

CHAPTER XVII

PRONOUNCEMENT OF ORDER

102. Order – The final decision of the Tribunal on an application/petition before the Tribunal shall be described as “Order”.

103. Operative portion of the Order – All order/directions of the Bench shall be stated in clear and precise terms in the last paragraph of the order.

104. Corrections – The Member of the Bench who has prepared the order shall initial all corrections and affix his initials at the bottom of each page.

105. Pronouncement of order – (a) The Bench shall as possible pronounce the order immediately after the hearing is concluded.

(b) When the order are reserved, the date for pronouncement not later than weeks shall be fixed. The date so fixed shall not be changed except due notice to all parties/counsel.

(c) Reading of the operative portion of the order in the open court shall be deemed to be pronouncement of the order.

(d) Any order reserved by a Circuit Bench of the Tribunal may be pronounced at the principal place of sitting of the Bench in one of the aforesaid modes as exigencies of the situation require.

106. Pronouncement of order by any one Member of the Bench – (a) Any one Member or the Bench may pronounce the order for and on behalf of the Bench.

(b) When an order is pronounced under this Rule, the court officer shall make a note in the order sheet that the order of the Bench consisting ofwas pronounced in open court by the Bench consisting of

107. Authorising any Member to pronounce order – (a) If the Member of the Bench who heard the case are no readily available or have ceased to be Members of the Tribunal, the Chairman/Vice-Chairman may authorize any other Member to pronounce the order on his being satisfied that the order has been duly prepared and signed by all the Members who heard the case. The order pronounced by the Member so authorized shall be deemed to be duly pronounced.

(b) The Member so authorized for pronouncement of the order shall affix his signature in the order sheet of the case stating that he has pronounced the order s provided in this rule.

(c) If the order cannot be signed by reason of death, retirement or resignation or for any other reason by any one of the Members of the Bench who heard the case, it shall be deemed to have been released from part-heard and listed afresh for hearing.

108. Making of entries by court officer – Immediately on pronouncement of an order by the Bench, the court officer shall make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal and the constitution of the Bench pronouncing the order. He shall also make necessary entries in the court diary maintained by him.

109. Transmission of order by the court officer – The court officer shall immediately on pronouncement, transmit the order with the case file to the Deputy Registrar (Judicial).

(b) On receipt of the order from the court officer, the Deputy Registrar shall after due scrutiny himself that the provisions of these Rules have been duly complied with and in token thereof affix his initials, with date on the outer cover of the order. The Deputy Registrar shall thereafter cause to transmit the case file and the order to the Judicial Branch for taking expeditious steps to prepare copies and their communication to the parties.

110. Format of order – (a) The format of order of the Tribunal shall be in Form No.19.

(b) All orders shall be neatly and fairly typewritten in double space on one side only on durable foolscap folio paper of metric A-4 size (30.5 cms. long and 21.5 cms. wide) with left side margin of 5 cms. and right side margin of 2.5 cms. Corrections, if any, in the order shall be carried out neatly . Sufficient space may be left both at the bottom and at the top of each page of the order to make its appearance elegant.

(c) Members constituting the Bench shall affix their signatures in the order of their seniority from right to left.

111. Costs – (a) Unless otherwise quantified by the Tribunal, when costs are awarded in a case, the same shall be determined as follows:- (i) For applicant(s) Rs.500

Legal Practitioner's fee Rs.150

Expenses

(ii) For Respondent(s) Rs.500

Legal Practitioner's fee Rs.100

Expenses

(b) Only one set of costs shall be awarded to the applicants as also when the same counsel appears for more than one respondent.

(c) When costs are awarded a Bill of Costs in Form No. 20 shall be prepared giving the details of the costs awarded to the parties and annexed to the order.

112. Compliance of urgent orders – (a) Whenever the Bench passes an order, final or inter-locator, requiring immediate compliance, the court officer shall immediately

transmit the case file and the order to the Deputy Registrar (Judicial) who shall ensure prompt action on the same day.

(b) Files with Dasti orders should be stapled with "To-day" flags and superscribed with OA/TA/RA/CP/MA/PT No. with the signature of the court officer with date.

113. Placing copies/common orders – When more than one case is disposed of by a common order, the Judicial Branch shall keep the original order in the main case and a certified copy in the other connected case files. In the order sheet of the connected case(s), the Section Officer in-charge of the Judicial Branch shall note that the original order is kept in the main case file (giving its number).

114. Indexing of case files disposal – After communication of the order to the parties/Legal Practitioners, the official concerned shall arrange the records with pagination and prepare the Index Sheet in Form No.21. He shall affix initials and then transmit the records with the Index initials to the records room.

115. Transmission of files/records/orders – Transmission of files/records of the cases/orders shall be made only after obtaining acknowledgement in the movement register maintained at different sections/levels as per the directions of the Registrar.

116. Copies of orders in Library – (a) The Section Officer of the Judicial Branch shall send copies of every order (final) to the Library.

(b) Copies of all orders received in each month shall be kept at the Library in a separate folder, arranged in the order of date of pronouncement, duly indexed and stitched.

(c) At the end of every year a consolidated index shall be prepared and kept in a separate file in the Library.

(d) The order folders and the indices may be made available for reference in the Library to the Legal Practitioners.