

ALL INDIA SERVICES MANUAL

86. THE ADMINISTRATIVE TRIBUNALS (PROCEDURE FOR APPOINTMENT OF MEMBERS) RULES, 2011

Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 923(E), dated December 30, 2011, published in the Gazette of India, Extra., Part II, Section 3(i), dated 30th December, 2011, pp. 4-6, No. 701.—In exercise of the powers conferred by clause (c) of Section 36 of the Administrative Tribunals Act, 1985 (13 of 1985) and in supersession of the Administrative Tribunals (Procedure for Appointment of Vice Chairmen and Members) Rules, 2006, except as respects thing done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Administrative Tribunals (Procedure for Appointment of Members) Rules, 2011.

(2) They shall come into 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) "Section" means a section of the Act;
- (c) "Tribunal" means the Central Administrative Tribunal in relation to the Central and the State Administrative Tribunal in relation to a State.

3. Composition of the Selection Committee.—(1) *For Selection of Members of the Central Administrative Tribunal.*—There shall be a Selection Committee for the purpose of selection of the Members of the Central Administrative Tribunal consisting of the following, namely—

- (i) A sitting Judge of the Supreme Court nominated by the Chief Justice of India : —Chairman;
- (ii) Chairman, Central Administrative Tribunal : —Member;
- (iii) Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) : —Member;

- (iv) Secretary to the Government of India, Ministry of Law and Justice (Department of Legal Affairs) : —Member.

(2) *For Selection of Members of the State Administrative Tribunals.*—There shall be a Selection Committee of the concerned State Government for the purpose of selection of Members of the concerned State Administrative Tribunal consisting of the following, namely—

- (i) Chief Justice of the High Court of the concerned State —Chairman;
- (ii) Chief Secretary of the concerned State Government —Member;
- (iii) Chairman of the State Administrative Tribunal of the concerned State —Member;
- (iv) Chairman of the Public Service Commission of the concerned State —Member.

4. **Vacancies.**—The anticipated vacancies of Members that is those arising between January to December of each calendar year shall be placed before the Selection Committee and the Chairman of the Administrative Tribunal concerned shall indicate the number of vacancies of Members to be filled from the judicial stream and the administrative stream respectively whereupon the procedure to fill up the vacancies, accordingly, shall be initiated by the Department of Personnel and Training of the Central Government or the Department concerned of the State Government, as the case may be.

5. **Procedure for inviting applications and processing of candidates.**—(1) *Central Administrative Tribunal*—

- (i) The Selection Committee referred to in sub-rule (1) of Rule 3 shall devise its own procedure or lay down guidelines for inviting applications and for the selection of Members of the Central Administrative Tribunal.
- (ii) The Selection Committee shall recommend persons for appointment as Members from amongst the persons on the list of the candidates prepared by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training after writing to the various cadre controlling authorities.
- (iii) The Central Government shall, after taking into consideration the recommendations of the Selection Committee, and in consultation with the Chief Justice of India in accordance with the provisions contained in sub-section (3) of Section 6, make a final list of persons for appointment as Members of the Central Administrative Tribunal.

(2) *State Administrative Tribunal*—

- (i) The Selection Committee referred to in sub-rule (2) of Rule 3 of the concerned State Government shall devise its own procedure or lay down guidelines for inviting applications and for the selection of the Members of the Administrative Tribunal of the State concerned.

- (ii) The Selection Committee shall recommend persons for appointment as Members from amongst the persons on the list of the candidates prepared by the Chief Secretary or Secretary, General Administration Department or Personnel Department of the State Government after writing to the various cadre controlling authorities of the State.
- (iii) The State Government shall, after taking into consideration the recommendations of the Selection Committee, make a list of persons selected and send the same with its recommendations to the Central Government who shall in consultation with the Chief Justice of India and in accordance with the provisions contained in sub-section (4) of Section 6, appoint Members of the Administrative Tribunal of the State concerned.

6. Meetings of the Selection Committee.—(1) The Selection Committee shall normally hold its meetings at New Delhi in the case of the Central Administrative Tribunal and at the State capital of the State concerned in the case of the State Administrative Tribunal or at such other place as may be decided by the Chairman of the concerned Selection Committee by recording the reasons for the change of the venue of the Committee.

(2) The Notice or Agenda, as the case may be, for meeting of the Selection Committee shall be issued in advance.

(3) The date and venue for the meeting shall be fixed in consultation with the Chairman of the Committee.

(4) The quorum for the meeting at a Selection Committee shall be the Chairman and at least, one other Member.

7. Consultation with the Chief Justice of India.—(1) For selection of a Member of the Central Administrative Tribunal the Chief Justice of India shall be consulted in accordance with the provisions of sub-section (3) of Section 6 and the recommendation of the Selection Committee referred to in sub-rule (1) of Rule 3 shall accordingly be placed before him for his views.

(2) The recommendations of the Selection Committee, together with the views of the Chief Justice of India shall be submitted to the competent authority for orders.

8. Consultation with the Governor.—(1) For selection of a Member of State Administrative Tribunal the Governor of the concerned State shall be consulted by the State Government and for this purpose the recommendations of the Selection Committee referred to in sub-rule (2) of Rule 3 shall be placed before him.

(2) After consulting the concerned Governor under sub-rule (1) the recommendations of the Selection Committee together with the views of the Governor shall be forwarded to the Central Government and that Government shall seek the orders of the competent authorities.