

K.A.T (PROCEDURE) RULES, 1986

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No.A-11019/2I/86-AT

Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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New Delhi, the 3rd October, 1986

NOTIFICATION

G.S.R. 1130(E), dated 3-10-1986.— In exercise of the powers conferred by clauses (d), (e) and (f) of sub-section (2) of Section 35 and clause (c) of Section 36 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.— (1) These rules may be called the Karnataka Administrative Tribunal (Procedure) Rules, 1986.

(2) They shall come in to force on the date of their publication in the Official Gazette. *

2. Definitions: In these rules, unless the context otherwise requires.

(a) "**Act**" means the Administrative Tribunals Act" 1985 (13 of 1985).

(b) "**Agent**" means a person duly authorised by a party to present an application or reply on its behalf before the Tribunal;

(c) "**Applicant**" means a person making application to the Tribunal under Section 19;

(d) "**Application**" means an application made to the Tribunal under Section 19;

(e) "**Form**" means the Form annexed to these rules;

* Published in the Gazette of India. Extra-ordinary Part-II, Section 3, Sub-section (i) dated 3.10.1986.

(f) "**Government**" means the Government of Karnataka;

(g) "**Legal Practitioner**" shall have the same meaning as is assigned to it in the Advocates Act" 1961 (25 of 1961);

(h) "**Registrar**" means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under clause (2) of rule 27;

(i) "**Section**" means a section of the Act;

(j) "**Transferred Application**" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of Section 29;

(k) "**Tribunal**" means the Karnataka Administrative Tribunal established under sub-section (2) of section 4;

(l) the "**Words and Phrases**" used herein but not defined shall have the meaning assigned to them in the Act.

3. Language of the Tribunal.- (1) The language of the Tribunal shall be in English;

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Kannada, if they so desire;

Provided further that a Bench may, in its discretion, permit the use of Kannada in the proceeding, however, the final order shall be in English.

4. Procedure for filing applications.— (1) An application to the Tribunal shall be presented in Form No.I by the applicant in person or by an agent or by a duly authorised advocate, to the Registrar or any other officer authorised by the Registrar to receive applications or sent by registered post with acknowledgement due addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in three complete sets in a paper book form along with one unused file size envelope bearing full address of the respondent. Where the number of respondents is more than one, as many extra copies of the application in paper book form as the number of respondents together with required number of unused file size envelope bearing the full address of each respondents shall be furnished by the applicant.

(3) The applicant may attach to and present with his application a receipt slip as in Form No.II which shall be signed by the Registrar or the officer receiving the application on behalf of the Registrar in acknowledgement of the receipt of the application.

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3), the Tribunal may permit:

- (a) More than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for that they have the common interest in the service matter; or
- (b) An Association representing the persons desirous of joining in single application provided, however, that the application shall disclose the names and class/category/grade of all the persons on whose behalf it has been filed.

5. Presentation and scrutiny of application.— (1) The Registrar, or the officer authorised by him under rule 4 shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the Party to rectify the same in his presence, and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.

*Provided that the time allowed by the Registrar to rectify the defects shall not exceed thirty days.

(4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register the application.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Tribunal whose decision thereon shall be final.

6. Place of filing application: The application shall be filed by the applicant with the Registrar.

7. Application Fee.— Every application filed, with the Registrar shall be accompanied by a fee of Rs.50/- (Rupees Fifty only) which shall be paid in court fee stamp affixed on such an application:

* inserted vide Notification dated 27.10.2014 (G.S.R. 749(E))

Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be Rs.50/- (rupees fifty) only.

8. Contents of application.— (1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application. Such grounds shall be numbered consecutively and typed on a thick paper of good quality in double space on one side.

(2) It shall not be necessary to present a separate application to seek an interim order or direction if the application contains a prayer seeking an interim order or direction pending final disposal of the application.

(3) An applicant may, subsequent to the filing of application under section 19 of the Act, apply for an interim order or direction. Such an application shall, as far as possible, be in the same form as is prescribed for an application under section 19 and shall be accompanied by a fee, of Rs.2/- (rupees two only) which shall be payable in court fee stamps affixed on such an application.

9. Documents to accompany the application.— (1) Every application shall be accompanied by a paper book containing.—

(i) an attested true copy of the order against which the application has been filed;

(ii) copies of the documents relied upon by the applicant and referred to in the application; and

(iii) an index of documents.

(2) The documents referred to in sub-rule (1) may be attested by a legal practitioner or by a Gazetted Officer and each document shall be marked serially as Annexure A-I; A-2; A-3; and so on.

(3) Where the application is filed by an agent, documents authorising him to act as such agent shall also be appended to the application;

Provided that where an application is filed by a legal practitioner it shall be accompanied by a duly executed 'Vakalatnama'.

10. Plural remedies.— An application shall be based upon a single cause of action and may seek one or more reliefs provided they are consequential to one another.

11. Service of notice of application on the respondent.— (1) A copy of the application in the paper book shall ordinarily be served on each of the respondents by the Registrar in one of the following modes:

- (i) hand delivery (Dasti) through the applicant or through a process server; or
- (ii) through registered post with acknowledgement due; or
- (iii) through the concerned Head of the Department by any of the above modes.

(2) Where the notice issued by the Tribunal is served by the applicant himself by hand delivery (Dasti), he shall file with the Registrar the acknowledgement together with an affidavit of service and such service shall be deemed to be sufficient service.

(3) Notwithstanding anything contained in sub-rule (1), the Registrar may, taking into account the number of respondents and their places of residence or work and other circumstances, direct the notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service, as it appears to the Registrar just and convenient.

(4) Standing Counsel appointed by Government shall receive notices on behalf of the Government or its Departments subject to such directions as the Tribunal may deem fit having regard to the nature and urgency of the matter.

(5) Every notice issued by the Tribunal, unless otherwise directed, shall be accompanied by a copy of the application, along with the paper book.

(6) Every applicant shall pay a fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five, as under:

- (i) a sum of Rs.5/- (rupees five only) for each respondent in excess of five respondents; or
- (ii) where the service is in such manner as the Registrar may direct under sub-rule (3), a sum not exceeding the actual charges incurred in effecting the service as may be determined by the Registrar.

(7) The fee for the service or execution of processes under sub-rule (3) or sub-rule (6) shall be remitted by the applicant in the form of court fee stamps.

(8) Notwithstanding anything contained in sub-rules (1), (2), (3) and (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all the respondents, it may for reasons to be

recorded in writing direct that the application shall be heard notwithstanding that some of the respondents have not been served with notice of the application, provided that no application shall be heard unless,—

- (i) notice of the application has been served on the Government or the Central Government if that Government is a respondent;
- (ii) notice of the application has been served on the authority which passed the order against which the application has been filed; and
- (iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application had not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. Filing of reply and other documents by the respondents.— (1) Each respondent intending to contest the application shall file three complete sets containing the reply to the application along with the documents relied upon by him, in a paper book form, with the Registrar within one month of the date of service of the notice of the application on him.

(2) In the reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the applicant in his application and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed and verified as a written statement by the respondent or any other person duly authorised by him in writing in the same manner as provided for in Order VI, rule 15 of the Code of Civil Procedure.

(3) The documents referred to in sub-rule (2) shall also be filed along with the reply and marked as R1, R2, R3 and so on.

(4) The respondent shall also serve a copy of the reply along with copies of documents as mentioned in sub-rule (1) on the applicant or his legal practitioner, if any, and file proof of such service with the Registrar.

(5) The Registrar may, on application by the respondent, allow filing of the reply after the expiry of the period of one month.

13. Date and place of hearing to be notified.— The Registrar shall notify to the parties or their counsels, if any, the date and the place of hearing of the application.

14. Sitting of the Tribunal.— The Tribunal shall ordinarily hold its sittings at Bangalore.

Provided that, if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary to have sittings of the Tribunal at any place other than Bangalore the Chairman may direct to hold the sittings at any such appropriate place.

15. Decision on application.— (1) The Tribunal shall draw up a calendar for the hearing of transferred applications and as far as possible hear and decide the cases according to the calendar.

(2) Every application shall be heard and decided, as far as possible, within six months of the date of its presentation.

(3) For purposes of sub-rule (1) and (2), the Tribunal shall have the power to decline an adjournment and to limit the time for oral arguments.

16. Action on application for applicant's default.— (1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called on for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called on for hearing, the Tribunal may make an order setting aside the order dismissing the application and restore the same.

17. Hearing of application *ex-parte*.— (1) Where on the date fixed for hearing the application or on any other date to which such hearing may be adjourned, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may in its discretion, adjourn or hear and decide the application *ex-parte*:

(2) Where an application has been heard *ex-parte* against a respondent or respondents such a respondent or respondents may apply to the Tribunal for an order to set aside; and if such respondent or respondents satisfy the Tribunal that the notice was not duly served or that he or they were prevented by any sufficient cause from appearing when the application was called on for hearing the Tribunal may make an order setting aside the *ex-parte* hearing as against him or them upon such terms as it thinks fit and shall appoint a day for proceeding with the application;

Provided that where the *ex-parte* hearing of the application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also:

Provided further that no Tribunal shall set aside ex-parte hearing of an application merely on the ground that there has been irregularity in the service of notice, if it is satisfied that the respondents had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim.

18. Adjournment of application.— The Tribunal may on such terms as it deems fit and at any stage of the proceedings adjourn the hearing of the application.

19. Order to be signed and dated.— Every order of the Tribunal shall be in writing and shall be signed and dated by the members constituting the Bench concerned.

20. Publication of orders.— Such of the order of the Tribunal as are deemed fit for publication in any authoritative report to the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

21. Communication of orders to parties.— (1) Every order passed on an application shall be communicated to the applicant and to the respondent either in person or by registered post free of cost.

(2) Certified copies of the order of proceedings may be obtained by the parties on application to the Registrar on payment of such fees and on such terms and conditions as may be prescribed by the Chairman by any general or special orders.

22. No fee for inspection of record.— No fee shall be charged for inspecting the records of a pending application by a party thereto.

23. Orders and directions in certain cases.— The Tribunal may make such orders or such directions as may be necessary or expedient to give effect to or in relation to its orders or to prevent abuse of its process or to secure the ends of justice.

24. Registration of Legal Practitioner's clerks.— (1) A Clerk employed by a legal practitioner and permitted as such to have access to the records and to obtain copies of the orders of the Tribunal in which the legal practitioner ordinarily practises shall be known as a "Registered Clerk".

(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form 3 with three pass port size photographs of the clerk one pasted on the application form and the other two loosely attached to it.

(3) A legal practitioner shall have at a time not more than two registered clerk unless the Registrar by general or special order otherwise permits.

(4) A register of all the registered clerks shall be maintained in the office of the Registrar and after registration of the clerk the Registrar shall direct the issue of an identity card to him. It shall be non-transferable and shall be produced by the holder upon request by an officer or any other employee of the Tribunal.

(5) The identity card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal.

(6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk and on receipt of such letter the name of the said registered clerk shall be struck off the register.

(7) The registration of a clerk shall be valid for a period of one year and shall be subject to annual renewal.

25. Working hours and working days of the Tribunal.— (1) The Tribunal shall observe the same working hours as the offices of the Government. The Tribunal shall remain closed on Sundays and on such holidays as may be declared by the Government for its offices.

(2) The Chairman shall notify and determine the days during which the vacation of 30 days in one or more spells shall be observed by the Tribunal.

26. Sitting hours of the Tribunal.— The sitting hours of the Tribunal (including the vacation Bench) shall ordinarily be from 11.00 A.M. to 2.00 P.M. and 3.00 P.M. to 5.00 P.M. subject to any order made by the Chairman.

27. Powers and functions of the Registrar.— (1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as may be assigned to him under these rules or by the Chairman.

(2) The Registrar may, with the approval of the Chairman, delegate to the Deputy Registrar any function required by these rules to be exercised by the Registrar.

(3) In the absence of the Registrar the Deputy Registrar or any other officer of the Tribunal authorised in writing by the Chairman in this

behalf, may perform or exercise all or any of the functions and powers of the Registrar.

(4) The Registrar shall keep in his custody official seal of the Tribunal.

(5) The Registrar shall, subject to any general or special direction by the Chairman, affix the official seal of the Tribunal on any order, notice or other process.

(6) The Registrar shall have the power to authorise in writing the affixing of the seal of the Tribunal on a certified copy of any order of the Tribunal.

28. Additional powers and duties of Registrar.— In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman or the Vice-Chairman of the Bench concerned, namely:

- (i) to receive all applications and other documents including transferred applications;
- (ii) to decide all questions arising out of the scrutiny of the applications before they are registered;
- (iii) to require any application presented to the Tribunal to be amended in accordance with the Act and the rules;
- (iv) subject to the directions of the Tribunal to fix dates of hearing of the applications or other proceedings and issue notices thereof;
- (v) to direct any formal amendment of records;
- (vi) to order grant of copies of documents to parties of the proceedings;
- (vii) to grant leave to inspect the records of the Tribunal;
- (viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices or for extending the time therefore;
- (ix) to requisition records from the custody of any court or other authority;
- (x) to receive applications for the substitution of legal representatives of the deceased parties, during the pendency of the application;

- (xi) to receive and dispose of application for substitution, except where the substitution would involve setting aside an order or abatement; and
- (xii) to receive and dispose of application by parties for return of documents.

29. Seal and emblem.— The official seal and emblem of the Tribunal shall be such as the Government may specify.

30. Dress for the Members and Staff of the Tribunal.— The dress for the Members of the Tribunal (including Chairman and Vice-Chairman) and Members of the staff of the Tribunal shall be as such as the Chairman may specify.

31. Dress for the parties.— A legal practitioner or as the case may be, a presenting officer shall appear before the Tribunal in his professional dress if any and if there is no such dress:

- (i) If a male, in a close collared or in an open collared coat with white shirt, trousers and a tie or in a lounge suit;
- (ii) If a female, in a saree or in any other dress in white or any other customary dress of sober colour.

(No.A-11019/21/86-AT)

Sd/
(P.G.LELE),
DIRECTOR (AT).