# CONTENTS

<table>
<thead>
<tr>
<th>Abstract and Keywords</th>
<th>iv</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>v - vi</td>
</tr>
<tr>
<td>List of Abbreviation</td>
<td>vii - viii</td>
</tr>
<tr>
<td>Table of Cases</td>
<td>ix - xxxv</td>
</tr>
<tr>
<td>Contents</td>
<td>xxxvi - xlii</td>
</tr>
</tbody>
</table>

## PART I

### CHAPTER I

1.1 Introduction 3

1.2 The Primary object of the study 8

## CHAPTER II SPECIAL LEAVE : ADMISSION POLICY

2.1 Introduction 13

2.2. Supreme Court of India 13

2.3 History of special leave appeal 13

2.4 Admission policy adopted by Privy Council 14

2.5 Abolition of Privy Council 17

2.6 Admission policy adopted by Supreme Court 19

2.7 Implicit limitations 30

2.7.1 Exhaustion of alternate remedy 30

2.7.2 *Locus Standi* 32
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7.3</td>
<td>Delay</td>
<td>33</td>
</tr>
<tr>
<td>2.7.4</td>
<td>Interlocutory orders</td>
<td>34</td>
</tr>
<tr>
<td>2.8</td>
<td>Statutory limitations</td>
<td>34</td>
</tr>
<tr>
<td>2.9</td>
<td>Procedure under Supreme Court Rules</td>
<td>35</td>
</tr>
</tbody>
</table>

**CHAPTER III**  
"TRIBUNAL" UNDER ARTICLE 136

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Introduction</td>
<td>42</td>
</tr>
</tbody>
</table>

**CHAPTER IV**  
SPECIAL FEATURES OF TRIBUNALS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Growth of tribunals</td>
<td>52</td>
</tr>
<tr>
<td>4.2</td>
<td>Reasons for creating special tribunals</td>
<td>53</td>
</tr>
<tr>
<td>4.3</td>
<td>Historical antecedents</td>
<td>56</td>
</tr>
<tr>
<td>4.4</td>
<td>Comparative analysis</td>
<td>56</td>
</tr>
<tr>
<td>4.4.1</td>
<td>France</td>
<td>56</td>
</tr>
<tr>
<td>4.4.2</td>
<td>England</td>
<td>57</td>
</tr>
<tr>
<td>4.4.3</td>
<td>European Union</td>
<td>60</td>
</tr>
<tr>
<td>4.4.4</td>
<td>United States</td>
<td>60</td>
</tr>
<tr>
<td>4.4.5</td>
<td>India</td>
<td>62</td>
</tr>
<tr>
<td>4.5</td>
<td>Special features of tribunals</td>
<td>62</td>
</tr>
<tr>
<td>4.6</td>
<td>Adjudicatory bodies in India</td>
<td>65</td>
</tr>
<tr>
<td>4.6.1</td>
<td>Tax</td>
<td>65</td>
</tr>
<tr>
<td>4.6.1.1</td>
<td>Income tax appellate tribunal</td>
<td>66</td>
</tr>
<tr>
<td>4.6.1.2</td>
<td>Settlement commission</td>
<td>68</td>
</tr>
</tbody>
</table>
4.6.1.3 Assessment of customs and excise duties 68
4.6.1.4 Nationalization laws: Compensation tribunals 69

4.6.2 Labour disputes 70
4.6.2.1 The Payment of Wages Act, 1936 70
4.6.2.2 The Workmen’s Compensation Act, 1923 70
4.6.2.3 The Minimum Wages Act, 1948 71
4.6.2.4 The Employees State Insurance Act, 1948 71
4.6.2.5 The Industrial Disputes Act, 1947 71

4.6.3 MOTOR TRANSPORT 72
4.6.3.1 Claims tribunal 72
4.6.3.2 Licensing of transport vehicles 72

4.6.4 Railways 73
4.6.4.1 Railway rates tribunal 73
4.6.4.2 Railway claims tribunal 73

4.6.5 Electricity 73
4.6.5.1 West Bengal Electricity Regulatory Commission 73

4.6.6 Copyright Act, 1957 74
4.6.6.1 Foreign Exchange Regulations Appellate Board 74

4.6.7 Economic regulation 75
4.6.7.1 The Industries (development regulation) Act, 1951 75
4.6.7.2 Company Law Board 75
4.6.7.3 Essential Commodities Act, 1955 76
4.6.7.4 Monopolies and Restrictive Trade Practice Commission
4.6.7.5 Board for Industrial and Financial Reconstruction
4.6.8 Rent control
4.6.9 Regulations of professions
4.6.9.1 Press Council
4.6.9.2 Bar Council
4.6.9.3 Institute of Chartered Accountants of India
4.6.9.4 Council of Architecture
4.6.9.5 Medical Council
4.6.9.6 Dental Council
4.6.9.7 AIIMS
4.6.10 Central Administrative Tribunal
4.6.11 Consumer protection

PART II
CHAPTER V APPEALS DIRECTLY FROM INDUSTRIAL TRIBUNALS

5.1 Jurisdictional errors
5.2 Natural justice
5.3 Interpretation of statute
5.4 Application of legal principles
5.5 Tribunal’s jurisdiction to pass awards
5.6  Matters touching factual findings  109
5.7  Matters touching discretionary issues  113
  5.7.1  Termination and backwages  113
  5.7.2  Commencement of award  118
5.8  Miscellaneous matters  121

CHAPTER VI

PART A  APPEALS DIRECTLY FROM ADMINISTRATIVE TRIBUNALS

6.1  Jurisdiction  133
6.2  Limitation  136
6.3  Question of law  137
6.4  Principles of natural justice  143
6.5  Appointment & regularization  145
6.6  Seniority  153
6.7  Senior Scale  159
6.8  Promotion  161
6.9  Allotment of quarters  174
6.10 Alteration of date of birth  176
6.11 Equal pay for equal work  177
6.12 Compensation & allowances  179
PART B

APPEALS DIRECTLY FROM ADMINISTRATIVE TRIBUNALS

6.13 Disciplinary committee 184
6.14 Inquiry 187
6.15 Malafide act 188
6.16 Punishments 190
6.17 Termination of service 195
6.18 Compulsory retirement 196
6.19 Pension and Retirement Benefits 200
6.20 Remands 202

CHAPTER VII

APPEALS DIRECTLY FROM OTHER TRIBUNALS

7.1 Income Tax 207
7.2 Sales tax 209
7.3 Banking ombudsman (appointed under Banking Ombudsman Scheme, 1995) 210
7.4 Speaker acting as tribunal 211
7.5 Land reforms appellate tribunals 211
7.6 Consumer 212
7.7 Railway Tribunal 216
PART III

CHAPTER VIII  DWINDLE OF JURISDICTION

8.1 Judicial Review and Jurisdiction to redecide 219
8.2 Judicial Review in service jurisprudence 222
8.3 Parliamentary debates on 42nd Amendment 223
8.4 Articles 323 A and 323 B Objects and reasons 224
8.5 The Objects and reasons of Administrative Tribunals Act 227
8.6 Constitutional Validity of the Act 230

CHAPTER IX

SAMPATH KUMAR AND CHANDRAKUMAR

VAGARIES OF JUDICIAL ATTITUDE 234

CHAPTER X  AFTER MATH OF CHANDRAKUMAR 239

CHAPTER XI  CONCLUSION 245

APPENDIX 251

BIBLIOGRAPHY 264