

AUTHORITATIVE ENGLISH TEXT

**THE HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL
(TRANSFER OF DECIDED AND PENDING CASES AND
APPLICATIONS) ACT, 2008.**

ARRANGEMENT OF SECTIONS

Sections:

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**THE HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL
(TRANSFER OF DECIDED AND PENDING CASES AND
APPLICATIONS) ACT, 2008.**

(Act No. 14 of 2008)¹

(Received the assent of the Governor on 30th September, 2008 and was published in Hindi and English in R.H.P., dated 4th October, 2008, p. 4151-4158)

An Act to provide for the transfer of decided cases and pending applications before the Himachal Pradesh Administrative Tribunal which has been abolished by the Government of India vide Notification No. G.S.R.505 (E), dated 8th July, 2008 by rescinding the Notification No. G.S.R. 1045(E), dated 26th August, 1986.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-ninth Year of the Republic of India as follows:-

1. Short title and commencement. - (1) This Act may be called the Himachal Pradesh Administrative Tribunal (transfer of decided and pending cases and applications) Act, 2008.

(2) It shall be deemed to have come into force on 8th July, 2008.

2. Definitions.- In this Act, unless the context otherwise requires,—

(a) “application” means an application made under section 19 of the Administrative Tribunals Act, 1985; and

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see. R.H.P. dated 4.9. 2008, p. 3601 & 3608.

- (b) "Tribunal" means the Himachal Pradesh Administrative Tribunal and Benches thereof established under sub-section (2) of section 4 of the Administrative Tribunals Act, 1985 (13 of 1985).

3. Transfer of pending and disposed of cases and applications.- (1) Any suit or case or other proceeding which was transferred by any civil court and decided by the Tribunal or is pending on the date of commencement of this Act, before the Tribunal shall stand transferred back to the same civil court from which it was transferred and in case such court is not in existence then to the court of competent jurisdiction in its place and such court shall proceed to dispose of the same as if it was a plaint under the Code of Civil Procedure, 1908 (5 of 1908).

(2) Every proceeding which was transferred by the High Court to the Tribunal and decided by the Tribunal or is pending on the date of commencement of this Act, before the Tribunal shall stand transferred back to the High Court.

(3) Every proceeding of a case which was filed as an original application in the Tribunal and decided by the Tribunal or is pending on the date of commencement of this Act, before the said Tribunal shall stand transferred to the High Court.

(4) Where any case or proceeding stands transferred from the Tribunal to the High Court or civil court under sub-section (1), (2) or (3), -

- (a) the records of such cases or proceedings shall be forwarded to the High Court or the concerned civil court, as the case may be; and
- (b) the High Court or the civil court, as the case may be, on receipt of such record, proceed to deal with the case from the stage which was reached before such transfer or from any earlier stage as the High Court or the civil court may deem fit.

(5) Every proceeding relating to contempt, execution or review of final order or interim order pending before the Tribunal on the date of commencement of this Act, shall stand transferred to the High Court or the civil court, as the case may be.

4. Intimation of transfer of cases to the parties.- As soon as after the transfer of applications or proceedings under section 3, the High Court or the civil court concerned, as the case may be, shall intimate the parties and their counsel accordingly.

5. Powers to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may comprised in one session or

in two or more successive session and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rules should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

6. Repeal of H.P Ordinance No. 2 of 2008 and saving.- (1) The Himachal Pradesh Administrative Tribunal (transfer of decided and pending cases and applications) Ordinance, 2008 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.
