

Haryana Administrative Tribunal

Why in news?

The Punjab and Haryana High Court Bar Association has suspended work indefinitely, following the recent notification for setting-up the Haryana Administrative Tribunal.

What is the notification?

- The Union Ministry of Personnel, Public Grievances and Pensions recently issued a notification for establishing the Haryana Administrative Tribunal.
- It came following a recommendation from the Haryana government.
- The government's decision to establish the Tribunal had been pending since 2015.
- Official data reveals that nearly 11,000 cases will be transferred from the Haryana High Court to Tribunal once it starts functioning.

What is the Haryana Administrative Tribunal?

- The tribunal is a quasi-judicial body on the lines of Central Administrative Tribunal.
- It is meant to adjudicate over the service matters of the state employees that earlier would be directly heard by the High Court.
- In the absence of the Tribunal, the employees have no other option but to directly approach the High Court.
- It is primarily aimed at reducing a large number of pending cases before the High Court and quick disposal of the grievances of employees.
- Tribunal orders can be challenged before the High Court.

What was the response?

- Following the notification, the judges at the High Court stopped hearing the service matters from Haryana.
- They reasoned that the court no more had the power in view of the notification.
- A full bench of the High Court has deferred the implementation of the Tribunal in view of the stalemate.
- For "the time being" and till further orders, it has been ordered that the High Court will continue to hear the service matters.

- However, the lawyers have turned the struggle into a battle against the idea of the Tribunal system.
- They vowed to stop the suspension of work only at the revocation of the state decision.
- Lawyers have abstained from attending the courts which has resulted in adjournments in most of the cases including civil and criminal litigations.

Why is the opposition?

- **Independence** - The Bar Association says that the decision encroaches upon the jurisdiction and judicial independence of the High Court.
- They argue that Tribunal members do not enjoy powers like judges who hold constitutional posts.
- **Appointment** - The Centre has already notified the appointment of Justice (retd.) Sneh Prashar as the Chairperson of the Tribunal for the period of 5 years and she has been given a temporary office.
- The Bar has also raised questions over the decision to appoint her on the post.
- **Location** - The government's original decision is to establish the Tribunal at Karnal but is willing to consider establishing the Principal Bench at Panchkula.
- A formal notification is yet to be issued by the government regarding the place.
- In case the government decides to establish the Tribunal at Karnal, it would create difficulties for the lawyers.
- Lawyers based in Chandigarh, Panchkula or in cities of Punjab will find it difficult to handle cases of their clients in Karnal, Haryana.
- This is because they also have cases of other nature at the High Court to attend.
- Notably, the High Court of Punjab and Haryana based in Chandigarh is the common High Court for Haryana and Punjab, and the UT of Chandigarh.

What is the constitutional provision in this regard?

- Article 323-A came by way of 42nd constitutional amendment in 1976.
- It enabled the Centre to enact The Administrative Tribunals Act, 1985 for setting-up the Tribunals.
- The objective is adjudication over disputes and complaints with respect to recruitment and conditions of service of persons.
- The Centre under the Act can establish the Tribunal for its own employees.
- It also has the power to establish Tribunal for a state after receiving a request from the state government.

- Two or more states can also agree for a single tribunal.
- The Tribunal is to be headed by a Chairman or Chairperson - a retired High Court Judge, and a number of Judicial and Administrative Members.
- The Chairperson can be removed only by the President of India.
- The Tribunal can also have benches at different locations.

Source: Indian Express

