



The Himachal Pradesh Administrative Tribunal (Transfer of Decided Cases and Pending Applications) Act, 2019

Act 12 of 2019

Keyword(s):

Application, High Court, Tribunal, Transfer

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THE HIMACHAL PRADESH ADMINISTRATIVE TRIBUNAL (TRANSFER OF DECIDED CASES AND PENDING APPLICATIONS) ACT, 2019

(As Assented to by the Governor on 22ND OCTOBER, 2019)

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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. 529 (E), dated 26th July, 2019 by rescinding the Notification No. G.S.R. 926 (E), dated 29th December, 2014.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventieth 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 Cases and Pending Applications) Act, 2019.

(2) It shall be deemed to have come into force on 13th August, 2019.

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 (13 of 1985);
- (b) “High Court” means the High Court of Himachal Pradesh; and
- (c) “Tribunal” means the erstwhile Himachal Pradesh Administrative Tribunal established under sub-section (2) of section 4 of the Administrative Tribunals Act, 1985.

3. Transfer of decided cases and pending applications.—(1) Any suit or case or other proceeding which was transferred by any Civil Court and decided by the Tribunal or 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 it was a plaint under the Code of Civil Procedure, 1908 (5 of 1908).

(2) Every petition or 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 record of such cases or proceedings shall be forwarded to the High Court or the Civil Court concerned, 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 applications 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 or their counsel accordingly.

5. Repeal of the Himachal Pradesh Ordinance No. 1 of 2019 and savings.—(1) The Himachal Pradesh Administrative Tribunal (Transfer of Decided Cases and Pending Applications) Ordinance, 2019 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.

विधि विभाग

अधिसूचना

शिमला-2, 25 अक्टूबर, 2019

संख्या: एल0एल0आर0-डी0(6)-11/2019-लेज.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 14-10-2019 को अनुमोदित हिमाचल प्रदेश निरसन विधेयक, 2019 (2019 का विधेयक संख्यांक 9) को वर्ष 2019 के अधिनियम संख्यांक 11 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,

यशवंत सिंह चोगल,
प्रधान सचिव (विधि)।

हिमाचल प्रदेश निरसन अधिनियम, 2019

धाराओं का क्रम

धारा :

1. संक्षिप्त नाम।
2. कतिपय अधिनियमितियों का निरसन।
3. व्यावृत्तियां।
अनुसूची।