sent the record to the record room and the record shall be sent for rectification.

78. The concerned Branch shall rectify the defects pointed out and re-transmit the records to the Record Branch, within 7 days of its return by the Record Branch.

79. The Record Keeper shall record the receipt of the application. in the register of records as per Register No.12 and the register shall be prepared monthwise.

80. 'A' File of the application, Review Application and Contempt of Tribunal Application shall be maintained permanently.

81. 'B' File of every application. Review Application and Contempt of Tribunal Application. Shall be destroyed after 5 years of the judgment on the application.

82. 'B' Files of applications, Review Application and Contempt of Tribunal Application, sent to the Supreme Court for appeal shall be destroyed after one year from the date of receipt of records from the Supreme Court or five years from the date of Judgment whichever is later.

83. The destruction of the records liable for destruction shall be done only after orders are passed for destruction by the Registrar or any other Officer authorised by him.

84. Whenever documents are taken back during the pendency of an application before the Tribunal, they shall be substituted by duly certified copies by party seeking return of the documents.

85. Documents filed by the parties, after disposal of the application may be returned to the parties or their Counsel on orders of the Registrar or the Office authorised by him on an application made in this behalf, after the expiry of time limit for appeal to the Supreme Court or earlier if sufficient cause is shown.

86. Whenever documents are returned to the parties, an acknowledgement, containing description of the documents returned shall be obtained under the signature of the person receiving the documents. Such an acknowledgement shall be filed in the Record in place of the documents returned. Before returning the documents the Record Keeper shall ensure the identity of the person/Advocate to whom the documents are returned and after return of the documents his initial therein.

87. Every application for return of documents shall be entered in Register No.13 with all the particulars mentioned therein.

88. After destruction of the 'B' File entries shall be made in the Register No.14 by the Record Keeper.

89. 'A' File of every application required to be preserved permanently shall be arranged in bundles of 25 in the chronological order (1 to 25) and shall be wrapped in 'KORA CLOTH' with a label attached to the bundle displaying the number of the applications that are kept in the bundle.

90. The bundles referred to in rule 89 above shall be arranged serially.

CHAPTER - XII

APPEAL TO SUPREME COURT

91. Orders/Notices of appeal sent by the Supreme Court of India, for service on Respondent/s shall be as prescribed in the Supreme Court Rules of Practice, 1966, as amended from time to time.

92. On receipt of communication from the Supreme Court the party or Counsel, as the case may be, shall be notified of the liability to pay process fee, transmission charges, translation charges and to comply with any other direction issued by the Supreme Court and shall be required to comply with the same within 15 days of the receipt of the notice or within such time as may be fixed by the Supreme Court of India.

93. On failure to comply with the rule 92, a report shall be submitted to the Supreme Court in this behalf by the Registrar or any Officer authorised by him.

94. Whenever any records are sent to the Supreme Court, suitable entries, for having despatched the records and also corresponding entries for having received the same, shall be made by the Record Keeper in Register No.9(A).

CHAPTER - XIII

PRACTITIONERS OF THE TRIBUNAL

95. Subject as hereinafter provided, no Advocate or Practitioner shall be entitled to appear and act in any matter before the Tribunal unless he files into the Tribunal a Vakalath duly signed and executed by the party for whom he appears.

96. (i) The Government Advocate or Govt. Pleader appearing before the Tribunal shall be deemed to be an agent for service of notice on the Government of Karnataka or its Officers and such service shall be valid service on the Government of Karnataka or its Officers as the case may be.

(ii) Any Advocate appearing on behalf of the Government or on behalf of any public servant sued. in his Official capacity shall not be required to file a vakalath, but he shall file into the Tribunal a memorandum of appearance signed by him giving the number and cause title of the application, name of the party to whom he appears and the name of person by whom he is authorized to appear.

97. (i) When an Advocate retained to appear for any party on a Vakalatnama, in any application or other matter in the Tribunal, is

prevented by sickness or engagement in another Court or by other reasonable cause, from appearing and conducting the case of his client, he may appoint another Advocate to appear for him. In such a case, the Tribunal, if it sees no reason to the contrary may permit the case to be proceeded within the absence of the Advocate originally engaged and permit his nominee to appear for him without filing a Vakalatnama.

(ii) Where an Advocate, who has filed a Vakalatnama engages another to appear and argue his client's case, but not to act for the client, the Tribunal may permit such other Advocate to appear and argue either without filing a Vakalatnama or on filing a memorandum of appearance.

98. An Advocate proposing to file a vakalatnama in a proceeding in which there is already an Advocate on record, shall not do so, unless he produces a written consent or no objection of the Advocate on record or when such consent is refused or not obtainable on account of the Counsel not being able to contact despite due diligence or on account of any other bona fide cause, unless he obtains special permission of the Tribunal.

99. Except when specially authorised by the Tribunal or by the consent of the party, an Advocate who has advised in connection with the institution of an application under Section 19 of the Act, or has drawn pleading in connection with any such matter or has during the progress of any such matter acted for a party, shall not, unless he first gives the party for whom he has advised, drawn pleadings or acted, an opportunity to engage his services, appear in any such application on or other matter arising there from or in any matter connected therewith for any person whose interest is opposed to that of his former client.

Provided that consent of the party shall be presumed if he engages another lawyer to appear for him in such an application or other proceeding without offering an engagement to the Advocate whom he had originally consulted engaged.

100. An Advocate appearing for any party in any matter in the Tribunal shall be entitled to communicate personally with or receive any information regarding the said matter from any Officer or Official of the Tribunal's establishment, subject to such conditions and regulations as may be prescribed.

101. A Vakalatnama shall be executed before or its execution be attested by any of the following persons:

Any Judicial Officer, Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar or Court Officer/Section Officer of the Karnataka Administrative Tribunal/High Court or a Sheristedar, Head Munshi or Head Clerk of any Civil Courts, a Member of the Parliament of India, a Member of the Legislative Assembly or Council of any State in

India, a Member of any Zilla Parishad & Mandal Panchayat, any Advocate on the rolls of the Supreme Court or of any High Court in India including the Advocate in whose favour the Vakalatnama is executed, any Pleader or other Legal Practitioner.

102. If the person executing the Vakalatnama appears to the attestor to be, illiterate or unacquainted with the language in which the Vakalatnama is written, the attestor shall certify that the Vakalatnama was read over and explained to the executant in a language known to him in the presence of the attestor and that the executant seemed to have understood the same and made his signature or mark in his presence.

103. Before filing the Vakalatnama into the Tribunal the Advocate shall endorse his acceptance thereon over his signature and enter the date of such acceptance. He shall also enter therein his address for service.

104. Subject to the permission of the Tribunal, the Party who has engaged an Advocate to appear for him shall not be entitled to be heard in person unless he withdraws the Vakalatnama executed by him.

105. (i) No person shall be recognised as a Clerk or Gumasta of an Advocate unless his name is entered in Register No .15 kept for that purpose, in accordance with the Procedure Rules, 1986.

(ii) A Registered Clerk shall be issued with an Identity Card in Form No. VII.

106. Registered Clerks or Gumastas may communicate personally regarding their master's matters pending in the Tribunal with any Sectional or Departmental Head below the rank of an Assistant Registrar or with a subordinate with the permission of the appropriate Sectional or Departmental Head and may be furnished with information regarding those matters.

107. The Registrar, Deputy Registrar or the Assistant Registrar may in his/her discretion permit a Registered Clerk or Gumasta to correct any clerical or typographical mistakes in any application, but such correction, if permitted, shall be made in the presence of the Deputy Registrar or Assistant Registrar, as the case may be, and be authenticated by him by placing his initials near it. The said correction shall be authenticated by the Officer in whose presence the correction was made.

108. When a party appears through an Agent other than a Pleader, the Agent shall, before filing the application into the Tribunal, file in the Tribunal the power to attorney, (or properly authenticated copy thereof) authorising him to do so.

108(A)* Professional Dress for the Advocates appearing before the Tribunal:

I. Advocates other than Lady Advocates:

(a) a black buttoned-up coat, chapkan, achkan, black sherwani and white bands with Advocates' Gowns,

Or

(b) a black open breast coat, white shirt, white collar, stiff or soft, and white bands, with Advocates' Gowns. In either case long trousers (white, black striped or grey) or Dhoti.

II. Lady Advocates:

(a) Black and full or half sleeve jacket or blouse, white collar, stiff or soft, with white bands and Advocates' Gowns,

or

White blouse, with or without collar, with white bands, and with a black open breast coat.

(b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or Flare (white, black or black striped or grey) or Punjabi dress (Churidar-kurta or Salwar-kurta with or without dupatta) white or black."

* Inserted vide Notification No.KAT/RP/AMDT/3/94 dated: 14-02-1996.

GENERAL

109. All instructions/orders which are inconsistent with these Rules shall be inoperative to the extent of the inconsistency with these Rules.

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