

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:3775  
ANSWERED ON:30.07.2009  
AMENDMENT IN ADMINISTRATIVE TRIBUNAL ACT  
Sule Supriya

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether the Law Commission of India has suggested an amendment in the Administrative Tribunal Act to exclude the appeal jurisdiction to High Courts against the decision of Central and State administrative tribunal and provide for direct appeal to the Supreme Court;
- (b) if so, the details thereof; and
- (c) the reaction of the Government thereto?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) and (b) The Law Commission of India in its 215th Report on "L. Chandra Kumar be revisited by Larger Bench of Supreme Court" has recommended that the Administrative Tribunal were conceived as and constitute an effective and real substitute for the High Courts as regard service matter. Moreover, the power of judicial review of the High Courts cannot be called as inviolable as that of the Supreme Court. The very objective behind the establishment of the Administrative Tribunal is defeated if all the cases adjudicated by them have to before the concerned High Courts. If one appeal is considered to be a must, an intra-tribunal Court by way of special leave petition under Article 136. The Law Commission was of the view that L. Chandra Kumar's case needs to be revisited by a Larger Bench of the Supreme Court or necessary and appropriate amendments may be effected in the Act in accordance with the law.

(c) No decision has been taken on above recommendations of the Law Commission.