

THE UTTAR PRADESH PUBLIC SERVICES TRIBUNAL (PROCEDURE) RULES, 1992

In exercise of the powers conferred by Section 7 of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (U.P. Act no. 17 of 1976), the Governor is pleased to make the following Rules:

- | | | |
|-------------------------------------|-----------|---|
| Short title and commencement | 1- | <p>(a) These rules may be called the Uttar Pradesh Public Services Tribunal (Procedure) Rules, 1992.</p> <p>(b) They shall come into force at once.</p> |
| Definitions | 2- | <p>In these rules, unless the context otherwise requires-</p> <p>(a) “Act” means the Uttar Pradesh Public Services (Tribunal) Acts, 1976.</p> <p>(b) “agent” means a person duly authorized by a party to present and application, writer reply, rejoinder or an other document on its behalf before the Tribunal;</p> <p>(c) “applicant” or “petitioner” means a person making an application or petition to the Tribunal;</p> <p>(d) “Contempt Act” means the Contempt of Court Act, 1971 (act no. 17 of 1971);</p> <p>(e) “Form” means a Form given in Appendix;</p> <p>(f) “Joint Registrar” means the Joint Registrar of the Tribunal.</p> <p>(g) “Legal practitioner” shall have the meaning assigned to it in the Advocate Act, 1961 (act no. 25 of 1961);</p> <p>(h) “Legal representative” means a person, who in law represents the estate of the deceased person and includes a person in whom the right to receive pensionary, retirement, terminal or other benefits of family pension vests.</p> <p>(i) “Registry” means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under sub- rule (2) of rule 28;</p> <p>(j) “Registry” means the Registry of the Tribunal;</p> <p>(k) “Transferred application” means the suit or other proceedings which has been transferred to the Tribunal under sub- section (2) of section 6;</p> <p>(l) the words and expressions used and not defined in these rules but defined in the Act shall have the meaning assigned to them in the Act.</p> |
| Language of Tribunal | 3- | <p>The language of the Tribunal shall be Hindi in Devnagri script.</p> |

**Procedure for
filing
applications**

- 4-**
- (1) Every reference under section 4 shall be addressed to the Tribunal and shall be made through a petition presented in Form I by the petitioner in person or by an agent or by a duly authorized legal practitioner to the Registrar or be sent by registered post with acknowledgement due addressed to the Registrar.
 - (2) The petition under sub- rule (1) shall be presented in triplicate in the following two complications: -
 - (i) Complication number 1- Petition along with the impugned order, if any;
 - (ii) Complication number 2- All other documents and annexures referred to in the petition in paper- book formed.
 - (3) Where the number of respondents is more than one, as many extra copies of the petition in paper book form as there are respondents together with unused file size envelopes bearing the full address of each respondents shall be furnished by the applicant.
 - (4) The petitioner may attach to and present with his petition a receipt slip in Form II which shall be signed by the Registrar or the officer receiving the petition on behalf of the Registrar in acknowledgement of the receipt of the petition.
 - (5) A Joint petition may be filed by two or more public servants if there are similarly placed and common questions of law are involved in the case.
 - (6) If two or more public servants have not filed a joint petition involving common questions of law and the Tribunal is of the view that some petitions involve common questions of law, the Tribunal may combine all such petitions and give one order, decision or declaration in respect of these petitions. If in the opinion of the Tribunal, two or more petitions filed by public servants cannot properly be decided jointly, the Tribunal may give order, decisions or declaration on the petitioners separately.

**Presentation and
scrutiny of
petition**

- 5-**
- (1) The Registrar shall endorse on every petition the date on which it is presented or received under registered post and shall sign the endorsement.
 - (2) If, on scrutiny, the petition is found to be in order, it shall be duly registered and given a serial number.
 - (3) If the petition, 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 petitioner such time to rectify the defect as he may deem fit. Where a petition is received by registered post, the petitioner shall be informed of the defects, if any, and he shall be required to rectify the same within such time as may be fixed by the Registrar.

- (4) (1) If the petitioner 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 petition and place the matter before the Bench for appropriate orders.
 (2) Such matter may be dealt with and disposed of in chamber.

Filing of petition **6-** A petition shall ordinarily be filed by the petitioner with the Registrar and subject to the orders under clause (0) of sub- section (5) of section 4-A, such petition shall be heard and disposed of by the Bench which has jurisdiction over the matter.

Fee **7-** The fees payable in respect of proceeding before the Tribunal shall be as indicated in the Scheduled and shall be paid in the manner provided in the Court Fees Act, 1870:

Provided that where the Tribunal is satisfied that a petitioner is unable to pay the prescribed fee on ground of indigence, it may exempt such a petitioner from the payment of fee.

Contents of petitions **8-** (1) Every petition filed under rule 4 shall set forth concisely under distinct heads the grounds for such petition. Such grounds shall be numbered consecutively. The petitioner shall specify the date when cause of action for the claim has arisen. Every petition, including any miscellaneous application shall be typed in double space on one side on thick paper of good quality.

(2) It shall not be necessary to present a separate application to seek an interim order or direction if in original petition the same is prayed for but separate fees, if payable under these rule shall be payable.

(3) A petitioner may, subsequent to the filing of the petition for hearing of reference apply for an interim order or direction. Such an application shall as far as possible, be Form III.

(4) Where the petitioner seeks condonation of delay, he shall file a separate application supported by an affidavit.

(5) The Tribunal may at any stage of the proceeding require the petitioner to submit any further or better particulars of his claim.

Documents to accompany the petition **9-** (1) Every petition shall be accompanied by the following documents:

(i) an attested true copy of the order against which the petition is filed;

(ii) Copies of the documents relied upon by the petitioner and referred to in the petition;

(iii) Copy of rules, contract or regulation relevant to the

- proceedings;
- (iv) A self addressed and sufficiently stamped envelope or post care as may be specified by the Tribunal by direction from time to time so that intimation could be sent to the petitioner for further steps of date of hearing;
 - (v) An index of the documents.

- (2) The documents referred to in sub- rule (1) may be attested by a legal practitioner, gazetted officer or a notary and each documents shall be marked serially as Annexure A-1, A-2, A-3 and so on.
- (3) Where a petition is filed by an agent, documents authorizing him to act as such agent shall also be appended to the petition:

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

- (4) The Tribunal may at any stage of the proceedings require the petition to file the original documents copies whereof has earlier been filed by him.

Plural reliefs **10-** Every petition shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another.

Service of notices and processes issued by the Tribunal **11-** (1) Notices to be issued by the Tribunal may be served in any of the following modes:

- (i) service by the party itself (dasti);
- (ii) by hand delivery through process server;
- (iii) by registered post 'with acknowledgement due';
- (iv) through the concerned Head of the Department;

Provided that if the Tribunal does not specify the mode of service, notice may be sent by registered post 'with acknowledgement due' and the provision of sub-rule (2) of Rule 19-A of Order V first schedule to the Code of Civil Procedure, 1908 (act no. 5 of 1908), shall apply to such mode of service.

- (2) Where notice issued by the Tribunal is served by the party himself by hand 'delivery' (dasti), he shall file with the Registry of the Tribunal. The acknowledgement together with an affidavit of service,
- (3) Notwithstanding anything contained in sub-rule (1), the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the petition shall be served upon the respondents in any other manner, including any manner of substituted service, as it

appears to the Tribunal just and convenient.

- (4) The Tribunal shall deliver one copy of petition and other papers to the Presenting Officer of the employer.
- (5) Every notice issued by the Tribunal shall unless otherwise ordered, be accompanied by a copy of the petition and a copy of the impugned order.
- (6) Every petitioner shall furnish sufficiently stamped file size envelopes bearing the full address of each respondent for service of notices by Registered Post.
- (7) The fees for service of notice in any other manner shall be paid in accordance with the general of special orders of the Chairman.
- (8) Notwithstanding anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of petition upon all the respondents, it may, for reasons to be recorded in writing direct that the petition shall be heard, notwithstanding that some of the respondents have not been served with notice of the petition:
 Provided that no petition shall be hard unless-
 - (i) notice of the petition has been served, on the State Government;
 - (ii) notice of the petition has been served on the authority which passed the order against which the petition has been filed; and
 - (iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the petition has been served are adequately and sufficiently represented by the respondents on whom notice of the petition has been served.

Filing of reply and other documents by the respondents **12-**

- (1) Each respondent intending to contest the petition shall file in triplicate the reply to the petition and documents relied upon in paper book form with the Registry within one month of the service of notice of the petition on him.
- (2) In the reply filed under sub- rule (1) the respondents shall specifically admit, deny or explain the facts stated by the petitioner in his petition and may also state such additional facts as may be found necessary for the just decision of the case. It shall, subject to the provisions of the section 10 of section 5 of the Act shall be signed by the respondent and verified as a written statement in the same manner as is provided in order VI Rule 15 of the Code of Civil Procedure, 1908 (act no. 5 of 1908).
- (3) The document referred to in sub-rule (1) shall also be filed along with the reply and the same shall be marked as R1, R2, R3 and

so on.

- (4) The respondents shall also serve a copy of the reply along with documents as mentioned in sub-rule (1) on the petitioner or his legal practitioner, if any, and file proof of such service in the Registry.
- (5) The Tribunal may allow filing of the reply after the expiry of the prescribed period.
- (6) The Tribunal may at any stage of the proceedings require the respondent to submit further or better particulars of his defence and may also require him to file the original documents, a copy whereof has been earlier filed by him.

Date and place of hearing to be notified	13-	The Tribunal shall notify to the parties including the Presenting Officer of the employer the date and the place of hearing of the petition in such manner as the Chairman may by general or special order direct.
Calendar of cases	14-	<ol style="list-style-type: none"> (1) Each Bench shall draw up a calendar for the hearing of transferred cases, and, as far as possible, hear and decide the cases according to the calendar. (2) Every petition shall be heard and decided, as far as possible within six months from the date of its registration. (3) The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments.
Action on petition for petitioner's default	15-	<ol style="list-style-type: none"> (1) Where on the date fixed for hearing of the petition or on any other date to which such hearing may be adjourned, the petitioner does not appear when the petition is called for hearing, the Tribunal may, in its discretion, either dismiss the petition for default or hear and decide it on merit. (2) Where a petition has been dismissed for default and the petitioner files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the petition was called for hearing, the Tribunal shall make an order setting aside the order dismissing the petition and restore the same: Provided that, where the case was disposed of on merits the decision shall not be re-opened except by way of review.
Ex-parte hearing and disposal of petition	16-	<ol style="list-style-type: none"> (1) Where on the date fixed for hearing the petition or on any other date to which such hearing has been adjourned, the petitioner appears and the respondent does not appear when the petition is called for hearing, the Tribunal may, in its discretion adjourn the hearing or hear and decide the petition ex parte. (2) Where the petition has been heard ex parte against a respondent, such respondent may apply to the Tribunal for an order to set it

aside and if such respondent satisfies the Tribunal that the notice was not duly served, or that he was prevented by any sufficient cause from appearing when the petition was called for hearing the Tribunal may make an order setting aside the ex parte hearing as against him upon such terms as it thinks fit, and shall appoint a day for proceeding with the petition:

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

Provided further that in cases covered by sub-rule (8) of Rule 11, the Tribunal shall not set aside ex parte hearing of a petition merely on the ground that it was not served upon a respondent or respondents.

- | | | |
|--|------------|---|
| Review petition | 17- | <p>(1) No petition for review shall be entertained unless it is filed within thirty days from the date of order of which the review is so sought,</p> <p>(2) A review petition shall ordinarily be heard by the same Bench, which has passed the order, unless, for reasons to be recorded in writing, the Chairman directs that it be heard by any other Bench.</p> <p>(3) Where a petition for review of any judgment or order has been disposed of, no further petition for further review shall lie.</p> |
| Substitution of legal representatives | 18- | <p>(1) In case of death of a party during the pendency of the proceedings before the Tribunal, the legal representatives of the deceased party may apply within ninety days of the date of such death for being brought on record as necessary parties.</p> <p>(2) Where no application is received from the legal representatives within the period specified in sub- rule (1), the proceedings against the deceased party shall abate:
 <i>Provided</i> that the Tribunal may on application and for good and sufficient reasons set aside the order of abatement and substitute the legal representatives.</p> |
| Adjournment of hearing | 19- | <p>The Tribunal may if sufficient cause is shown at any stage of proceedings grant time to the parties or any of them, and adjourn the hearing of the petition. The Tribunal may make such order as it thinks fit with respect to the costs occasioned by the adjournment.</p> |
| Order to be signed and dated | 20- | <p>(1) Every order of the Tribunal shall be in writing and shall be signed by the Member or Members constituting the Bench, which pronounced the order.</p> <p>(2) The orders shall be pronounced in open court.</p> |
| Publication of orders | 21- | <p>Such of the orders of the Tribunal, as are deemed fit for publication in any authoritative report or the press, may be released for such publication on such terms and conditions as the</p> |

Chairman may specify by general or special order.

- | | | |
|--|------------|--|
| Communication of orders to the parties | 22- | <p>(1) Every interim order, granting or refusing or modifying interim relief and final order shall be communicated to the petitioner and to the concerned respondent or to their counsel, either by hand delivery or by post free of cost:</p> <p style="padding-left: 40px;"><i>Provided</i> that unless ordered otherwise by a bench, a copy of the final order need not be sent to any respondent who has not entered appearance:</p> <p style="padding-left: 40px;"><i>Provided</i> further that when the petition or the respondent is represented by a counsel, under a single Vakalatnama, only one copy shall be supplied to such counsel as named therein.</p> <p>(2) If the petitioner or the respondent to any proceedings requires a copy of any document or proceeding the same shall be supplied to him on such terms and conditions on payment of such fees as provided in these rules.</p> |
| Inspection of the records | 23- | <p>(1) The parties to any case or their counsel may be allowed to inspect the record of the case on making an application in writing to the Registrar.</p> <p>(2) Subject to such terms and conditions as may be prescribed by the Chairman by a general or special order a person who is not a party to the proceeding, may also be allowed to inspect the proceedings after obtaining the permission of the Registrar in writing.</p> |
| Orders and directions in certain cases | 24- | <p>The Tribunal may make such orders or give such directions, as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.</p> |
| Registration of legal practitioner's clerks | 25- | <p>(1) No clerk employed by a legal practitioner shall on the expiry of one month from the date of coming into force of these rules act as such in the Tribunal or be permitted to have access to the records and obtain copies of the orders of the Tribunal in which the legal practitioner ordinarily practices unless his name is entered in the Register of clerks maintained by the said Bench. Such clerk shall be known as a "Registered Clerk".</p> <p>(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form IV. On such application being allowed by the Registrar his name shall be entered in the Register of Clerks.</p> <p>(3) After registration of the Clerk, the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or other employees of the Tribunal authorized in this behalf. The identity card shall be issued under the signature of the Registrar.</p> |

- (4) A register of all the clerks registered under sub- rule (2) shall be maintained in the office of the Registrar.
- (5) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits.
- (6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar means of a letter enclosing therewith the identity card issued to his clerk by the registry, and on receipt of such letter the name of the said registered clerk shall be struck off from the register.

**Working hours
of the Tribunal**

- 26-** Except on Sunday and other public holidays, the officer of the Tribunal shall subject to any order made by the Chairman remain open from 10 a.m. to 5 p.m.

**Sitting hours of
the Tribunal**

- 27-** The sitting hours of the Tribunal shall ordinarily be from 10.30 am to 1.30 p.m. and from 2.30 p.m. to 4.00 p.m. subject to any general or special order made by the Chairman, or by Vice-Chairman with the prior approval of the Chairman:

Provided that the Member will ordinarily work at home for about one and half hour for the dictation of orders and judgments. In order to provide him necessary assistance at home, he shall be provided stationary, furniture, equipment, stenographer and orderly.

**Powers and
functions of the
Registrar**

- 28-**
- (1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Chairman or Vice-Chairman by separate order.
 - (2) The Registrar may, with the approval of the Chairman or of the Vice-Chairman delegate to the Joint Registrar any other officer any function or power required by these rules to be performed or exercised by the Registrar.
 - (3) The official seal shall be kept in the custody of the Registrar.
 - (4) Subject to any general or special direction by the Chairman, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar.
 - (5) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

**Additional
powers and
duties of**

- 29-** In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subjection to any general or special order of the Chairman or the Vice-Chairman namely-

Registrar

- (i) to receive all petition, applications and other documents including transferred petitions;
- (ii) to decide all questions arising out of the scrutiny of the petition before they are registered;
- (iii) to require any petition presented to the Tribunal to be amended in accordance with the Act and the rules;
- (iv) subject to the direction of the respective Benches, to fix the date of first hearing of the petition 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 to 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 and for extending the time for filing such applications and to grant time not exceeding thirty days for filing a reply or rejoinder, if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period;
- (ix) to requisition records from the custody of any court or other authority;
- (x) to receive applications within ninety days from the date of death for substitution of legal representatives of the deceased parties during the pendency of the petition;
- (xi) to receive and dispose of applications for substitution, except where the substitution would involve setting aside an order of abatement;
- (xii) to receive and dispose of applications by parties for return of documents.
- (xiii) to call for information and records and to inspect of cause to be inspected the registry and offices under general or special orders as may be issued by the Chairman from time to time.

Seal and emblem	30-	The official seal and emblem of the Tribunal shall be such as the Government may specify.
Dress of the Members and staff of the Tribunal	31-	The dress for the Members of the Tribunal (including Chairman and Vice-Chairman) and Members or the staff of the Tribunal shall be such as the Chairman may specify.
Dress of the parties	32-	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; <ul style="list-style-type: none"> (i) if a male, in a closed collared coat and trousers or in a lounge suit; (ii) if a female, in a saree or any other customary dress of a sober colour.
	33-	The Chairman shall also fix the outturn of work to be disposed of by a Member.

Copy to be granted to person entitled	34-	A copy of judicial record, pertaining to the Tribunal, may be granted in the manner prescribed by these rules, to any person, legally entitled to receive it.
Copies to Parties	35-	Party entitled to copy of record or document- A party to a petition is entitled to obtain, at any stage of the proceedings, copy of the record or document filed before the Tribunal, on payment of fee of one rupee per page, irrespective of the number of words or lines on that page.
Grant of copy of document to a stranger	36-	A stranger to the petition may be granted on payment of the fee as laid down in these rules a copy of (a) petition (b) reply (c) affidavit (d) document produced by the parties (e) adjournment application or other application filled by parties (f) judgments or orders passed by the Tribunal, provided he shows to the satisfaction of the Registrar that he has sufficient reason for obtaining such a copy.
Extra fee for urgent copy	37-	On application for 'urgent copy' i.e. copy to take precedence over other copying work, a uniform extra fee of rupee one per page shall be charged.
Mode of payment of copying fee	38-	All application for the grant of certified copies whether by parties or by stranger shall be accompanied with a non-refundable fee of rupees five.
Time of delivery of copy	39-	Urgent copy shall be delivered to the applicant as far as possible within three days and ordinary copy within ten days from the date of submission of an application.
Failure of claim copy	40-	If the applicant does not claim the copy within the period mentioned in rule 39 or within six months thereafter the copy so prepared may be destroyed and the copying fee paid by the applicant, shall be forfeited to the Government.
Content of application	41-	Every application for apply of a copy shall contain the following particulars, namely- (a) number of the petition or case; (b) names of the parties; (c) whether the case is pending or disposed of; (d) the name of document of which copy is required; (e) in the case of a copy of an order, whether for private or general use; (f) the name and full postal address of the applicant;
Endorsement to be made on the copy before delivery	42-	Every copy, before its delivery to the concerned applicant, shall be stamped indicating therein- (a) serial number of the application; (b) name of the applicant; (c) date of presentation of application for copy; (d) number of pages (e) copying fee charged urgent or ordinary; (f) date of preparing of copy; (g) date of delivery of the copy to the applicant;
	43-	All copies supplied by the Registry of the Tribunal shall be certified to

be true copies by the Officer Incharge of the Copying Branch or the Officer so authorized by the Registrar in that behalf and shall also bear the seal of the Tribunal. The Officer Incharge of the Copying Branch or the Officer so authorized shall also initial every alteration on the copy.

Return of document	44-	A register of applications for certified copies shall be maintained in the form as given in Form V.
	45-	<p>(1) Where any case referred to the Tribunal has been finally disposed off, the public servant or his employer may apply to the Tribunal for return of the documents filed by him.</p> <p>(2) Every such application shall be entered in Register in Form XIV and the signatures of the recipient shall be obtained in token thereof.</p>
	46-	<p>(1) Where Contempt in view of or presence of hearing or the Tribunal Contemner may be punished by the Tribunal either forthwith or on such date as may be appointed by the Tribunal in that behalf;</p> <p>(2) Pending determination of the charge, the Tribunal may direct that the contemner shall be detained in such custody as it may specify;</p> <p style="text-align: center;"><i>Provided</i> that the contemner may be released on bail on such terms as the Tribunal may direct. In this regard, the provisions of rule-54 shall apply.</p>
Cognizance	47-	<p>In a contempt other than the contempt referred to in rule-45, the Tribunal may take action-</p> <p>(1) suo motu; or</p> <p>(2) on a petition made by the Presenting Officer for the State Government; or</p> <p>(3) on a petition made by any person.</p>
Registration of petition	48-	<p>(1) Every petition or motion for taking proceedings under the Contempt Act shall be registered as contempt petition (Civil) in respect of civil contempt and contempt petition (Criminal) in respect of criminal contempt.</p> <p>(2) In proceedings, initiated on a petition, the initiator shall be described as the petitioner and the opposite party as the respondent and in the other cases the description of the persons proceeded against shall be as follows:-</p>
		<p style="text-align: center;">In re:</p> <p>.....son of.....</p> <p>.....Occupation.....resident of.....</p> <p>.....</p>
Form of petition	49-	<p>(1) Every petition under rule 48 shall be in a paper-book form and shall contain:</p> <p>(i) name, description and place of residence of the petitioner and of the person charged;</p> <p>(ii) nature of contempt allege and such material facts including</p>

the date of dates of the commission of the alleged contempt, as may be necessary for the proper determination of the petition;

- (iii) If a petition has previously been made by him on the same facts, the petitioner shall give details of the petition previously made and shall indicate the result thereof;
- (iv) The petition shall be supported by an affidavit; and
- (v) Where the petitioner relies upon a document in his possession, or power, he shall file such documents for true copies thereof with the petition.

- (2) (i) No fee shall be payable on a petition or any document filed in the proceedings; and
- (ii) the petitioner shall file three copies of the petition in paper-book form. Where the number of respondents is more than one, equal number of extra paper-book shall be filed.

Initiation of proceedings

50-

- (1) Any petition, information or motion for action being taken under the Contempt shall, in the first instance be placed before the Chairman.
- (2) The Chairman or the Vice-Chairman such other members as may be designated him for this purpose, shall determine the proceeding or propriety of taking action under Contempt Act.

Admission

51-

- (1) Where the Chairman or the Vice-Chairman or other Members referred to in sub-rule (2) of rule 50 decides that should be taken under the Contempt against the alleged contemner, a case shall be registered and numbered as per rule 48 in the register in Form no, VI and the Registrar shall cause-
 - (a) a notice to be issued to the Presenting Officer for the Government in Form VII when the case is taken cognizance of suo motu; and
 - (b) also a notice be issued to the alleged contemner in Form VII to appear before the Tribunal in person or through an Advocate on a date to be specified therein to show cause against such proceedings.
- (2) A copy of any order made under sub (I) and such other papers as may be deems necessary by the Chairman or the Vice-Chairman or the Members referred to in rule 50, shall accompany such notices.
- (3) The notice shall bear the date and seal of the Tribunal and shall be issued under the signature of the Registrar.

Compelling attendance

52-

- (1) The notice of every petition or motion under the Contempt Act shall be served personally on the person charged unless the Tribunal for reasons to be recorded, directs otherwise.

- (2) The Registrar may issue fresh notice, if he considers service of notice is not sufficient.
- (3) If the Registrar considers service to be sufficient and the alleged contemner does not appear on the date fixed for his appearance, the petition shall be posted for orders of the Tribunal.
- (4) The Tribunal, if satisfied that the person charged is absconding or is likely to abscond, or is keeping or is likely to keep out of the way to avoid service of notice or if he fails to appear in person or continues to be absent, order the issue of bailable or non-bailable warrant of his arrest to one or more Police Officers or District Magistrate or Chief Judicial Magistrate of the district in the manner laid down in Section 70 to 81 of the Code of Criminal Procedure, 1973 (Act II of 1974).
- (5) In addition to or in lieu of the warrants as specified in sub-rule (4), the Tribunal may also in case of criminal contempt order attachment of his property.

**Presence of
alleged
contemner**

53-

- Unless ordered otherwise by the Tribunal, wherever a notice is issued under these rules, the alleged contemner shall appear-
- (a) personally in the case of a criminal contempt; and
 - (b) personally or through an Advocate in the case of Civil Contempt, at the time and place specified in the notice and continue to attend on subsequent hearing also to which the petition may be adjourned.

Release on bail 54-	<p>(1) Where any allege contemner appears or is produced while in custody, at any stage of proceedings before the Tribunal and is required to give bail, such person shall be released on bail, if a bond for such gum of money as the Tribunal thinks fit or sufficient with or without sureties, on the condition that such person shall attend at the time and place mentioned in the bond shall continue to attend until otherwise directed by the Tribunal:</p> <p style="text-align: center;"><i>Provided</i> that the Tribunal may, if it thinks fit instead of taking bail form such person, release him on his executing a bond without sureties for his attendance as aforesaid or without such a bond.</p> <p>(2) Notwithstanding anything contained in sub-rule (1) where a person fails to comply with the conditions of the bail bond as regards the time, place and attendance, the Tribunal may refuse him bail on subsequent occasion in the same case when he appears before the Tribunal or brought in custody and such refusal shall be without prejudice to the powers of the Tribunal to call upon any such person bond by such bond to pay penalty thereof.</p> <p>(3) The provisions of section 436 to 450 of the Code of Criminal Procedure, 1973 (Act II of 1974), shall apply to all the bonds executed under these rules.</p>
Procedure on forfeiture of the bond 55-	<p>If any bond given for appearance of the alleged contemner has been forfeited due to a absence of the alleged contemner, the Tribunal may, after giving opportunity to the alleged contemner or the surety,as the case may be, levy the whole or any part of the amount mentioned in the surety bond, as penalty and direct the same to be recovered as if it was a fine imposed on the alleged contemner.</p>
Right be defended by Legal Practitioner 56-	<p>Every person against whom proceedings are initiated under the Contempt Act, may as of right be defended by a Legal Practitioner of his choice.</p>
Objections of the alleged contemner 57-	<p>When the alleged contemner appears in person or through an advocate, he shall be called upon to file a statement of his objections, if any, which may be in the form of an affidavit;</p> <p style="text-align: center;"><i>Provided</i> that, when the alleged contemner is produced in custody, he shall be questioned, whether he has received the notice and copies of the papers mentioned in sub- rule (2) of rule 51 or not, and if he has not received them he shall be furnished copies thereof and granted sufficient time to file the statement and his objections.</p>
Inquiry and charge 58-	<p>(1) Upon considering the objections stated by the alleged contemner and after hearing the parties, the Tribunal may proceed to charge, if in its opinion, a prima facie case has been made out, and shall</p>

discharge him if no such case has been made out.

- (2) If the Tribunal so thinks fit, the charge shall be in writing and in Form no. IX it shall state precisely and concisely all material particulars constituting the offence charged.
- (3) The charge shall be explained, to be alleged contemner and if in writing, a copy the same may be furnished to him free cost.
- (4) The Tribunal may record the plea of the alleged contemner and if necessary, adjourned the case for further proceedings.

Production of evidence	59-	Before the adjourned date of hearing, at the petitioner the alleged contemner may file in the Tribunal any documents, statements and affidavits either of them wishes to rely upon. The Tribunal may in its discretion examine or permit a witness to be examined by any of the parties.
Trial of the alleged contemner	60-	<ol style="list-style-type: none"> (1) the case of a criminal contempt, on the date fixed for trial or any adjourned date, the Tribunal may proceed to examine witnesses, if any, by the petitioner, and after the petitioner has closed his evidence, the Tribunal shall examine the alleged contemner generally on the case, the manner provided in section 313 of the Criminal Procedure, 1973 (Act II of 1973) and record his statement. (2) Thereafter, if Tribunal shall call up the alleged contemner to enter upon his defence and examine the witnesses, if any, tenders on his behalf, whether or not the witness named in any list filed by him. (3) After examination of the witnesses and hearing arguments, if any, the Tribunal shall pronounce judgment.
Expenses of witnesses	61-	<ol style="list-style-type: none"> (1) Where any person is summoned by the Tribunal to appear as a witness in any proceedings under the Contempt Act, the expenses of such witnesses as determined by The Tribunal shall be borne by the party who ha cited him as witness. (2) Where the Tribunal summons any witness other than the witness cited by the parties his expenses as determined by the Tribunal shall be paid by the Registrar from the contingency funds.
Oath not to be administered	62-	No oath shall be administered to an alleged contemner in these proceedings unless he tenders himself as a witness.
Discharge of alleged contemner	63-	If the Tribunal does not find the alleged contemner guilty, it shall discharge him recording an order to that effect at any stage of the proceedings.
Execution of sentences	64-	<ol style="list-style-type: none"> (1) If the Tribunal finds the alleged contemner guilty and awards any sentence of imprisonment other than imprisonment till the rising of the Tribunal, the Registrar shall issue a warrant in Form committing him to prison. The Warrant shall be addressed to the Superintendent, Central Jail or District Jail, as the case may be. (2) If the Tribunal awards sentence of fine and the fine amount is not paid at once or within such time as may be granted by the Tribunal, The Registrar shall take action as laid down under

section 421 of the Code of Criminal Procedure, 1973 (Act II of 1974), for the recovery of the same.

- (3) The report of action taken by the Superintendent of Central Jail or Superintendent of District Jail to whom the warrant under sub-rule (I) might have been addressed shall be filed in the records of the case.

Procedure on apology	65-	<p>(1) If at any time during the pendency of the proceedings and thereafter before the execution of the sentence, the contemner tenders an apology, the same shall be placed for orders of the Tribunal at once, with the records of the case.</p> <p>(2) If the Tribunal accepts the apology, further proceedings shall be dropped and the warrant, if any, issued shall be recalled by an order in Form XI.</p>
Costs	66-	<p>(1) The Tribunal may award costs as it deems fit in the circumstances of the case.</p> <p>(2) The costs so awarded shall be recovered in the same manner as a fine imposed under the Contempt Act.</p>
Caveat	67-	Any public servant or the State Government or a local authority, corporation or company referred to in sub-clause (III) of clause (b) of section 2 may file a caveat with the Tribunal in respect of any matter which such party considers likely to be raised before the Tribunal by reference under the Act and where such caveat is filed, the Tribunal shall before passing any interlocutory order on a reference it and when received gives opportunity of being heard to the party filing the caveat if such party has taken necessary steps for timely appearance in this behalf.
Registers	68-	<p>The Tribunal shall, in addition to the Registers required to be maintained under rules 25, 44 and 51 maintain the following Registers, namely:</p> <p>(a) Register of reference in Form XII.</p> <p>(b) Register of Disposal in Form XIII.</p> <p>(c) Register of Returned document in Form XIV</p> <p>(d) Register of Fees realized in Form XV.</p> <p>(e) Register of record consigned in Form XIV.</p> <p>(f) Any other register which the Chairman considers necessary to maintain.</p>
Rescission	69-	The Uttar Pradesh Public Services (Tribunal) Rules, 1975 are hereby rescinded and the provisions of Section 6,8, and 24 of U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904) shall apply in relation to their rescission as they apply in relation to the repeal of an enactment by an Uttar Pradesh Act.

Schedule

(See Rule 7)

1. Fees payable on petitions of reference under section 4 of the Act.
2. Fees payable on application- Rs. 50.00

(a) Application for review	15.00
(b) Application for stay of proceedings or Stay of an order impugned	10.00
(c) Application for setting aside an ex parte decision or an order for dismissal in default.	15.00
(d) Application for inspection of documents where inspection has once been permitted,	5.00
(e) Application for adjournment or grant of time for any reply or other steps to be taken	2.00
(f) Any other application	1.00