

The Uttar Pradesh State Public Services Tribunal Rules of Practice, 1997

Whereas it is expedient to frame unified and consolidated Rules of Practice, the Uttar Pradesh State Public Services Tribunal in exercise of the powers conferred by Section 5 of the Uttar Pradesh Public Services (Tribunal) Act, 1976, as amended by U.P. Act VII of 1992 and all other powers thereunto enabling it to frame rules to regulate its practice and procedure, hereby makes the following Rules of Practice in supersession of all the existing Orders, Regulations and Notifications on the subject :-

CHAPTER I PRELIMINARY

Short title 1. [***]¹ These rules may be called the Uttar Pradesh State [Public]² Services Tribunal Rules of Practice, 1997.

Commencement 2. (a) These rules shall, come into force with effect from 1st July, 1997
(b) These rules shall apply, as far as may be, to all the proceedings pending on or instituted after the date of their commencement.

CHAPTER II

Definitions 3. In these rules, unless the context otherwise requires.-
(a) 'Act and Procedure Rules' shall mean the Uttar Pradesh State Public Services (Tribunal) Act, 1976 (Act XVII of 1976) as amended by U.P. Act VII of 1992 and from time to time and the Uttar Pradesh Public Services Tribunal (Procedure) Rules, 1992 as amended from time to time respectively.
(b) 'Address for Service' shall mean the address furnished by a party or his authorised agent or his legal practitioner at which service of summons, notices or other process may be effected.
(c) 'Application' means and includes claim reference, contempt petition, review application (RP), miscellaneous application (MA) and execution application.
(d) 'Code' means the Code of Civil Procedure, 1908 as amended from time to time.
(e) 'Court' means the Bench of the Tribunal.
(f) 'Court Officer' means the Reader attached to the Court Room.
(g) 'Division Bench' means a Bench consisting of two members.
(h) [Member]³ means Chairman, Vice-Chairman, Judicial Member and Administrative Member.

1. The figure "(1)" deleted by Noti. No. 3628-A/SPST/98, dt. 13-11-1998 (w.e.f. 1.12.1998)

2. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

3. Subs. for "Judge" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

- (i) 'Legal Practitioner' includes a Presenting Officer or Standing Counsel authorised to accept the service for any department or organisation of the Government or Authority, Corporation, a body owned or controlled by the State Government.
- (j) Pleadings shall include claim reference, application or petition, [reply statement]⁴, rejoinders and additional statement supplementing the claim reference, applications or petition and the additional affidavits, as may be permitted by the Tribunal.
- (k) 'Vacation Bench' means a Bench duly constituted for discharging the functions of the Tribunal during vacation.
- (l) Words not defined in these rules shall have the same meaning as assigned in the Act and Procedure Rules.

CHAPTER III PREPARATION AND PRESENTATION OF PLEADINGS AND OTHER PAPERS

Preparation of Pleadings and other papers.

4. (a) All pleadings, affidavits, memoranda and other papers filed in the Tribunal shall be fairly and legibly typewritten or printed in [* * *]⁵ Hindi [in Devnagri script]⁶ on durable white foolscap paper in double space with a left margin of 5 cm and right margin of 2.5 cm duly paginated, indexed and stitched. The index shall be in Form No.1.
- (b) Date and signature—A party required to affix his signature shall also state his name in capitals below his signature and initial or sign at the bottom of each page.

Explanation.—The expression 'signature' of 'initials' includes thumb mark,

Attestation

5. (a) The attestation contemplated in Rule? (2) of Procedure Rules shall be made at the end of the document in the form given below :—

This/Annexure.....is the copy of the original document.

(Signature)

Name and Designation of
Attestor with date

- (b) The above clause shall apply to the photocopies as well.
- (c) The application for amendment or substitution of legal representatives, impleadment/deletion of parties, withdrawal of petition or compromise, condonation of delay, restoration application and review petition will be duly verified and attested in the same manner in which the original petition is verified and attested, unless accompanied by an affidavit in support thereof.

⁷[Description of parties and category/ subject]

6. (i) Every petition shall contain complete and proper description of each of the parties in as much as full name, full father's, name, age, post

4. Subs. for "counter affidavit, statement" by Noti. NQ.3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

5. The words "English or" deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

6. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

7. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

held and the present official and residential address of each of the petitioners. Similarly the petition will also contain full and complete description of each of the opposite parties of the petition in as much as the official designation, name of the department and the section and the present address of the office of the opposite party. If any particular omission occurs the Registrar or the officer duly authorised by him will direct the person concerned to fill in the lacuna or correct the description as per direction, with in the time specified.

- (ii) Every petition or application shall indicate on its right top in red ink, the nature of the relief falling in any of the categories of service matters as indicated below in abbreviated form :-

⁸[1. Appointment

- (i) Promotion/selection
- (ii) Probation
- (iii) Confirmation
- (iv) Lien
- (v) Deputation, Repatriation, Absorption;
- (vi) Regularisation

2. Seniority

3. Disciplinary cases:

(a) Major Punishments:

- (i) Dismissal
- (ii) Removal
- (iii) Reduction in rank
- (iv) Permanent stoppage of increment(s).

(b) Minor Punishments:

- (i) Stoppage of increments
- (ii) Recovery
- (iii) Censure

(c) Suspension, subsistence Allowance, Pay and Allowances for the suspension period.

4. withholding or withdrawing of pension or part of it or recovery from pension

5. Grant of retirement benefits, matters other than those mentioned at Sl. No. 4, i.e.:—

- (i) Grant of pension, on superannuation
- (ii) Family Pension
- (iii) Commutation of pension
- (iv) Gratuity
- (v) Group Insurance Saving Fund
- (vi) Leave encashment on superannuation
- (vii) Provident Fund

6. Reversion
7. Termination of service
8. Compulsory retirement
9. Voluntary Retirement
10. Resignation
11. Grant of selection grade
12. Admissibility of scale of pay
13. Fixation of pay
14. Break in service
15. Date of birth
16. Date of retirement/age of superannuation
17. Entry in Character Rolls/Confidential/Record made otherwise than as a measure of penalty under CCA Rules.
18. Crossing of efficiency Bar
19. Claims in respect of
 - (i) Medical reimbursement
 - (ii) Leave
 - (iii) Joining time
 - (iv) Leave encashment during service
 - (v) Bonus
 - (vi) Travelling Allowance
 - (vii) House rent
 - (viii) Other Allowances
20. Other matters.]

Index of papers 7. There shall be an index sheet in Form No. 1 attached to the file as the first document and papers kept in the file shall be duly described datewise and reference of papers on the same day and in any case not beyond two days.

[Receipt Slip] 8. The applicant may attach to and present with his application a receipt slip which shall be signed by the Registrar of the officer receiving the application on behalf of the Registrar in acknowledgement of the receipt of the application.

Procedure on production of the defaced, torn or damaged documents. 9. When a document produced along with any pleading papers appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be made by the party producing the same in the index of such a pleading and the same shall be verified and initialled by the officer authorised to receive the same.

9. Ins. by Notif. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

- Receipt of the papers** 10. (a) All pleadings and papers shall be received in the Registry only during the office hours on the working days provided they are presented or sent in the manner provided in Rule 4(1) of the the Procedure Rules.
- (b) The Bench may however entertain any application/affidavit, in any matter listed before or assigned to it, on the date fixed.

- Date of stamping of papers and maintenance of Inward Register.** 11. (a) The receiving branch of the Registry shall immediately on receipt of an application/petition or other pleadings or paper affix the date of receipt and stamp of the Register in the following manner:
- (i) Stamp shall be affixed on the first page of the main petition and the copies.
- (ii) Receiving official shall affix his initials on the stamp affixed on the first page of the main/first copy and on the first page of all the other copies.
- (b) Receiving branch of the Registry shall on affixing the date stamp, get the details entered in the Inward Register Form No. 1 and assign a petition number. The same petition number shall be entered immediately below the date stamp on the first page of the main/first copy and all other copies.

CHAPTER IV SCRUTINY, REGISTRATION, NUMBERING AND POSTING FOR ADMISSION/ORDERS

- Scrutiny of applications/ petitions/other pleadings and papers.** 12. (i) The scrutiny branch of the Registry shall on receipt of the application/petition/pleadings from the receiving branch, scrutinise the same as expeditiously as possible on the same day:

Provided if, for any reason, the scrutiny is not completed within the above period, the same shall be immediately reported to the Registrar, who shall take prompt steps to complete the scrutiny.

- (ii) The report of the scrutiny of the application shall be in Form No.2 and of Contempt Petition (C.P.) (Civil/Criminal) in Form No.3 and the scrutiny report shall be annexed to the application/petition.
- (iii) Report of the scrutiny of all other pleadings and papers shall be recorded on the reverse side of the last page of such pleadings/papers.

- Maintenance of order-sheets.** 13. The scrutiny branch shall attach to every claim petition, review petition, contempt petition execution application, or application under Rule 24 of Procedure Rules on order-sheet (in duplicate for the Division Bench) in Form No.4. The column 'Notes' is meant for the Registry and the column 'Orders of the Tribunal' is meant for the use of the Bench.

NOTES

- (1) The entries in the order sheets shall be written and removal of the order-sheets for typing be avoided.
- (2) Continuous page nos. should be given to the order-sheets.
- (3) Before any entries are made in the order-sheet for the day, date, month and year shall first be entered and underlined in the middle of the column.

- (4) Brief order may be written on the order-sheet itself and initialled by the Members of the Bench.
- (5) In the case of lengthy orders only the operative portion of the order need be entered in the column "Orders of the Tribunal" and initialled by the Reader. The orders shall be annexed to the order-sheet giving them continuous paging. Reference to the order shall be made by mentioning only page number of the order annexured.
- (6) The presence of the legal practitioner/party or standing counsel by whatever name be known be indicated by their initials.
- (7) No gaps shall be left between two entries in the order-sheet. Gaps, if any, shall be covered by drawing a line across.
- (8) Order-sheet shall contain precisely the material events in the proceedings of the case datewise.
- (9) When the matter is being heard by more than one Member the order-sheet shall be maintained in both the files of the Members hearing the matter.

Registration and Numbering.

14. (a) Application ordered to be registered shall be numbered as C.P. No..... Year.

Explanation—Remanded cases received from the Supreme Court and the High Court shall continue to have the original number irrespective of the year during which they were received.

- (b) Application for review of any order of the Tribunal ordered to be registered shall be numbered as R.P.....year.
- (c) Petitions under the Contempt of Courts Act ordered to be registered, shall be numbered as contempt Civil/Criminal No.....year.
- (d) Other applications of miscellaneous nature not covered by sub-rules (a) to (c) above, ordered to be registered, shall be numbered as M.A. No.year.
- (e) Applications/petitions referred to in this rule shall be entered in Register No. II. Separate registers shall be used for each category of applications/petitions, referred to in this rule. The registers shall be maintained from 1st January to 31st December of each calendar year.

Rectification of defects.

15. (a) If on scrutiny, any application or pleading filed in the Tribunal is found to be defective, the Registrar shall notify it in Form No.5 on the notice-board of the Tribunal, fixing the time for rectifying the same.
- (b) The papers shall be returned to the party or his legal practitioner only after obtaining acknowledgement thereof in the Inward Register.
- (c) If the party or his legal practitioner contests the office objection and the Registrar is satisfied, the matter shall be placed before the Bench for appropriate orders.
- (d) If the party/legal practitioner rectifies the defects or represents the application/pleading, the Registrar on being satisfied, may order for its registration/acceptance and numbering as provided in Rule 15.

Posting of cases for admission/orders before the Bench.

16. (a) Subject to the orders of the Chairman all registered applications/petitions shall be posted for admission/orders before the appropriate Bench on the next working day. The notice of posting shall be given by notifying in daily cause list for the day.

(b) Before placing the records of the case for admission/orders, the 'Registry' shall state in brief in the column 'Notes of the Registry' of the order sheet, the date of presentation and registration, the subject-matter of the application and the date of posting before the Bench and fill up the columns and file covers 'A' and 'B'.

(c) The category of cases specified in Rule 6(ii) may be amended by the Chairman from time to time and the case be posted accordingly before the concerned Bench and dealt with in accordance with the procedure prescribed therein.

(d) The constitution of Benches and distribution of work shall be made by and under orders/directions of the Chairman as may be notified from time to time.

Posting of applications

17. (a) All applications in pending claim petitions received before 3 p.m. in which interim urgent orders are sought shall ordinarily be listed with the relevant record before the Bench on the following second working day, if a copy thereof has already been served on the counsel of the other side.

(b) Applications other than applications for urgent interim orders will be listed for hearing along with the record as early as possible according to the orders of the Chairman.

(c) All applications in the pending contempt petitions will be listed along with the record before the contempt bench on the following second working day.

CHAPTER V SERVICE OF NOTICE

Issue of Notice

18. (a) Unless otherwise ordered by the Tribunal when notice is ordered, the applicant shall in cases governed by the Procedure Rules pay the prescribed fee for service of notice accompanied by a memo in Form No.6 within 7 days from the date of order. In default no notices shall be issued to any of the opposite parties/respondents and the matter shall be placed before the Bench for appropriate orders.

(b) Where the notice is returned to the Tribunal with an endorsement of the postman regarding non-service, owing to refusal of the same by the party concerned, the Registrar shall declare that the notice has been duly served on the opposite parties/respondents.

(c) Where the notice was properly addressed, prepaid and duly sent by registered A/D post, the declaration referred to in sub-rule (b) and shall be made when for any reason the acknowledgement is not received by the Tribunal within 30 days from the date of the issue of the notice.

Steps for issue of fresh notice

19. (i) If any notice is returned unserved in the circumstances not specified in sub-rules (b) and (c) of Rule 25, that fact and the reason therefore shall be notified immediately on the notice-board of the Registry. The applicant/petitioner or his legal practitioner shall within 7 days from the date of such notification take steps for service of notice.

(ii) *Consequences of failure to take steps for issue of fresh notice*- If the applicant/petitioner fails to take necessary steps in time for service of notice on the opposite parties or respondents and consequently the service remains incomplete, the Registrar shall post the case before the Bench for further directions.

(iii) *Service of notice, etc., on legal practitioner*- A legal practitioner representing a party in any proceeding and any person authorised to accept notice on behalf of a party shall receive notices/orders/ directions, pleadings, etc., required to be served on such party in connection with such proceedings. Such service shall be deemed to be proper service on the party.

(iv) *Form of notice*- Notice to show cause regarding admission if directed by the Bench shall be in Form No. 7. Notice ordered after admission shall be in Form No. 8.

(v) *Notice regarding service of notice/process*- The judicial branch of the Registry shall record in the column in the order-sheet 'Notes of Registry' the details regarding completion of service of notice on the opposite parties/respondents, such as date of issue of notice, date of service, date of return of notice, if unserved, steps taken for issuing fresh notice and date of completion of service, etc.

CHAPTER VI

FILING OF REPLY-STATEMENT REJOINDER

Cases deemed to be ready on failure to file reply in time.

20. (i) When all or any of the respondents fail to file reply-statement in the form and in the manner provided under Rule 12 of the Procedure Rules within time granted, the case shall be deemed to be ready for hearing and included in the ready list for final hearing.

(ii) *Filing of rejoinder*.- The applicants intending to file rejoinder of the reply statement filed by all or any of the respondents shall do so with the leave of the Bench/Registrar within the time granted, duly signed and verified in the manner prescribed for filing reply statement under Rule 12 of the Procedure Rules.

(iii) After the expiry of the time granted for filing the rejoinder, the case shall be deemed to be ready for hearing and included in the ready list for final hearing.

Papers not to form part of the records.

21. (a) Except with the leave of the Tribunal the following papers shall not form part of the record of the case :-

(i) Reply statement filed after expiry of the time granted for the purpose.

(ii) The rejoinder filed without the leave of the Bench/Registrar or filed after expiry of the time granted.

(iii) Additional pleadings filed without the leave of the Bench/Registrar or filed after expiry of the time granted.

(b) The above papers treated as not forming part of the record shall be

marked in red ink on the right top of first page as 'out of record' and may be notified on the notice-board of the Registry requiring the party to take them back within 4 weeks from the date of notification, failing which the Registry shall take steps for destroying the same:

¹⁰[(c)The miscellaneous papers like Vakalatnama, notice, postal acknowledgement, adjournment and all other applications replies/objections/Rejoinders thereto and orders of Superior Courts and other papers shall be kept in a miscellaneous cover and placed below the compilation 2.]

Incorporation of amendments and filing of the additional replies, etc.

22. (a) When the Tribunal allows a prayer for amendment of the pleadings or for substitution or addition of parties, the same shall be carried out in red ink indicating the date of the order and duly signed by the party/legal practitioner, who has obtained the order within the time granted for the purpose by the order of if no time is thereby limited then within seven days from the date of the order.

(b) If, however, the Bench of the Tribunal has directed furnishing of a fresh copy incorporating the amendment/substitution or addition of parties [two copies]¹¹ shall be filed after serving a copy of the amended pleading on the other party within the time granted by the Court or if no time is granted within seven days from the date of the order. In default, the Registry shall place the matter before the Bench for orders.

**CHAPTER VII
PROCEEDING BEFORE REGISTRAR'S COURT**

Matters to be listed before the Registrar's Court.

23. Once an application/petition is admitted and notice ordered, the same shall be posted before the Registrar for completion of pleadings.

Cause list for Registrar's Court.

24. Cases required to be dealt with by the Registrar shall be notified in a separate daily cause list. Cases so notified shall be taken up in the Registrar's Court in the serial order as indicated in the cause list.

Recording of proceedings.

25. On hearing the parties /their legal practitioners and on perusing the records, the Registrar may record his decision in the column 'Notes of the Registry' in the order-sheet, and put his initials with date

Inclusion of cases in the Ready list when the pleadings are complete.

26. If the pleadings are complete or if the case is deemed to be ready for hearing, the Registrar shall record the same in the order sheet, and order for inclusion in the list of cases ready for final hearing.

**CHAPTER VIII
PREPARATION OF WEEKLY LIST, DAILY CAUSE LIST
AND POSTING OF CASES**

Maintenance of Ready list.

27. The judicial branch of the Registry shall maintain separate list of Ready cases for final hearing in Register Form No. 3 for each category of cases which are ready for hearing. The registers shall contain separate sections

10. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

11. Subs. for "the same" Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

for each year. Inclusion of cases in the register shall be yearwise and in the order in which they become ready for hearing.

Preparation of weekly list.

28. (a) From the Ready list, the Registry shall prepare for each category of cases, a separate list called weekly [and daily]¹² list consisting of such number of cases as may be sufficient in the opinion of the Chairman for being posted for hearing for the next week.
- (b) Cases in the weekly [and daily]¹³ list shall be arranged according to the year and number of registration and not on the basis of their serial number in the Ready list. Oldest among the cases be included first, followed by the next oldest and so on.

The total number of cases to be included in each cause list as fixed by the Chairman shall, as far as possible, be maintained by adding at the bottom of the list such number of cases as are required to make good the deficiency having regard to the number of cases transferred to the weekly/daily cause list in the allotted number.

Preparation and publication of daily cause list.-

29. (a) The judicial branch of the Registry shall prepare and publish on the notice-board of the Registry before 5 p.m. on each working day, the cause list for the next working day, subject to the directions of the Chairman. Listing of cases in the daily/weekly cause list shall be in the following order:-

1. Cases for 'pronouncement of orders/judgments'.
2. Cases for admission.
3. Cases for orders and interim directions.
4. Part-heard cases, latest part-heard having precedence.
5. Priority cases as per orders of Supreme Court/High Court/Chairman.
6. Cases posted as per directions of the Court.

- (b) The title of the daily cause list shall consist of the name of the Bench, the day, date, court-room no. and the coram indicating the names of the Chairman, Vice-Chairman, Member constituting the Bench, with abbreviations in brackets, (J) for Judicial and (A) for Administrative.

- (c) Against the registration number of each case listed in the weekly list and in the daily cause list the following shall be shown:-

- (i) Names of legal practitioners appearing on both sides, giving in brackets the rank (petitioner or opposite party) of the parties whom they represent;

- (ii) Names of parties, if unrepresented with their ranks in brackets.

- (d) Office objections and special directions, if any, shall be briefly indicated in the daily cause list before the case number.

Carry forward of cause list and adjournment on account of non-sitting of a Bench.

30. (a) If by reason of a declaration of holiday or for any other reason the

12. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

13. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

judge does not function for the day, the daily cause list for the day shall, unless otherwise directed by the Chairman, be treated as the daily cause list for the next day.

- Supply of cause list** 31. (a) Two copies of weekly and daily cause lists shall be furnished to the Senior Presenting Officer and the Tribunal Bar Association for publication on their notice-board.
- (b) Copies of the weekly list/daily cause list may be furnished to the Legal Practitioners, Authorities, Parishads, Law Officers and Standing Counsel of the Corporation/Government Companies at the rate specified below:-
Daily Cause list and Weekly Cause list
Rs. [300]¹⁴ per annum or Rs. [30]¹⁵ p.m.
- (c) Application for supply of weekly/daily cause list shall be made in writing to the Registrar accompanied by one year's or monthly subscription in cash or by Demand Draft or Indian Postal Orders drawn in favour of the Registrar, not less than a week before the date from which supply is to commence.
- (d) The rates specified above shall be subject to such modification as may be made by the Chairman from time to time.
- Request for adjournment.** 32. Unless the Judge permits otherwise, requests for adjournments of the cases listed in the daily cause list shall be entertained only at the beginning of the court session.
- Maintenance of Stage Register and Posting Register.** 33. (a) The judicial branch of the 'Registry' shall maintain register in Form Register No. 4-A for each class of applications/petitions from the stage of first posting till disposal;
- (b) Posting Register shall be maintained in Form Register No. 5.
- (c) All orders for clubbing of cases shall be entered in the order-sheet of all the cases required to be clubbed together and posted accordingly.
- (d) The Superintendent concerned shall ensure that the aforesaid registers are promptly and properly maintained and the directions of the Bench are faithfully carried out.
- Early hearing of cases** 34. (a) If early hearing of a case out of turn is required, the party/legal practitioner shall make application stating the reasons therefor in Form No. III of the Procedure Rules after serving copy thereof on the other party. The application shall, if in order, be put up before the Chairman.
- (b) Posting of [* * *]¹⁶ urgent cases.-The Chairman may order any case not included in the daily/weekly cause list to be listed on urgent basis for admission/hearings.

14. Subs. for "240" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

15. Subs. for "25" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

16. The figure "34" omitted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

Vacation Bench

35. (a) During the period of the Tribunal's vacations, the Vacation Judge shall sit on such days and transact such business of urgent priority and unavoidable nature as the Chairman may specify. The Vacation Judge will be nominated by the Chairman.
- (b) During the vacation only those fresh matters which are required to be immediately or promptly dealt with shall unless directed otherwise be received in the Registry. The Registry on being satisfied about the urgency order registration and posting of such cases.
- (c) During the vacation, the Registrar may accept CA/rejoinder /RP, etc. in pending/decided cases provided a copy of the same has been served on all the other parties /legal practitioners.
- (d) Inspection of record or search may be permitted during vacation according to the rules.
- (e) Certified copies of judgments and orders may also be supplied during the vacation according to rules.
- (f) Steps for issue of notice and for removal of defects in pending matters may also be taken during vacation.

CHAPTER IX

Sitting of Benches

36. ¹⁷[i] Both the Members of the Division Bench shall enter together in the court-room and occupy the chairs on the right and left side respectively according to the order of the composition of the Bench. They will jointly commence, conduct and regulate the proceedings. However if Chairman or Vice Chairman constitutes the Division Bench then Chairman or Vice Chairman as the case may be will preside over the Bench and commence, conduct and regulate the proceedings.]
- ¹⁸[(ii) If any Member of the Division Bench wants to break the Bench for any reason he should inform the other Member and there upon the other Member will declare that the Bench is breaking from such time to such time and there after they will depart together and return together to the court-room at the appointed time to resume the hearing.]
- (iii) If a Member is to join a Division Bench at a particular time but he is not free to join for any reason, he shall inform the other Member by phone or by written slip indicating as to when he will be free to join the Bench.
- (iv) If the Bench is acting singly the other Member of the next Division Bench will not join the Member sitting in the Court Room and he shall wait in his chamber for the intimation of the other Member.
- (v) After the Member retires from the Single Bench an intimation will be sent by him to the other Member of the Bench and thereupon the Members will assemble together in the chamber [* * *]¹⁹ and proceed to the Bench.

17. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

18. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

19. The words "of the Judicial Member" omitted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.98)

Matters to be attended to prior to commencement of sitting. 37. (a) Unless otherwise directed by the Member constituting the Bench, the Court Officer shall ensure that records of the cases listed for admission/orders before the Bench on the next working day are sent to the residence of the Members before the evening of the day, on which the cause list is published.

(b) The Court Officer shall ensure that the case records so sent to the residence of the Members are brought back to the concerned court-room before the commencement of the Court sitting.

The Court Officer shall verify the case records listed for the day and arrange them in the serial order as given in the cause list well before the commencement of the sitting.

(c) The Court Officer shall ensure that the court-room is ready for commencement of the sitting at the prescribed time for such sitting.

(d) If for any reason, the Bench cannot sit or the sitting is delayed, the Registrar shall promptly obtain the orders of the Chairman and notify the same on the notice-board and in the court-room through the Court Officer.

(e) The Judge will also intimate to the Chairman or Registrar or Joint Registrar (Judicial) at the earliest whether he will not hold the Court or will come late by mentioning the date and time so that proper notice is given to the Bar Association and pasted on the notice-board.

[Mention and call of cases.]²⁰ 38. (a) Before the cases mentioned in the cause list are called out serially the learned counsel may rise one by one and make mention of a particular case without speaking on merits and facts. The mention of the cases by the learned counsel should not ordinarily take more than 5 to 10 minutes.

(b) Subject to the orders of the Bench, the Court Officer shall loudly speak out the names of the parties and the names of the learned counsel by prefixing the word Shri or Shrimati or Kumari, as the case may be, and if the counsel of the parties respond then he shall put up the file before the Bench.

Maintenance of Court Diary 39. (a) The Court Officer of the Court concerned shall maintain legibly a court diary in Register No. 4 wherein he shall record the proceedings of the Court for each sitting day with respect to the applications/petitions listed in the daily cause list.

(b) The matter to be recorded in the Court Diary shall include details as to whether the case is adjourned or part-heard, or heard and disposed of, or heard and orders reserved, as the case may be.

Statutes/Citations for reference. 40. (a) The parties/legal practitioners shall before the commencement of the proceedings for the day furnish to the Court Officer a list of law journals, reports, statutes and other citations, which may be needed for reference.

Hearing of cases. 41. (a) The cases shown in the cause list shall be taken up ordinarily in the

20. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

sequence in which they have been shown in the cause list subject to the following exceptions:-

- (i) Part-heard cases will be heard and concluded first of all and will not be adjourned beyond the next working day.
- (ii) The cases accorded priority by the Hon'ble Supreme Court, High Court or by the Chairman of the Tribunal shall be taken up next for hearing and all efforts shall be made to conclude hearing and dispose such cases as expeditiously as possible and within the time granted by the Hon'ble Supreme Court, High Court or the Chairman.
- (iii) The cases listed for ex parte hearing can be taken up after disposing of the part-heard cases and cases on priority, if a contested case is not readily available for hearing, unless otherwise directed by the Chairman.
- (b) The other cases listed for hearing in the cause list shall be taken up according to serial number shown in the cause list and if any case is passed over or adjourned on mention then the next case can be taken up for hearing.
- (c) If for any unavoidable reason the hearing of a part-heard case cannot be concluded within a [month]²¹, the part-heard case shall stand released from the Bench concerned and shall be treated as a fresh case for fresh hearing and can be listed before any other Bench.
- (d) [* * *]²²
- (e) Listing and assignment of a review petition will be done under the orders of the Chairman.

CHAPTER X INSPECTION OF RECORDS

Application for grant of Inspection.

- 42. (a) Application for inspection of records as provided under sub-rule (1) or sub-rule (2) of Rule 23 of the Procedure rules shall be in Form No.9 and will be filed between 10 a.m. and 3 p.m. on any working day, two days before a date on which inspection is sought, unless otherwise permitted by the Registrar.
- (b) The Judicial Branch of the Registry shall submit the application with its remarks before the Registrar, who shall on consideration of the same pass appropriate orders.
- (c) Inspection of record of a pending case shall not ordinarily be permitted on the date fixed for hearing of the case or on the preceding or following day.
- (d) The Member may permit the counsel to peruse the record or document thereof during or before the hearing of a case listed before the bench.

21. Subs. for "week" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

22. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

**Fee payable for
Inspection.**

43. (a) No fee shall be charged for inspection of records of a pending case by a party to the case of his legal practitioner in the court-room on the date fixed before the Bench.
- (b) A court-fee of Rs. 2 shall be payable on the [* * *]²³ application for inspection of records of a pending or decided case by a party to the case or his legal practitioner.
- (c) A court-fee of Rs. 5 shall be payable on any application for inspection of records of a pending or decided case by a person otherwise than a party to the case.

Mode of Inspection

44. (a) On grant of application for inspection of the record, the Assistant Registrar shall arrange to procure the record of the case and allow inspection of such record during the hours fixed for inspection under his strict supervision.
- (b) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the record in the course of inspection.
- (c) The person inspecting the record shall not make any marking on the record, or any paper so inspected. Copying if any of the documents/ records inspected may be done only in pencil.
- (d) The Officer supervising inspection may at any time prohibit further inspection, if in his opinion any of the records are likely to be damaged in the process of inspection or the person inspecting the record has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar, and seek further orders. Note about the same shall be made in Column 8 of the inspection register.

**Maintenance of
register of inspection.**

45. The Assistant Registrar shall cause to maintain a register in Form No. 6 for the purpose of the inspection of documents/records and shall obtain therein the signature of the person making such inspection.

CHAPTER XI

Search Application.

46. (a) Any person desiring to ascertain the No., date of filing of the claim petition, the present stage of the proceeding or stay orders passed at any stage or final order or other particulars relating thereto can make a search application, which shall be presented before the Munsarim I/C Enquiries in the Tribunal in question answer form with a court-fee stamp of Re 1. Search application can also be sent by post with necessary envelopes, stamps, etc., for sending a reply. The applicant will have to mention the particulars of the proceedings, as best as he can, the number of the claim petition, year of filing, names of parties, etc.
- (b) The Munsarim I/C Enquiries shall register such application with the serial no. and get the necessary search made, and obtain the required information either on the same day or by the following day and hand

23. The word "first" omitted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

over the application with reply duly certified by the officer-in-charge to the applicant or get the same despatched by post, if necessary envelopes/stamps have been sent by the applicant.

- (c) In case such information is not given within three days for any reason, the matter will be reported to the Registrar for his orders.
- (d) Particulars of and reply to the search application with the date will be noted in the Register to be maintained for each calendar year.

CHAPTER XII

Appearance of legal practitioners.

47. Subject as hereinafter provided, no legal practitioner shall be entitled to appear and act in any proceedings before the Tribunal, unless he files a 'Vakalatnama' duly executed by or on behalf of the party, for whom he appears.

Appearance on behalf of the Government, etc.

48. (a) Any legal practitioner appearing on behalf of the State Government, or any government servant used or using in his official capacity, or any authority, corporation, [* * *]²⁴, etc., shall not be required to file a Vakalatnama but he shall file in the Tribunal a memo of appearance in Form No. 10 duly signed by him.
- (b) A Presenting Officer other than a legal practitioner representing any of the parties referred to in sub-rule (a) shall also file a memo of appearance in Form No. 10.

Nomination or engagement of another legal practitioner.

49. Where a legal practitioner who has filed a Vakalatnama engages or nominates another legal practitioner to appear and argue his client's case but not to act for the client, the Tribunal may permit such other legal practitioner to appear and argue.

Consent for engaging another legal practitioner.

50. [* * *]²⁵.

Restriction on appearance.

51. A legal practitioner who has tendered advice in connection with the institution of any case or other proceedings before the Tribunal 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 appear in any case or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Bench concerned.

Access to information.

52. A legal practitioner appearing for the party in any matter before the Tribunal shall be entitled to communicate personally with or receive any information regarding the said matter from any officer of the Tribunal subject to such conditions as may be prescribed by the Tribunal.

Particulars of Vakalatnama.

53. (a) Every Vakalatnama authorising a legal practitioner to plead and act will describe the full name of the legal practitioner, dated and clearly signed by him and the client at the time of its execution and of its acceptance.
- (b) When a vakalatnama is executed by a party who appears to be illiterate,

24. The word "society" omitted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

25. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

blind or unacquainted with the language of the Vakalatnama, the advocate shall certify that the Vakalatnama was read over or translated in Hindi and explained in his presence to the executant and that he seemed to understand it, and be signed or affixed his thumb mark in his presence voluntarily.

- (c) Every Vakalatnama shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address for service. If the Vakalatnama is in favour of more than one legal practitioner it shall be signed and accepted by all of them giving the address for service for any one of them.

Restriction on parties right to be heard.

54. [* * *]²⁶

Professional dress for advocates.

55. ²⁷[While appearing before the Tribunal the legal practitioner shall wear the prescribed professional dress.]

CHAPTER XIII

REGISTERED CLERKS OF LEGAL PRACTITIONERS

Prohibition of employment of tout.

56. No legal practitioner shall employ any person as his clerk, who is a tout.

Explanation. - Tout means a person who procures or attempts to procure for consideration from any legal practitioner or from any person acting on his behalf the employment of such Legal practitioner in any legal business or who for purposes of such procurement frequents precincts of the Tribunal.

Disqualification for registration of clerks.

57. No person who is or has been declared a tout or is an undischarged insolvent, or has been convicted for an offence of moral turpitude, or has been dismissed from service of the Government for corruption or dishonesty or is otherwise unfit to be a clerk, shall be registered as legal practitioner's clerk as ²⁸[provided under Rule 25 of the Procedure Rules].

Registration of legal practitioner's clerk.

58. (a) When an application in Form No. IV of the Procedure Rules is made by the legal practitioner for registration of his clerk and the same is allowed by the Registrar, the name of the clerk shall be entered in the Register of Clerks, in Form No. 7

(b) The Registrar may for any reasons to be recorded in writing, decline to register any clerk, who in his opinion suffers from any disqualification, ²⁹[as specified in Rule 57] or is otherwise unsuitable to be registered as such.

(c) An appeal may be filed within 30 days from the date of the order of Registrar under sub-rule (b) to the Chairman.

Cancellation of registration.

59. (a) The Registrar may, for reasons to be recorded in writing cancel the registration of any clerk after giving him and his employer an opportunity to show cause against such cancellation.

(b) An appeal may be filed against the order of the Registrar within 30 days from the date of such order.

26. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

27. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

28. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

29. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

**Notifying registration,
cancellation and
issuing of identity card.**

60. (a) Orders registering a clerk or cancelling the registration shall be notified on the notice-board of the Tribunal and the copy sent to the Advocate's Association.
- (b) An identity card ³⁰[as referred to in Rule 25(3) of the Procedure Rules] shall be issued in Form No. 11 to every registered clerk of the legal practitioner on his remitting a fee of Rs. 5 by way of I.P.O. or cash payable in favour of the Registrar.
- (c) An identity card once issued shall be in force for a period of 3 years unless cancelled earlier.

**Production of identity
card.**

61. The registered clerk shall carry with him the identity card and produce the same when required by any official of the Registry for identification.

**Access to information
by registered clerk.**

62. The registered clerks may communicate personally with any sectional or departmental head not below the rank of Munsarim or the Court Officer for information regarding their employer's matters pending in the Tribunal.

**Carrying out
corrections.**

63. The [Office]³¹ Superintendent [* * *]³² in-charge of the Judicial Branch of the Tribunal may permit a registered clerk to correct any clerical or typographical mistake in any pleadings or other proceedings. The correction shall be made in the presence of the [Office Superintendent]³³ and duly initialed by the maker as well as the [Office Superintendent]³⁴ concerned.

**Discharge of duties of
an absentee clerk.**

64. In case of illness or absence on leave of a registered clerk the Registrar or the Sectional Head of the Judicial Branch may on the requisition of the legal practitioner under whom such registered clerk is engaged permit the registered clerk of another legal practitioner to discharge the absentee's duties for specified parties.

**Presentation and
return of papers.**

65. Registered clerk may present or take return of papers on behalf of the legal practitioner whom he represents.

CHAPTER XIV

OATH COMMISSIONER AND AFFIDAVITS

**Appointment of Oath
Commissioner.**

66. (a) Chairman may from time to time appoint such person as may be considered fit to be Oath Commissioners for a period of one year, commencing from the date of their appointment.
- (b) *Fee.* - A fee of Rs. 5 per affidavit or such other modified fee as prescribed from time to time by the orders of the Chairman shall be payable for the verification of the affidavit sworn before the Oath Commissioner. The affidavit shall also bear a coupon of such nature and denomination as may be prescribed by the Chairman from time to time.
- (c) *Register.* - The Oath Commissioner shall maintain a register or registers which shall contain the following particulars in respect of each affidavit sworn before them, namely:

30. *Subs.* by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

31. *Ins.* by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

32. *Deleted* by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

33. *Subs.* by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

34. *Subs.* by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

- (i) serial number;
- (ii) date and time of making affidavit;
- (iii) particulars of the case to which affidavit relates;
- (iv) full particulars of the person making affidavit;
- (v) particulars of the person identifying;
- (vi) fee paid;
- (vii) name of the Oath Commissioner before whom affidavit is sworn, his signature with date and the remarks, if any:

Provided that the Chairman may from time to time prescribe such other necessary registers to be maintained and add or alter or modify the particulars required to be entered therein.

It is further provided that the register/registers shall be open for inspection by the Registrar.

- (d) *Distribution of fee-* The fee paid shall be distributed among the Oath Commissioners in such manner as the Chairman may fix from time to time.
- (e) *Removal of the Oath Commissioner-* The Chairman may remove an Oath Commissioner from his office for the breach of the rules after giving a show-cause notice and an opportunity of hearing.
- (f) *Full particulars of the person and place to be given-* An affidavit shall fully describe the person who is swearing it, i.e. such particulars will ensure his real identification such as full name, age, name of his father, his occupation, trade and his true place of residence.
- (g) *Person who may make affidavit-* Except as otherwise provided by any law or rule or by the order of the Tribunal, an affidavit may be sworn by any person having knowledge of the facts deposed to therein. Two or more persons may join in affidavit; each deposing separately to such fact or facts as are within his knowledge:

Provided that if any fact is stated on the basis of information derived from his counsel, or the document, full particulars be stated and the deponent shall verify that he believes such information to be true.

- (h) *Identification of the deponent-* Every person certifying the affidavit, if not personally known to the Oath Commissioner be identified by someone known to him and in such case the person before whom affidavit is made shall state at the foot of the affidavit, the name, address and description of the person by whom such identification is made.
- (i) *Affidavits by pardah-nashin ladies-* No affidavit purporting to have been sworn by a woman who did not appear unveiled in the presence of the person before whom the affidavit was made, shall be used unless she is duly identified and the affidavit is accompanied by separate affidavit by the person identifying her setting forth the circumstances in which she is personally known to him or he was satisfied that she was such as she alleged herself to be in the affidavit.
- (j) *Affidavits by illiterate or blind persons-* Where affidavit is sworn or affirmed by any person who appears to be illiterate or blind or unacquainted with the language in which affidavit is written, the Oath

Commissioner shall certify that the affidavit is read over, explained or translated to him/her or in his/her presence to the deponent and that he/she seems to understand it.

- (k) *Corrections, erasers, etc.*— All corrections erasers and interlineations in affidavit shall be initialled by the person swearing it and by the Oath Commissioner. Such alterations, etc., shall be made in such way as not to obliterate or render it impossible or difficult to read the original matter.
- (l) Affidavits containing numerous corrections may not be accepted by the Tribunal or the Registrar if it appears that interlineations, alterations or erasers are so numerous to make it expedient that affidavit should be rewritten.
- (m) *Certificate of verifications*— The person before whom affidavit is sworn shall certify at the foot of the affidavit the fact of swearing of the affidavit before him and the date and hour of swearing of the affidavit and shall make initial, stamp and date in Annexures referred to therein and on the bottom of every page.
- (n) *The oath or affirmations by deponent*— The person administering the oath or affirmation to the person making an affidavit shall follow the provisions of the Indian Oath Act, 1973.
- (o) *Duty of the Oath Commissioner*— The Oath Commissioner shall not allow the affidavit to be sworn before him unless the compliance of the provisions of these rules is made
- ³⁵[(p) *Attestation of affidavits*— Affidavits to be filed in the various proceedings before the Tribunal shall be attested by the Oath Commissioner appointed by the Chairman of the Tribunal at Lucknow and by the Public Notaries only appointed by the Government at places other than Lucknow.

CHAPTER XV

DISCOVERY, PRODUCTION AND RETURN OF DOCUMENTS

Application for production of documents, form of summons.

- 67. (a) Except otherwise provided hereunder, discovery, production and return of documents shall be regulated by the provisions of the Code of Civil Procedure, 1908.
- (b) An application for summons to produce documents shall be in Form No. III to the Procedure rules setting out—
 - (i) the document/s the production of which is sought,
 - (ii) the relevancy of the documents/s, and
 - (iii) in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.
- (c) A summons for production of documents in the custody of a public

35. Added by Noti. No. 3628-A/SPST/98, dt. 13-11-1998 (w.e.f. 1.12.1998)

officer other than a Court shall be in Form No. 12 and shall be addressed to the concerned Head of the Department or such other authority as may be specified by the Tribunal.

Suo motu summoning of documents. 68. Notwithstanding anything contained in these rules, the Tribunal may, suo motu, issue summons for production of public documents or other documents in the custody of a public officer.

Marking of documents 69. (a) The documents when produced shall be marked as follows:—
(i) If relied upon by the applicant's side they shall be numbered as 'A' series.
(ii) If relied upon by the respondent's side they shall be numbered as 'R' series.
(iii) The court exhibits shall be marked as 'C' series.
(b) The Tribunal may direct the applicant to deposit in Tribunal in cash or by way of I.P.O./D.D. drawn in favour of the Registrar a sum sufficient to defray the expenses for transmission of the records before the summons is issued.
(c) The transmission of records shall ordinarily be by registered post/parcel.

Return and transmission of documents. 70. (a) An application for return of the documents produced by the party shall not be entertained after the destruction of the records.
(b) The Tribunal may, at any time direct return of documents produced subject to such conditions as it deems fit.

CHAPTER XVI PREPARATIONS AND DELIVERY OF JUDGMENT AND FINAL ORDERS.

[Judgement/Final Order Paper.]³⁶ 71. Judgments shall be typed neatly in double space on foolscap stout paper with one-quarter page being left blank on the left side, with half-inch margin on the right side and one inch margin on the bottom of the paper.

³⁷**[Heading and particulars of judgment/final orders.]** 72. To each judgment/order shall be prefixed a heading specifying the name of the Tribunal, Bench Member, name(s) of the Member and number of the case and full names, description age of each and designation of all the parties with addresses and also the names of their counsel as indicated in Form No.13.

³⁸**[Recitals of judgment/final order.]** 73. Every judgment or final order shall recite the following facts prefixing the body of the judgment or the final order.

(1) Full name of the Tribunal with the place of sitting.

³⁹(2) Full name of the Presiding Member(s) of the Bench with their designation]

(3) Full number of the case.

36. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

37. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

38. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

39. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

- (4) The Caption 'Judgment' or 'Final Order'
- (5) Name of the Member who prepared the judgment or order on behalf of the Division Bench.
- (6) Brief reference of the prayer(s) and relief(s) sought.
- (7) Precise statement of facts.
- (8) Thereafter the case of the O.Ps. as disclosed in the [reply statement]⁴⁰ shall be briefly described containing all material and important facts.
- (9) If an additional pleading has been filed by either of the parties it shall be mentioned and the material fact additionally pointed out shall be described.
- (10) The name(s) of the learned Counsel appearing for both the parties shall be described as having been heard.
- (11) The points for determination shall be clearly stated.
- (12) Thereafter the decision on each point along with reasons will be recorded and clear finding on every question of fact or law shall be recorded.
- (13) In the last paragraph the conclusion based on the findings recorded shall be clearly stated.
- (14) Thereafter the caption 'operative order' shall be made and clear directions with complete particulars regarding the relief granted shall be recorded.
- (15) ⁴¹[The member who dictates the judgment/final order in Division Bench will sign it on right side and other Member will sign on left side. The name of the signatory shall be clearly typed out in capital letters in the bracket below the signature and date of the pronouncement shall be recorded or typed out under the signature.]

⁴²[Pronouncement of judgment/final order.]

74. Every judgment or final order shall be pronounced in the open court either immediately after conclusion of the arguments or on such date as may be fixed. If a judgment or order has been reserved without a date a notice shall be given to the counsel of the parties at least a day in advance through the Registrar or Joint Registrar (Judicial) and a proper notice thereof shall be pasted on the notice-board of the Bench and that of the Bar Association, provided that, the notification in the cause list shall be deemed to be sufficient notice.

⁴³[Transmission of judgment/final order to Copying Department.]

75. The Court Officer shall after the pronouncement of the judgment and order along with its copies send the same at once to the Copying Department for issue of copies.

40. Subs. for "counter affidavit" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

41. Subs. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

42. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

43. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

⁴⁴[No judgment/final order to be typed on the order sheet.]

76. No Member shall write 'Judgment' (or 'order') or 'final order' on the order-sheet or on any paper on the file, such as pleadings, applications, objections, etc.:

Provided that where the operative portion of the judgment is pronounced soon after the close of the case such operative portion may be written or typewritten on the order-sheet and signed and dated.

⁴⁵[Dictation of final order/judgment in open court.]

77. A judgment or order may be written or typewritten by a Member or may be recorded at his dictation but every page of the judgment or order not in his writing shall be attested by his initials.

⁴⁶[Mention of Act or Rule.]

78. When claim petitions are rejected or returned and when the case is disposed of without contest the Member shall record the section of the Act or the rules under which the judgment or order is passed.

Reference of parties and witnesses in judgments and use of abbreviations.

79. (a) A reference to a party or a witness shall be by name and number and not merely by number like P.W. 1 or D.W.1.
(b) Judgments shall contain the terms in full and not abbreviated forms, except where the abbreviations are well recognised, and in common use such as a.m., p.m., etc.

Member may take record out of the Tribunal.

80. The Members of the Tribunal can carry the record of the cases at their residence for studying the case or writing or dictating judgments but for that purpose the Court Officer will maintain a register in which proper entries will be made by him. The record thus taken out of the Tribunal must be returned as soon as possible.

Judgment/Final order not to be delayed.

81. Where only the operative portion of a judgment or detailed order has been announced orally in the open court, it must be delivered within a reasonable time, but not later than 15 days from the date of the oral pronouncement of the judgment [/final order]⁴⁷/order. Where a judgment is reserved, an endeavour shall be made by the Member concerned to prepare and deliver it after prior notice in writing at the earliest, but not later than 30 days from the date when it was first heard and concluded.

Completed cases to be decided by Member before retirement, superannuation or resignation.

82. (a) Where a Member is going to retire, superannuate or has to resign, he will try to deliver judgments in all those cases, hearing of which has been completed in all respects.
(b) Where a case is heard by two [* * *]⁴⁸ Members and judgment is reserved, their judgment or judgments may be pronounced by any one of them. If no such Member be present, such judgment or judgments may be pronounced by any other Member authorised by the Chairman.
(c) where a case is heard by two [* * *]⁴⁹ Members, they will consult and confer with each other. If they agree in their findings and directions,

44. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

45. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

46. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

47. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

48. The words "or more" deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

49. The words "or more" deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

any one of them may prepare the draft judgment and upon the concurrence by the other Member, they shall sign, pronounce and date the judgment. In event of disagreement, the Members may write their separate judgments and before pronouncement of the differing judgment on the appointed date, they shall first settle down and state the exact points of difference of opinion and then pronounce the judgments on the agreed day in the open court by reading out their respective findings, operative order and points of difference.

(d) Where a case is heard by a Singly Member and judgment is reserved, his judgment may in his absence be pronounced by any other Member, as nominated by the Chairman.

(e) Order of pronouncement of the judgment or order will be recorded on the order-sheet of the case by the Member under his own signature and date and the operative order(s) will be reproduced on the order-sheet and the points of difference of opinion, if any, will also be noted on the order-sheet.

Transcript of judgment or order prepared by the stenographer.

83. Every judgment or order delivered by the Court shall be recorded or typewritten, paragraphs numbered, signed and dated by the Member. Where a written judgment or order is delivered such judgement or order shall from part of the record where the judgement or order is delivered orally in open court it shall be taken down by the stenographer and transcript thereof duly signed by the Member shall form part of the record.

⁵⁰[**Transcript of judgment/final order to be kept with the file.]**

84. The transcript of the judgment or order prepared by the stenographer shall be filed by him with the file of the case to which it relates. He will initial the transcript and enter at the foot thereof the date on which the judgment or order was delivered and the date on which the transcription was filed with the file of the case.

Judgment or order to be sealed with the seal of the Court.

85. (a) When the transcript of the judgment or order prepared by the stenographer has been approved by the member or Members, a date for its delivery will be fixed by the Member and notified by the Court Officer to the Registrar for issue of notice. On the day of its pronouncement in the Court, it shall then be signed or initialled by such Member or Members after such corrections as may be considered necessary. Thereafter it shall be sealed with the seal of the Court by the Court Officer.

(b) When the Member or any one of the Members by whom the judgment or order was delivered is not available on account of death, illness, retirement or any other cause the transcript shall be submitted to the Chairman and it will be sealed under his order without the signature of the Member, and endorsement to that effect will be made on such judgment or order under the signature of the Chairman. Such a case shall be refixed for fresh hearing and disposal before another Member.

Publication of judgments and orders

86. (a) Such of the judgments and orders of the Tribunal as are marked fit for publication by the concerned Member in any authoritative report or

50. *Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)*

the press shall be sent to the Chairman for his approval and if he approves they will be released for publication by the Registrar on such terms and conditions, as may be specified by a general or special order of the Chairman.

[(b)]⁵¹ The Member will make his endorsement, in red ink on right top side of the judgment or order, and the Chairman shall make his endorsement of approval in green ink under his initials.

⁵²[(c)] Attested/certified true copies of the judgment/final order approved for publication will be kept in the library for record and reference.]

CHAPTER XVII EXECUTION PROCEEDINGS

⁵³[Scrutiny of application and issue of notices and processes.]

87. (1) On receipt of application for execution of the decision/orders or directions made by the Tribunal, the Registrar shall get the application scrutinised by the Munsarim.
- (2) It shall be the duty of the Munsarim to see that the application for execution contains the correct number of the claim petition, full name and complete address of the parties and the complete operative orders of the Tribunal, the execution whereof is sought to be made, and the mode of execution and the form of the process to be issued and the name of the person with complete address against whom it is payable for.
- (3) If it is found in order the Munsarim shall enter it in the Register of Execution Application, Register Form No.8 and attach an index and order-sheet thereto, and submit the same along with his report to the Registrar.
- (4) If any defect or omission is noticed, he shall get the defect rectified at the earliest, and thereafter put up his office report before the Registrar either on the same day, or on the next day.
- (5) On the submission of the execution application the Registrar will order the issue of a notice of the proposed execution specifying time not exceeding three months for compliance and report to show cause for non-compliance.
- (6) Process and orders directed to be given 'dasti' to a party or counsel shall be promptly prepared by the Court Officer. If process and order are to be sent by post, Court Officer shall prepare it immediately and hand over the same to the party or counsel or pairokar under his signature on the order-sheet.
- (7) After the notice of the execution application is served and no satisfaction or the compliance of the order/decision or direction is made within the time stipulated in the notice, the Registrar shall on the expiry of the aforesaid time, present the record of proceeding along with his report before the Bench to which such work is assigned by the Chairman.

51. Subs. for "(c)" by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

52. Added by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

53. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

- (8) Thereupon necessary direction/orders for the execution of the decision/direction or orders shall be made by the Member, having regard to the provisions of Order XXI of the Code of Civil Procedure, in such form as may be considered just and expedient.
- (9) All orders for the execution proceedings shall be recorded on the order-sheet in consecutive order, the serial no. will be prefixed, and all such orders shall be legibly signed and dated by the member.
- (10) The Member shall see that the orders issued by him are carried out and frequent and habitual carelessness, unpunctuality or procrastination in the issuance of the process/warrants and orders should be adequately punished.

CHAPTER XVIII MISCELLANEOUS

- Use of computers** 88. (a) The Chairman may issue such orders or directions as may be necessary for complying with the provisions of the Act, Rules of Procedure and the Rules of Practice with the aid of the computer ⁵⁴[and for effective use of computer facility]
- Classification of cases** 89. (a) The scrutiny branch of the Registry shall at the time of the scrutiny make classification of the cases as follows :
- (i) departmentwise ;
 - (ii) subjectwise; and
 - (iii) cases which can be heard by a Single-Member Bench.
- (b) The departmentwise classification shall be made in accordance with the orders issued by the Chairman from time to time.
- (c) Subjectwise classification shall be made in accordance with the orders issued by the Chairman from time to time.
- (d) Single-Member Bench cases shall be classified in accordance with the orders issued by the Chairman from time to time.
- (e) The classification as above shall be entered in the relevant columns in the report of scrutiny in Form No. 2/Form No.3, order-sheet in Form No. 4 and facing sheet or the final cover in Form No.5 referred to in Rules 12 to 15 of these rules.
- Weekly and monthly statements** 90. (a) The Registrar shall prepare weekly progress report in form No.14 and circulate among all the Members of the Bench concerned and the Chairman.
- (b) The Registrar shall prepare a monthly statement in two parts as in Form No. 15 regarding filing, disposal and pendency of cases and forward the same to the Chairman before the 7th of each month.
- Inspection of Registry** 91. (a) The Registrar or the Joint Registrar or Assistant Registrar or other officer directed by the Chairman shall conduct inspection of specified

54. Added by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

sections twice a year, viz. for the period from 1st January to 30th June and 1st July to 31st December, on such dates as may be found convenient.

- (b) The report of the inspection of the judicial branch, library, administrative branch and record-room and accounts shall be as in Schedules I to V, respectively as may be modified by the Chairman from time to time.
- (c) The Office Superintendent concerned shall promptly comply with the directions of the Registrar and submit a report about due compliance to the Registrar within such time as the Registrar may grant.
- (d) The Registrar shall submit a report to the Chairman containing brief of his inspection of the Registry, directions given by him to the section and the steps taken for due compliance with such directions.

Withdrawal of parties

92. The Tribunal may also permit one or more of the petitioners or the opposite parties to withdraw from the array of parties on the ground that either he abandons his claim or his claim has been satisfied by the opposite parties after the filing of the claim petition or the opposite party does not want to contest or oppose the claim petition against the petitioners. Such an application shall be accompanied by an affidavit of the party concerned who moves such an application, disclosing in clear terms the cause for withdrawal from the array of the parties.

Joinder of parties

93. [* * *]⁵⁵

94. [* * *]⁵⁶

⁵⁷[Endorsement on petition and applications.]

95. (a) The Court Officer shall be responsible to make proper endorsement on the left side margin of the front page of every claim petition, review petition, restoration application, substitution application, amendment application, application for condonation of delay, application under Rule 24, application for execution, petition for contempt proceedings, summoning of documents, etc. as soon as the petition or application is finally disposed of by the judge to the following effect:—

Allowed/Rejected vide order dated.....

.....
Signature and Stamp of the
Court Officer

- (b) The moment any such petition or application is finally disposed of, the flag attached thereto shall be immediately removed.
- (c) If any application is presented for the second or third time, the Dealing Assistant/Reporting Official shall while inserting a flag shall also indicate the number of the application as I or II and so on.

55. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

56. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

57. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

⁵⁸[Supply of copies of petitions and applications to the other parties.]

Certain applications to be laid before the Chairman for orders.

Consignment of all decided cases.

Due compliance with the Act, Rules of Procedure and the Rules of Practice.

Removal of doubt/difficulty

96. In every claim petition, review petition and all miscellaneous applications wherein the O.P. has been served and has put in appearance through a legal practitioner, the party filing an application shall serve a copy thereof on the counsel of the other side before presenting/depositing it in the office of the Registrar and endorsement to that effect shall be obtained on the application itself. In case the counsel of the other side is not available or he refuses to accept the copy, endorsement to that effect shall be made thereon and then the application along with the extra copies and steps for notices will be presented/deposited in the office of the Registrar.

97. An application for the expediting of the hearing of the case or for listing a case out of turn or for the transfer of the case from one bench to another Bench for adjournment of mentioned cases of a particular advocate seeking leave of absence shall be laid before the Chairman for orders.

98. [* * *]⁵⁹

99. The records for all cases finally decided in the month shall be transmitted to the record room in properly stitched file covers with up to date index and certificate of transmission by the dealing assistant on or before 30th day of the succeeding month, unless the record of a case is required to be retained due to review petition or any stay order in the proceedings.

100. The Registrar or any officer authorised by him may, for the purpose of satisfying himself that the provisions of the Act, the Rules of Procedure and the Rules of Practice are duly complied with, make such enquiry as he deems fit and call upon such party, to appear before him and pass such orders as he deems proper.

101. If in the matter of implementation of these rules any doubt or difficulty arises, the same shall be placed before the Chairman and his decision thereon shall be final.

Place : Lucknow

Dated : 18th June, 1997

Issued under the Authority of the Tribunal

Authenticated by
JUSTICE K.L. SHARMA
CHAIRMAN
OF THE TRIBUNAL

58. Ins. by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)

59. Deleted by Noti. No. 3628-A/SPST/98, dt. 18-11-1998 (w.e.f. 1.12.1998)