Preface

Administration of Justice by Tribunals is a phenomenon of recent origin in India. It has grown and flourished mainly, after the people of India attained independence from the colonial rule and adopted the Constitution for the new democratic republic, thereby ushering in a new social, economic and political order. The unprecedented expansion in the range and volume of State activities, accompanied by the substantial increase in the powers and discretions of the administrative authorities and agencies have led to a situation where the rights and liberties of private individuals are increasingly threatened and encroached upon in the name of public interest. As a result, innumerable disputes are arising between Administration and individuals inter-se. The traditional judicial system has proved to be ill-suited and ill-equipped to handle a vast majority of these disputes of complex and technical nature. Consequently, tribunalization as a dispute resolving mechanism has come into existence to supplement the traditional judicial system. The advantages of comparatively less expense, easy accessibility, procedural flexibility and informality and availability of technical knowledge or skill have accounted for a mushroom growth of administrative tribunals in various fields.

The recently enacted Administrative Tribunals Act, 1985, pursuant to the provisions of Article 323-A of the Constitution, seeks to establish a network of tribunals for the adjudication of service disputes relating to the employees of the Central and State Governments and other instrumentalities of the State. It was realised that the increasing volume of litigation between Government and its employees was not only unduly burdening the Courts but was also adversely affecting the efficiency of the employees, as well. It was also realized that the service disputes could more conveniently be disposed of by a specialised tribunal, which would be able to develop expertise in this field, thereby leading to speed and efficiency in disposal.

For the effective realization of the above-mentioned objectives, the Tribunals have been empowered by the Act to exercise all the jurisdiction, powers and authority of all Courts (except the Supreme Court) in relation to all service matters of the specified civil servants. At the same time, all Courts (except the Supreme Court) have been debarred from exercising
jurisdiction with regard to the matters assigned to the Tribunals. Thus, the Tribunals have been created in substitution of the civil Courts and the High Courts, in service matters.

In pursuance of the provisions of the Act the central Government has established Administrative Tribunals for the Union and seven States. It is expected that in due course of time Administrative Tribunals would also be set up in other States.

The tribunal system, in the field of service matters, has been in operation for more than six years, now. The present study has been launched to examine and evaluate its functioning and to make suggestions for effecting improvements therein.

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OM PRAKASH