

KARNATAKA ADMINISTRATIVE TRIBUNAL, BANGALORE
NOTIFICATION NO.KAT/RP/AMDT/3/94
DATED 1ST DECEMBER 1994

**KARNATAKA ADMINISTRATIVE TRIBUNAL RULES OF
PRACTICE (AMENDMENT) RULES, 1994**

In exercise of the powers conferred by section 22 of the Administrative Tribunals Act, 1985 (Central Act 13 of 1985) and all other powers enabling thereunto, the Karnataka Administrative Tribunal, hereby makes the following rules further to amend the Karnataka Administrative Tribunal Rules of practice, 1990, namely:-

1. **TITLE AND COMMENCEMENT:-**

- (1) These rules may be called as the Karnataka Administrative Tribunal Rules of practice (Amendment) Rules, 1994.
- (2) They shall come into force on the date of their publication in the Karnataka Gazette

2. **AMENDMENT OF CHAPTER HEADING OF CHAPTER VIII:-**

For the chapter heading of Chapter VIII of the Karnataka Administrative Tribunal Rules of practice, 1990 (hereinafter referred to as the said Rules) the following heading shall be substituted, namely:-

" ORDER AND MEMORANDUM OF COSTS "

3. **AMENDMENT OF RULE 4:-** In rule 4 of the said Rules, rule (4A) defining the expression "decree" shall be omitted.
4. **AMENDMENT OF RULE 9 (ii):** In Chapter III, after Rule 9 (ii), the following shall be inserted:

9(ii)a. If a decision of any Court or Tribunal is referred to in the pleadings, full particulars thereof namely, the name of the parties and if it is reported in any journal, the correct citation thereof and if not reported in any journal, the number of the application or writ petition or appeal etc. shall be indicated.
5. **AMENDMENT OF RULE 42:-** In rule 42 of the said Rules, for sub- rule (iii) and (iv), the following shall be substituted, namely:

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

(iv) Every order disposing of an application filed under Section 19 shall, at the end, in a separate paragraph, indicate the final order made and that paragraph shall be under the heading "ORDER" That paragraph shall indicate how the application is disposed of, that is to say, whether the application is allowed in full or partly allowed and any specific direction is issued or is dismissed. If the application is disposed with a specific direction the nature of the direction shall be clearly indicated therein and if an order made by any authority is referred to in the direction or is quashed the authority who made that order and the number and date thereof shall also be indicated. "

6. AMENDMENT OF RULE 73 : In rule 73 of the said Rules, in item (i) after 'Order Sheet', the words, with 'check slip' shall be added. Further, in the subheading 'A' file shall consist of the following papers, after (v) the following shall be inserted.

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

(viii) Interim order of stay, if any

(ix) Memo for withdrawal, if any

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

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

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

7. SUBSTITUTION OF FORM IV:- For Form IV of the said Rules, the following form shall be substituted namely:

By Order of the Tribunal

Registrar,
'Karnataka Administrative Tribunal'
Bangalore.

'By Order of the Tribunal'

(N.A.LOKESHAPPA)
REGISTRAR
KARNATAKA ADMINISTRATIVE TRIBUNAL
BANGALORE

KARNATAKA ADMINISTRATIVE TRIBUNAL,

**NOTIFICATION NO.KAT/RA/REGLN/4/94
DATED : 1ST DECEMBER 1994**

**KARNATAKA ADMINISTRATIVE TRIBUNAL
(REVIEW APPLICATIONS) REGULATION, 1994,
(REGULATION 1 / 94)**

In exercise of the powers conferred under Section 22 of the Administrative Tribunals Act, 1985 (Central Act 13 of 1985) and all other powers enabling thereunto the Karnataka Administrative Tribunal hereby makes the following regulation, to regulate the proceedings for reviewing its decision:-

1. TITLE & COMMENCEMENT:

- (1) These regulations shall be called 'The Karnataka Administrative Tribunal (Review Application) Regulation, 1994.'
- (2) They shall come into force on the date of their publication in the Karnataka Gazette.
- (3) The Rules of Order XLVII of the Code of Civil Procedure 1908, (Act V of 1908) as amended by Act 104 of 1970, shall, as far as may be, apply to Review

Applications filed before the Karnataka Administrative Tribunal.

2. DEFINITION: In these Regulation, unless the context otherwise requires, the and expressions shall have the following meaning:

- (i) Tribunal means the Karnataka Administrative Tribunal, Bangalore.
- (ii) "Act" means the Administrative Tribunals Act, 1985.
- (iii) 'Application' means any application filed under Section 19(1) or Section 29-A of the Administrative Tribunals Act, 1985, (Central Act 13 of 1985) as amended from time to time or transferred to the Tribunal under Section 29(1) of the aforesaid Act.
- (iv) 'Chairman' means the Chairman of the Karnataka Administrative Tribunal.
- (v) 'Member' means and includes the Chairman, Vice Chairman Judicial and Administrative Members.
- (vi) 'Registrar' means the Registrar of the Karnataka Administrative Tribunal and includes the Deputy Registrar or the Assistant Registrar on whom the powers of the Registrar are conferred.

3. WHO MAY APPLY FOR REVIEW:

- (a) Any person aggrieved by an order of the tribunal, who was a party to the application before the Tribunal, and who from the discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made on account of some mistake or error apparent on the face of the record or for any other sufficient reason desires to obtain a review of the order made against him, may apply for reviewing the order/judgment made provided, however, no application for review shall lie:
 - (i) by a person who has sought the leave of the Supreme Court of India under Article 136 of the Constitution of India, for preparing an appeal against the order of the Tribunal, sought to be reviewed, on the same grounds as are urged in the Review Application, but which was rejected by the Supreme Court of India.
 - (ii) by a person who is a respondent in an appeal pending before the Supreme Court of India, preferred against the order in an application, the review of which is sought for, where he has the opportunity to present the case on which he applied for a review before the Supreme Court.

(b) Any person, who is not a party to the proceedings before the Tribunal, but considers himself aggrieved by an order of the Tribunal passed in such proceedings may, with the permission of the Tribunal, on a petition made for this purpose, apply to the Tribunal for the review of an order made by the Tribunal.

4. PROCEDURE FOR HEARING OF REVIEW APPLICATION:

- (i) A review application shall ordinarily be heard by the same Bench which has passed the order however, the chairman, may for reasons to be recorded in writing direct it to be heard by any other Bench.
- (ii) Unless otherwise ordered by the Bench concerned, a review application shall be disposed of by circulation and the Bench may either dismiss the application or direct notice to the opposite party.
- (iii) Where an application for review of any order has been made and disposed of, no further application for review shall be entertained in the same matter.
- (iv) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise, and also those which are sworn on the basis of the legal advice. The counter affidavit in review application shall also be a duly sworn affidavit wherever any averment fact is disputed.
- (v) The decision on the review application shall be treated as part of the Judgment/Order made in the main application and shall be read together.
- (vi) Every application for review, as soon as it is registered, shall be posted before the Bench which passed the order, the review of which is sought for.
- (vii) Where any Member of the Bench, which passed the order, ceases to hold office on account of retirement, resignation or removal or absent on leave for a long period, so as to render it impossible to constitute the Bench, the review application shall be posted before the other Member/s of the Bench, which passed the order.
- (viii) Where both or all the Members of the Bench, which passed the order, the review of which is sought for, cease to hold office on account of retirement, resignation or removal or absent on account of retirement, resignation or removal or absent on leave for a long period, so as to render it impossible to constitute the Bench, the review application may be posted before such other Members, as the Chairman may by order nominate.

Provided, however, if it is a Bench consisting of the Members, one such Member shall be a Judicial Member and if it is of the more than two Members, the majority of the Members shall be Judicial Members.

5. LIMITATION:

No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

6. SCRUTINY:

All applications for review of the Order/Judgment shall be scrutinized in the manner explained in Chapter III of the Rules of practice, 1990.

7. FEES:

All Review Applications referred under Article 5(AA) of schedule 1 to the Karnataka Court Fees & Suits Valuation Act, 1958 (Karnataka Act 16 of 1958), shall be accompanied by Rs. 20 stamp fee.

8. FORM:

An application for review of the order under Rule 3 shall be in form No I appended to the regulation.

9. Any petition filed seeking permission of the Tribunal for filing a review under Rule 3(b), any petition for interim order/Judgment during the pendency the review application shall be in Form No.II appended to this regulation.

10. ENCLOSURES TO THE REVIEW APPLICATION:

An application for review shall be accompanied by:

(a) two copies of paper book containing the application for review and the order of the Tribunal, the review of which is sought for, and any other document or documents on which the applicant relies, typed on one side in good quality paper of substantial thickness, duly indexed, paginated and stitched in paper book form.

(b) sufficient copies of the application for review for service on the respondents impleaded therein.

No fresh vakalath need be filed on behalf on the applicant in the Review Application provided the Counsel has already filed vakalath in the original proceedings and the vakalath has not been subsequently revoked.

11. SERVICE OF NOTICE:

- (i) Where notice is ordered to the respondents in the review application, a copy of the review Application shall be served on the review respondents.
- (ii) The provision contained in Rule 11 of the Karnataka Administrative Tribunal (procedure) Rules, 1986, as regards service of notice shall apply to an application for review.

12. DISMISSAL FOR DEFAULT:

- (1) (i) Where on the day fixed for hearing of the review application or any other subsequent date to which the application for review stands adjourned the applicant is absent, the Tribunal may adjourn the application or dismiss the same for default or decide the application on merits.
 - (ii) Where notice to the respondents impleaded therein is ordered in an application for review and the applicant or his Counsel has not taken steps to serve the respondents, the Tribunal, before whom the application is posted for orders by the Registrar, may dismiss the application for default either against the concerned respondent or against all the respondents.
- (2) Where, on the fixed day for hearing of the application for review or any other subsequent date to which the application for review stands adjourned the respondent or his Counsel is absent, the Tribunal may adjourn the application or decide the same "exparte"

13. RESTORATION OF THE REVIEW APPLICATION DISMISSED FOR DEFAULT OR DECIDED EXPARTS:

- (1) Where an application for review is dismissed for default for non-appearance or for not taking steps to serve the respondent or for any other reason to where an application is allowed without hearing the respondents impleaded therein or their Counsel and the applicant or the respondent, or their Counsel show sufficient cause, the Bench, on a petition, may set-aside the order passed in the application for review and restore the same to file.
- (2) No petition for setting aside the order passed on a review application, under sub-rule (1) above shall be admitted unless it is filed within thirty days from the date of the order.

Provided, however, the Bench may admit the petition, after the prescribed period, if sufficient cause is shown for not filing the petition within the time.

14. The provisions of these regulation in so far as they are relevant, will apply to I.A.'s filed in a Review Application.

FORM NO.1
(See Rule 8)

IN THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT
BANGALORE

REVIEW APPLICATION NO.199

IN

ORIGINAL APPLICATION NO. 199

BETWEEN :

..... APPLICANT/S in O.A.No.

AND

..... RESPONDENT/S in O.A.No.

1. LIMITATION

The copy of the Order dated. in Original Application No.199 was served on the applicant herein on.

Therefore, the applicant declares that the application is within the limitation prescribed in Rule 5 of the Karnataka Administrative Tribunal (Review Application) Regulation, 1994.

2. MATTER NOT PREVIOUSLY FILED:

Applicant further declares that he had not previously filed any review application regarding the matter in respect of which this review application has been made before this Tribunal or filed an appeal before the Supreme Court.

3. FACTS OF THE CASE:

(Give here a concise statement of facts in a chronological order, each paragraph containing as far as possible a separate issue, facts or otherwise).

4. GROUNDS OF REVIEW:

5. RELIEF:

It is therefore prayed that the Hon'ble Tribunal may please to review its order dated. made in original Application No. /199.

VERIFICATION

I..... (Name of the applicant) S/o,D/o,W/o..... working as.....in the office of do hereby verify that the contents of parato are true on legal advice and that I have not suppressed any material fact.

Signature of the Applicant

Signature of the Advocate

To:

The Registrar.
Karnataka Administrative Tribunal,
BANGALORE.

**FORM NO.II
(See Rule 9)**

**IN THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT
BANGALORE**

Misc. Application No.

IN

Application No. of 19 &

Original

..... APPLICANT

(APPLICANT/RESPONDENT)

VERSUS

..... RESPONDENT

(RESPONDENT/APPLICANT)

1. Brief facts leading to the application:

2. Relief or Prayer :

VERIFICATION

I (Name of the applicant), S/o, D/o, W/o.
.....working as in the Office of the.....do hereby
verify that the contents of para.to..... Are true on legal advice and that I
have not suppressed any material fact.

Signature of the Applicant

Date:

Place:

Signature of the Advocate

To:

The Registrar,
Karnataka Administrative Tribunal,
BANGALORE.

"By Order of the Tribunal'

(N.A.LOKESHAPPA)
REGISTRAR
KARNATAKA ADMINISTRATIVE TRIBUNAL
BANGALORE.