

THE ADMINISTRATIVE TRIBUNALS ACT, 1980**CONTENTS**

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SCHEDULE

THE ADMINISTRATIVE TRIBUNALS ACT, 1980

ACT NO. VII OF 1981

[5th June, 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 ¹[or of any statutory public authority];

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

It is hereby enacted as follows:-

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]

¹ The words “or of any statutory public authority” were inserted after the word “Republic” by section 2 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

² Clause (aa) was inserted by section 3 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

- (b) "Tribunal" means an Administrative Tribunal or the Administrative Appellate Tribunal established under this Act.

3. (1) The Government may by notification in the *official Gazette*, establish one or more Administrative Tribunals for the purpose of this Act.

Establishment of Administrative Tribunals

(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.

4. (1) An Administrative Tribunal shall have exclusive jurisdiction to hear and determine applications made by any person in the service of the Republic ¹[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 ¹[or of any statutory public authority].

Jurisdiction of Administrative Tribunals

(2) A person in the service of the Republic ¹[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 ¹[or of any statutory public authority]:

¹ The words "or of any statutory public authority" were inserted after the word "Republic" by section 4 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

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 ¹[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:

²[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 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 ³[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 ⁴[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.

¹ The words “or of any statutory public authority” were inserted after the word “Republic” by section 4 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

² The proviso was inserted by section 2 of the Administrative Tribunals (Amendment) Act, 1997 (Act No. XXIV of 1997).

³ The words “or of any statutory public authority” were inserted after the word “Republic” by section 4 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

⁴ The words “or of the Bangladesh Rifles” were inserted after the word “Bangladesh” by section 2 of the Administrative Tribunals (Amendment) Ordinance, 1982 (Ordinance No. XXIII of 1982).

¹[(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.]

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

Jurisdiction of Administrative Appellate Tribunal

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

³[(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 ⁴[shall, subject to section 6A, be final].

¹ Sub-sections (2), (3) and (4) were substituted, for the former sub-sections (2) and (3) by section 2 of the Administrative Tribunals (Amendment) Act, 1987 (Act No. XXX of 1987).

² The words “three months” were substituted, for the words “two months” by section 3 of the Administrative Tribunals (Amendment) Act, 1997 (Act No. XXIV of 1997).

³ Sub-section (2A) was inserted by section 3 of the Administrative Tribunals (Amendment) Act, 1997 (Act No. XXIV of 1997).

⁴ The words, commas, figure and letter “shall, subject to section 6A, be final” were substituted, for the words “shall be final” by section 2 of the Administrative Tribunals (Amendment) Act, 1991 (Act No. XXIII of 1991).

Application of
Article 103 of
the Constitution

¹[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
Tribunals

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).

(3) A Tribunal shall hold its sittings at such place or places as the Government may fix.

²[(3A) In the event of any difference of opinion among the members of the Administrative Appellate Tribunal, the opinion of the majority shall prevail.

³[(3B) Notwithstanding anything contained in this Act, if, in course of hearing, any member of the Administrative Appellate Tribunal is, for any reason, absent or unable to attend any sitting thereof, the Chairman and the other member present may dispose of appeals, provided they are unanimous in their decision.]]

¹ Section 6A was inserted by section 3 of the Administrative Tribunals (Amendment) Act, 1991 (Act No. XXIII of 1991).

² Sub-sections (3A) and (3B) were inserted by section 3 of the Administrative Tribunals (Amendment) Act, 1987 (Act No. XXX of 1987).

³ Sub-section (3B) was substituted by section 2(a) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

(4) and (5) [Omitted by section 3 of the Administrative Tribunals (Amendment) Ordinance, 1983 (Ordinance No. XXXVIII of 1983).]

(6) The member of an Administrative Tribunal ¹[or the Chairman] of the Administrative Appellate Tribunal may make such administrative arrangements as he considers necessary for the performance of the functions of the Tribunal.

²[(7) The Administrative Appellate Tribunal may, on its own motion or on the application of any party or by way of a reference from an Administrative Tribunal, by an order in writing, transfer, at any stage of the proceedings, any case from one Administrative Tribunal to another Administrative Tribunal, whenever it considers such transfer is just and convenient for the proper dispensation of justice.]

(8) Subject to the other provisions of this Act, a Tribunal shall, for the purpose of hearing an application or appeal, as the case may be, follow such procedure as may be prescribed:

Provided that where, in respect of any matter no procedure has been prescribed by this Act or by rules made thereunder, a Tribunal shall follow the procedure in respect thereof as may be laid down by the Administrative Appellate Tribunal.

³[7A. (1) Where a person is dismissed or removed from service and an application is made under section 4 against such removal or dismissal and that person dies during the pendency of the case, the right to sue of that applicant shall survive if his service had been pensionable under any law for the time being in force.

Death of the applicant

(2) Where the right to sue survives under sub-section (1), such legal representative of the deceased applicant who would have been entitled to the pensionary benefit at the event of the death or retirement of the deceased applicant may be substituted, upon an application, made to the Tribunal or, as the case may be, to the Appellate Division, within sixty days from

¹ The words “or the Chairman” were substituted, for the words “or the member” by section 3 of the Administrative Tribunals (Amendment) Act, 1987 (Act No. XXX of 1987).

² Sub-section (7) was substituted by section 2(b) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

³ Sections 7A and 7B were inserted by section 4 of the Administrative Tribunals (Amendment) Act, 1997 (Act No. XXIV of 1997).

the date of the death of the applicant.

(3) The legal representative of the deceased, as referred to in sub-section (2), shall be entitled to the pensionary benefit which would have been payable to that deceased if he had been removed or dismissed:

Provided that, such pensionary benefit shall not be payable unless the Tribunal or, as the case may be, the Appellate Division, declares the order of the dismissal or removal, as the case may be, as illegal or void:

Provided further that, for the purpose of this section, the applicant shall be deemed to have died or retired, as the case may be, on the day on which he was removed or dismissed.

Amendment of application

7B. The Tribunal may, at any stage of the proceedings, allow the applicant to alter or amend his application in such manner and on such terms as it thinks fit.]

Inspection of the works of Administrative Tribunal

¹[**7C.** The Administrative Appellate Tribunal may inspect the works of Administrative Tribunals.]

Binding effect of Tribunal's decisions and orders

8. (1) All decisions and orders of the Administrative Appellate Tribunal ²[shall, subject to the decisions and orders of the Appellate Division, be binding] upon the Administrative Tribunals and the parties concerned.

(2) All decisions and orders of an Administrative Tribunal shall, subject to the ³[decisions and orders of the Appellate Division or of the Administrative Appellate Tribunal, as the case may be], be binding on the parties concerned.

Penalty for obstruction

9. A Tribunal shall have power to punish any person who, without lawful excuse, obstructs it in the performance of its functions with simple imprisonment which may extend to

¹ Section 7C was inserted by section 3 of Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

² The words and commas "shall, subject to the decisions and orders of the Appellate Division, be binding" were substituted, for the words "shall be binding" by section 4 of the Administrative Tribunals (Amendment) Act, 1991 (Act No. XXIII of 1991).

³ The words and comma "decisions and orders of the Appellate Division or of the Administrative Appellate Tribunal, as the case may be" were substituted, for the words "decisions and orders of the Administrative Appellate Tribunal" by section 4 of the Administrative Tribunals (Amendment) Act, 1991 (Act No. XXIII of 1991).

one month, or with fine which may extend to five hundred Taka, or with both.

10. Subject to this Act, no proceedings, order or decision of a Tribunal shall be liable to be challenged, reviewed, quashed or called in question in any Court. Bar on jurisdiction of Courts

¹**10A.** (1) The Administrative Appellate Tribunal shall have power to punish for contempts of its authority or that of any Administrative Tribunal, as if it were the High Court Division of the Supreme Court. Contempt of Tribunals

(2) [Omitted by section 5 of the Administrative Tribunals (Amendment) Act, 1991 (Act No. XXIII of 1991).]

11. The provisions of this Act, shall have effect notwithstanding anything contained in any other law for the time being in force. Act to override other laws

12. (1) The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Act. Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) form and manner in which and the fee on payment of which an application or appeal may be made;
- (b) registration of an application or appeal;
- (c) procedure to be followed by a Tribunal in hearing an application or appeal, as the case may be;
- (d) form and service of notices, summonses and requisitions;
- (e) prescription of records and reports to be maintained or prepared by a Tribunal;
- (f) execution of decisions and orders of a Tribunal;
- (g) any other matter which is to be or may be prescribed.

13. All suits, cases, applications and appeals relating to any matter in respect of which a Tribunal has jurisdiction, pending immediately before the commencement of this Act, before any Court shall be tried, heard and disposed of by such Courts, as if this Act had not come into force. Savings

¹ Section 10A was inserted by section 2 of the Administrative Tribunals (Amendment) Act, 1988 (Act No. XV of 1988).

¹[SCHEDULE

[See section 2(aa)]

1. ²[Sonali Bank Limited, Agrani Bank Limited and Janata Bank Limited incorporated under the Companies Act, 1994 (Act No. 18 of 1994).]
2. Bangladesh Bank established under the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).
3. ³[Bangladesh Development Bank Limited incorporated under the Companies Act, 1994 (Act No. 18 of 1994).]
- ⁴[***]
5. Bangladesh House Building Finance Corporation established under the Bangladesh House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973).
6. Bangladesh Krishi Bank established under the Bangladesh Krishi Bank Order, 1973 (P.O. No. 27 of 1973).
7. Investment Corporation of Bangladesh established under the Investment Corporation of Bangladesh Ordinance, 1976 (Ord. No. XL of 1976).
8. Grameen Bank established under the Grameen Bank Ordinance, 1983 (XLVI of 1983).]
- ⁵[9. Civil Aviation Authority established under the Civil Aviation Authority Ordinance, 1985 (Ordinance No. XXXVIII of 1985).]
- ⁶[10. Karmashangsthan Bank established under Karmashangsthan Bank Ain, 1998 (VII of 1998).]
- ⁷[11. Rajshahi Krishi Unnayan Bank established under the Rajshahi Krishi Unnayan Bank Ordinance, 1986 (Ordinance No. LVIII of 1986).
12. Prabashi Kallyan Bank established under the Prabashi Kallyan Bank Act, 2010 (Act No. 55 of 2010).]

¹ The Schedule was added by section 5 of the Administrative Tribunals (Amendment) Ordinance, 1984 (Ordinance No. LX of 1984).

² The entry was substituted, for the former entry by section 4(a) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

³ The entry was substituted, for the former entry by section 4(b) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

⁴ The entry was omitted by section 4(c) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).

⁵ Item 9 was added by section 2 of the Administrative Tribunals (Amendment) Act, 2006 (Act No. XXXI of 2006).

⁶ Item 10 was added by section 2 of the Administrative Tribunals (Second Amendment) Act, 2006 (Act No. XLI of 2006).

⁷ Serial 11 and 12 were added by section 4(d) of the Administrative Tribunals (Amendment) Act, 2011 (Act No. VI of 2011).