

The Administrative Tribunals Act, 1980

(ACT NO. VII OF 1981)

An Act to provide for the establishment of Administrative Tribunals to exercise jurisdiction in respect of matters relating to or arising out of the terms and conditions of persons in the service of the Republic ¹[or of any statutory public authority].

WHEREAS Article 117 of the Constitution provides, inter alia, that Parliament may by law establish one or more Administrative Tribunals to exercise jurisdiction in respect of matters relating to or arising out of the terms and conditions of service of persons in the service of the Republic [or of any statutory public authority];

It is hereby enacted as follows:-

AND WHEREAS it is expedient to provide for the establishment of Administrative Tribunals to exercise such jurisdiction and for matters connected therewith;

- Short title and commencement** 1. (1) This Act may be called the Administrative Tribunals Act, 1980.
(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- Definitions** 2. In this Act, unless there is anything repugnant in the subject or context,-
(a) "prescribed" means prescribed by rules made under this Act;
²[(aa) "statutory public authority" means an authority, corporation, or body specified in the Schedule to this Act; and]
(b) "Tribunal" means an Administrative Tribunal or the Administrative Appellate Tribunal established under this Act.
- Establishment of** 3. (1) The Government may by notification in the official Gazette, establish one or more Administrative Tribunals for the purpose of this Act.

(2) When more than one Administrative Tribunal is established, the Government shall, by notification in the official Gazette, specify the area within which each Tribunal shall exercise jurisdiction.

(3) An Administrative Tribunal shall consist of one member who shall be appointed by the Government from among persons who are or have been District Judges.

(4) A member of an Administrative Tribunal shall hold office on such terms and conditions as the Government may determine.

**Jurisdiction
of
Administrative
Tribunals**

4. (1) An Administrative Tribunal shall have exclusive jurisdiction to hear and determine applications made by any person in the service of the Republic ³[or of any statutory public authority] in respect of the terms and conditions of his service including pension rights, or in respect of any action taken in relation to him as a person in the service of the Republic ⁴[or of any statutory public authority].

(2) A person in the service of the Republic ⁵[or of any statutory public authority] may make an application to an Administrative Tribunal under sub-section (1), if he is aggrieved by any order or decision in respect of the terms and conditions of his service including pension rights or by any action taken in relation to him as a person in the service of the Republic ⁶[or of any statutory public authority]:

Provided that no application in respect of an order, decision or action which can be set aside, varied or modified by a higher administrative authority under any law for the time being in force relating to the terms and conditions of the service of the Republic ⁷[or of any statutory public authority] or the discipline of that service can be made to the Administrative Tribunal until such higher authority has taken a decision on the matter:

⁸[Provided further that, where no decision on an appeal or application for review in respect of an order, decision or action referred to in the preceding proviso has been taken by the higher administrative authority within a period of two months from the date on which the appeal or

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 application was preferred or made, it shall, on the expiry of such period, be deemed, for the purpose of making an application to the Administrative Tribunals under this section, that such higher authority has disallowed the appeal of the application:]

Provided further that no such application shall be entertained by the Administrative Tribunal unless it is made within six months from the date of making or taking of the order, decision or action concerned or making of the decision on the matter by the higher administrative authority, as the case may be.

(3) In this section “person in the service of the Republic ⁹[or of any statutory public authority]” includes a person who is or has retired or is dismissed, removed or discharged from such service, but does not include a person in the defence services of Bangladesh ¹⁰[or of the Bangladesh Rifles].

**Administrative
Appellate
Tribunal**

5. (1) The Government shall, by notification in the official Gazette, establish an Administrative Appellate Tribunal for the purpose of this Act.

¹¹[(2) The Administrative Appellate Tribunal shall consist of one Chairman and two other members who shall be appointed by the Government.

(3) The Chairman shall be a person who is, or has been, or is qualified to be a Judge of the Supreme Court, and of the two other members, one shall be a person who is or has been an officer in the service of the Republic not below the rank of Joint Secretary to the Government and the other a person who is or has been a District Judge.

(4) The Chairman or any other member of the Administrative Appellate Tribunal shall hold office on such terms and conditions as the Government may determine.]

**Jurisdiction
of
Administrative
Appellate
Tribunal**

6. (1) The Administrative Appellate Tribunal shall have jurisdiction to hear and determine appeals from any order or decision of an Administrative Tribunal.

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 (2) Any person aggrieved by an order or decision of an Administrative Tribunal may, within three months from the date of making of the order or decision, prefer an appeal to the Administrative Appellate Tribunal.

(2A) Notwithstanding the provisions of sub-section (2), an appeal may be admitted after the period of three months specified in that sub-section but not later than six months, if the appellant satisfies the Administrative Appellate Tribunal that he had sufficient cause for not preferring the appeal within three months

(3) The Administrative Appellate Tribunal may, on appeal, confirm, set aside, vary or modify any order or decision of an Administrative Tribunal, and the decision of the Administrative appellate Tribunal in an appeal [shall, subject to section 6A, be final].

Application of Article 103 of the Constitution

¹²[6A. It is hereby declared that the provisions of Article 103 of the Constitution shall apply in relation to the Administrative Appellate Tribunal as they apply in relation to the High Court Division.]

Powers and procedure of Triunals

7. (1) For the purpose of hearing an application or appeal, as the case may be, a Tribunal shall have all the powers of civil Court, while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) requiring evidence on affidavit;
- (d) requisitioning any public record or a copy thereof from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) such other matters as may be prescribed.

(2) Any proceedings before a Tribunal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Penal Code (XLV of 1860).