

## **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**

