

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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U.P. STATE PUBLIC SERVICE TRIBUNAL

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The U.P. State Public Service Tribunal is a specialised adjudicatory body established to adjudicate disputes relating to recruitment and conditions of service of persons employed in connection with the affairs of the State of Uttar Pradesh. It functions as the primary forum for resolving service-related grievances of state government employees, including matters concerning appointments, promotions, disciplinary proceedings, pay fixation, pension, and other service benefits.

The Tribunal was constituted under the **Uttar Pradesh Public Services (Tribunal) Act, 1976**, which provides the statutory framework governing its composition, jurisdiction, powers, and procedure. The establishment of the Tribunal reflects the broader constitutional policy of tribunalisation envisaged under Article 323-A¹ of the Constitution of India, aimed at ensuring speedy, specialised, and effective adjudication of service disputes.

Although the Tribunal exercises original jurisdiction in service matters, its decisions are subject to judicial review by the Allahabad High Court under Articles 226 and 227 of the Constitution, as affirmed by the Supreme Court in **L. Chandra Kumar v. Union of India**². This ensures that the Tribunal operates within constitutional limits while maintaining efficiency in adjudication.

By combining judicial expertise with administrative experience, the U.P. State Public Service Tribunal plays a vital role in strengthening service jurisprudence and promoting fairness and accountability in public administration within the State.

Concept of Tribunals:

The concept of tribunals originated in ancient Rome, where specialized magistrates and administrative bodies resolved specific disputes, particularly involving taxation, land, and public administration. This early system of specialised adjudication influenced European legal

¹ Constitution of India art 323A

² *L Chandra Kumar v Union of India* (1997) 3 SCC 261 (SC).

traditions, which later evolved into modern tribunals in countries like England. Thus, the tribunal model used in India is ultimately rooted in Roman administrative and legal practices, later adapted through European and British systems. India adopted the concept of tribunals mainly from the British legal system. During colonial rule, India inherited the idea of specialised adjudicatory bodies that could resolve administrative and service-related disputes more efficiently than ordinary courts. The British model of tribunals aimed to provide quick, cost-effective, and expert justice, especially in areas involving government decisions and public administration.

Tribunals occupy a unique position in the Indian legal system. They are not courts in the strict sense, yet they perform judicial functions. The Supreme Court in **Associated Cement Companies Ltd. v. P.N. Sharma**³ observed that tribunals are adjudicatory bodies which, though not courts, are vested with judicial powers by the State.

Tribunals generally consist of judicial members and technical or administrative members, allowing them to combine legal reasoning with subject-matter expertise. They are guided by the principles of natural justice and are not bound by the strict procedures of the Code of Civil Procedure⁴ or the Indian Evidence Act⁵, unless expressly provided.

Tribunals in India are specialised quasi-judicial bodies established by the State to adjudicate specific categories of disputes. They are created by statutes to deal with matters that require technical expertise, administrative knowledge, or speedy resolution, which ordinary courts may not be able to provide efficiently due to heavy caseloads and procedural formalities.

Unlike regular courts, tribunals are designed to be less formal, more flexible, and focused on subject areas such as service matters, taxation, environmental issues, consumer disputes, and company law. Their primary objective is to ensure effective, accessible, and expeditious justice.

Constitutional Basis of Tribunals:

The Constitution of India expressly recognises tribunals through **Articles 323-A and 323-B**⁶, introduced by the **42nd Constitutional Amendment Act, 1976**.

³ *Associated Cement Companies Ltd v PN Sharma* AIR 1965 SC 1595

⁴ *Code of Civil Procedure 1908*

⁵ *Indian Evidence Act 1872*

⁶ Constitution of India art 323B

- **Article 323-A** provides for the establishment of **Administrative Tribunals** for disputes relating to recruitment and service conditions of public servants under the Union and the States.
- **Article 323-B** empowers the legislature to establish tribunals for matters such as taxation, land reforms, industrial disputes, elections, and other specified subjects.

This constitutional backing reflects the intent to institutionalise tribunalisation as part of India's justice delivery system.

Need for Service Tribunals:

With the expansion of the welfare state in India, the role of the government has increased significantly. As a result, the number of persons employed in public services has also grown over the years. Inevitably, this growth led to a rise in disputes between government employees and the administration. Issues relating to appointments, promotions, seniority, disciplinary proceedings, transfers, pay scales, pension, and retirement benefits became frequent and often required legal intervention.

Initially, such disputes were addressed through civil courts and the writ jurisdiction of the High Courts. However, the regular judicial system soon became overburdened due to the ever-increasing number of cases. Service matters, though important, had to compete with other civil, criminal, and constitutional disputes, resulting in delays and prolonged litigation. For government employees, these delays often meant uncertainty in service conditions and financial hardship.

Moreover, service disputes are distinct in nature. They involve the interpretation of service rules, administrative instructions, and departmental procedures, which require a certain degree of specialisation. The need was therefore felt for a separate forum that could deal exclusively with service-related matters in a speedy, efficient, and informed manner. This led to the establishment of service tribunals as specialised adjudicatory bodies aimed at providing effective remedies to public servants.

Establishment of the U.P. State Public Service Tribunal:

The U.P. State Public Service Tribunal owes its existence to a specific statutory framework enacted by the State Legislature. It was established under the **Uttar Pradesh Public Services**

(Tribunal) Act, 1976⁷, which was enacted in exercise of the powers conferred by **Article 323-A of the Constitution of India**. This constitutional provision enables the creation of administrative tribunals for adjudicating disputes relating to recruitment and conditions of service of persons appointed to public services under the Union or the States.

The enactment of the 1976 Act reflected the State's recognition of the growing volume of service disputes involving government employees and the limitations of the ordinary court system in addressing such matters expeditiously. By providing a statutory basis for a dedicated tribunal, the Act sought to create an exclusive forum for service-related adjudication, separate from regular civil courts.

The Tribunal functions under the U.P. Public Services (Tribunal) Act, 1976, along with rules framed thereunder. In deciding disputes, it applies relevant service rules, government orders, administrative instructions, and principles of natural justice.

The **Uttar Pradesh Public Services (Tribunal) Act, 1976** provides the statutory basis for the establishment and functioning of the U.P. State Public Service Tribunal. The Act was enacted with the objective of creating a specialised adjudicatory forum to deal exclusively with disputes relating to recruitment and conditions of service of persons employed in connection with the affairs of the State of Uttar Pradesh.

Although the Act was passed in 1976, its constitutional foundation is aligned with **Article 323-A of the Constitution of India**, which empowers the establishment of administrative tribunals for service matters concerning public servants of the Union and the States. Article 323-A was introduced by the **42nd Constitutional Amendment Act, 1976** and reflects the constitutional intent to promote tribunalisation as a means of ensuring speedy and specialised justice in service-related disputes.

The Uttar Pradesh Public Services (Tribunal) Act, 1976 operationalises this constitutional vision at the state level by laying down provisions regarding the constitution of the Tribunal, the appointment and qualifications of its Chairman and Members, the scope of its jurisdiction, and the procedure to be followed in adjudication. The Act seeks to transfer original jurisdiction

⁷ *Uttar Pradesh Public Services (Tribunal) Act 1976*

in service matters from ordinary courts to a dedicated forum, thereby reducing judicial backlog and enhancing administrative efficiency.

In essence, the Act represents the State Legislature's exercise of its legislative competence in furtherance of the constitutional scheme under Article 323-A, ensuring that service disputes of state government employees are adjudicated by a specialised tribunal while remaining subject to judicial review by the High Court under Articles 226 and 227 of the Constitution.

Objectives and Purpose:

The primary objective behind the establishment of the U.P. State Public Service Tribunal was to ensure speedy, effective, and specialised adjudication of service disputes involving state government employees. The legislature intended to provide an accessible forum where disputes could be resolved with due regard to service rules, administrative practices, and principles of natural justice.

Another important purpose of the Tribunal was to reduce the burden on the High Court, particularly in matters relating to service law, which form a substantial portion of writ petitions. By transferring original jurisdiction in service matters to the Tribunal, the State aimed to streamline dispute resolution while allowing constitutional courts to focus on broader questions of law and constitutional interpretation.

The Tribunal was also envisaged as a body combining judicial expertise with administrative experience, thereby ensuring informed and balanced decision-making. In this sense, the Tribunal serves not merely as an alternative forum, but as a specialised institution designed to enhance the quality and efficiency of service jurisprudence in the State.

Jurisdiction:

The U.P. State Public Service Tribunal is governed primarily by the **Uttar Pradesh Public Services (Tribunal) Act, 1976**, along with the rules framed thereunder. The Act lays down provisions relating to the establishment, composition, jurisdiction, powers, and procedure of the Tribunal.

In addition to the parent statute, the Tribunal applies various **service rules**, government orders, administrative instructions, and regulations relevant to the service conditions of state

government employees. These include rules relating to recruitment, disciplinary proceedings, pension, and seniority, depending on the nature of the dispute.

The jurisdiction of the Tribunal is confined to service matters of persons employed in connection with the affairs of the **State of Uttar Pradesh**. Certain categories of employees and matters may be excluded as per statutory provisions. Furthermore, the Tribunal does not exercise jurisdiction over matters involving purely policy decisions unless such decisions violate statutory rules or principles of natural justice.

Composition of the Tribunal:

Chairman: The Tribunal is headed by a Chairman, who is usually a person with significant judicial experience. The Chairman plays a crucial role in ensuring the effective functioning of the Tribunal and maintaining judicial discipline in its proceedings.

Judicial Members: Judicial Members are appointed to bring legal expertise to the Tribunal. They are typically persons who have held judicial office or possess adequate legal qualifications and experience. Their presence ensures that disputes are adjudicated in accordance with established legal principles and precedents.

Administrative Members: Administrative Members are appointed from among persons with experience in public administration. Their role is particularly important in service matters, as they bring practical insight into governmental functioning, service rules, and administrative procedures.

Qualifications and Appointment: The qualifications, method of appointment, and tenure of the Chairman and Members are governed by the provisions of the 1976 Act and the relevant rules. Appointments are made by the State Government in accordance with statutory requirements, with the objective of maintaining independence, competence, and balance between judicial and administrative expertise.

Types of Matters Entertained by the Tribunal:

Service Disputes: The Tribunal primarily deals with disputes arising out of the service relationship between the State and its employees, including interpretation and application of service rules.

Disciplinary Proceedings: Challenges to disciplinary actions such as suspension, dismissal, removal, or imposition of penalties form a significant portion of cases before the Tribunal. The Tribunal examines whether due process and principles of natural justice have been followed.

Promotion, Seniority, and Pay Scale Issues: Disputes relating to denial of promotion, incorrect fixation of seniority, and anomalies in pay scales are frequently adjudicated by the Tribunal.

Retirement and Pension Matters: Claims relating to pension, gratuity, and other retiral benefits are also entertained, particularly where there is alleged delay, denial, or miscalculation by the authorities.

Transfer and Posting Disputes: Although transfer is generally considered an administrative matter, the Tribunal entertains transfer and posting disputes where allegations of arbitrariness, mala fide intent, or violation of statutory rules are raised.

Challenges and Criticisms:

These tribunals have been facing a lot of criticism as they serve as a quasi judicial bodies, with comparatively low jurisdiction compared to the High Court. Some of the factors are as follows:
Delay in Disposal: Despite being created to ensure speedy justice, the Tribunal has often faced criticism for delays in disposal of cases. The increasing number of petitions, coupled with administrative constraints, has at times undermined the very objective of tribunalisation.

Delayed justice in service matters can be as detrimental as denial of justice.

Vacancies in Members: One of the recurring challenges faced by the Tribunal is the vacancy of posts, particularly those of the Chairman and Members. Prolonged vacancies adversely affect the functioning of the Tribunal and contribute to pendency of cases. This issue has been observed across several tribunals in India and raises concerns about institutional efficiency and independence.

Jurisdictional Conflicts: Jurisdictional overlap between the Tribunal and the High Court has occasionally led to confusion and parallel litigation. Although the Supreme Court in *L. Chandra Kumar v. Union of India* clarified the position regarding judicial review, litigants sometimes directly approach High Courts, resulting in jurisdictional conflicts and forum shopping.

Procedural Limitations: While procedural flexibility is an advantage, it can also become a limitation. The absence of uniform procedural rigor may sometimes lead to inconsistencies in decision-making. Additionally, limited powers of enforcement can reduce the effectiveness of Tribunal orders if not adequately supported by the administration.

Comparative Analysis:

- U.P. Tribunal vs Central Administrative Tribunal (CAT):
The Central Administrative Tribunal (CAT) operates at the national level and deals with service matters of Central Government employees. In comparison, the U.P. State Public Service Tribunal caters specifically to state government employees. CAT generally benefits from better infrastructural facilities, wider benches, and more consistent appointments, whereas state tribunals, including the U.P. Tribunal, often face resource and staffing constraints. However, the U.P. Tribunal offers greater contextual understanding of state-specific service rules and administrative practices.
- U.P. Tribunal vs Other State Service Tribunals:
When compared to service tribunals in other states, the U.P. State Public Service Tribunal reflects similar structural and functional challenges. Variations exist in terms of efficiency, disposal rates, and administrative support. Some states have taken proactive steps towards digitisation and timely appointments, which could serve as models for reform in Uttar Pradesh.

Conclusion:

The U.P. State Public Service Tribunal serves as an important pillar of service jurisprudence in Uttar Pradesh. It embodies the constitutional vision of tribunalisation by providing specialised, accessible, and relatively speedy justice to state government employees. Timely appointment of members, enhanced infrastructure, comprehensive digitisation, and clearer jurisdictional guidelines are essential for improving efficiency. Strengthening enforcement mechanisms and ensuring administrative support will further enable the Tribunal to fulfil its intended role.

Efforts towards digitisation, including e-filing and online case tracking, have improved transparency and accessibility. Policy-level reforms aimed at standardising appointments and strengthening tribunal independence reflect a broader recognition of the importance of tribunal reform, though effective implementation remains essential.