

APPLICATIONS ARE INVITED FOR 04 POSTS OF CHAIRMEN AND 08 POSTS OF MEMBERS, PERMANENT LOK ADALATS, PUBLIC UTILITY SERVICES OF HARYANA IN THE OFFICE OF MEMBER SECRETARY, HARYANA STATE LEGAL SERVICES AUTHORITY, INSTITUTIONAL PLOT NO. 9, SECTOR 14, PANCHKULA

04 POSTS OF CHAIRMEN, PERMANENT LOK ADALATS, PUBLIC UTILITY SERVICES,

Qualifications: A person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge.

Sitting Fee: He/she shall be entitled to a monthly fee of last drawn salary less the amount of pension received by him/her.

Conveyance Allowance: ₹ 5000/- per month as conveyance allowance for the purpose of attending the sittings of Permanent Lok Adalat.

Age: Below 65 years (Maximum age till the person can hold office is 65 years)

08 POSTS OF MEMBER, PERMANENT LOK ADALATS, PUBLIC UTILITY SERVICES,

Qualifications: A person having adequate experience in any of public utility services, as defined in Section 22-A of the Legal Services Authorities Act, 1987.

Sitting Fee: He/she shall be entitled to a sitting fee of one thousand five Hundred per sitting.

Conveyance Allowance: ₹ 5000/- per month as conveyance allowance for the purpose of attending the sittings of Permanent Lok Adalat.

Age: Below 65 years (Maximum age till the person can hold office is 65 years)

Last Date: 08.01.2019

Place of postings: The selected candidate can be appointed anywhere in the State of Haryana.

The number of posts of Chairmen and Members are likely to be increased.

- Note: 1. The candidates may apply in the enclosed Performa.**
2. Before appointment, the candidates shall have to give an undertaking that he/she does not and will not have any such financial or other interest as is likely to affect prejudicially his/her functions as such Chairman/Member.

Sd/-
Member Secretary
Haryana State Legal
Services Authority
Panchkula
Ph: 0172-2583309

PERFORMA

APPLICATION FOR THE POST OF CHAIRMEN/MEMBER

1.	Name	:	Photograph
2.	Father's/Husband Name	:	
3.	Date of Birth	:	
4.	Correspondence Address	:	
5.	Permanent Address	:	
6.	Sex:	:	
7.	Nationality	:	
8.	Religion	:	
9.	Qualification	:	
10.	Technical Qualification	:	
11.	Superannuation from the post/ date :	:	
12.	Other Activities	:	
13.	Experience, if any	:	
14.	Mobile No.	:	

Place:
Date:

Signature of the Candidate

CHAPTER VIA

Pre-Litigation Conciliation and Settlement

22A. In this Chapter and for the purpose of sections 22 and 23, unless the context otherwise requires;-

(a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;

(b) “public utility service” means any-

- (i) transport service for the carriage of passengers or goods by air, road or water; or
- (ii) postal, telegraph or telephone service; or
- (iii) supply of power, light or water to the public by any establishment; or
- (iv) system of public conservancy or sanitation; or
- (v) service in hospital or dispensary; or
- (vi) Insurance service.
- (vii) Housing and Estates¹
- (viii) Banking and Financial²
- (ix) Education or Educational Institutions³
- (x) Housing & Real Estate⁴
- (xi) Supply of new connection of LPG or refills or its connected matter.⁵

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this chapter.

22B. (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of –

- (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
- (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority,

appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

22C. (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any

¹ Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009.

² Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009.

³ Notified by Haryana Government vide Notification No.S.O.495(E)dated 16.2.2016.

⁴ Notified by Haryana Government vide Notification No.S.O.495(E)dated 16.2.2016.

⁵ Notification No.S.O.-37/C.A. 39/1987/S. 22A/2017 dated 19th May, 2017.

matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall not have jurisdiction in the matter where the value of the property in dispute exceeds one crore rupees⁶:

Provided also that the Central Government, may, by notification, increase the limit of “one crore rupees” specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it—

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

(b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;

(c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

22D. The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908(1 of 1872) and the Indian Evidence Act, 1872(5 of 1908).

22E. (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court”.

⁷THE PERMANENT LOK ADALAT (OTHER TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES, 2003

G.S.R. 3 (E). – In exercise of the powers conferred by clause (1a) of sub-section (2) of section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government, in consultation with the Chief Justice of India, hereby makes the following rules, namely: -

1. Short title and commencement –

- (1) These rules may be called the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rule, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions – In these rules, unless the context otherwise requires, -

- (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
- (b) “Chairman” means a person appointed as Chairman of the Permanent Lok Adalat established by the Central Authority or a State Authority under sub-section (1) of section 22B of the Act;
- (c) “other person” means a person nominated under clause (b) of sub-section (2) of section 22B;
- (d) “Section” means a section of the Act;
- (e) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (f) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Sitting Fee and other allowances of Chairman and other persons of Permanent Lok Adalat - (1) When a serving judicial officer is appointed as Chairman, he shall receive the salary, allowances and other perquisites as are admissible to a serving judicial officer;

⁸(2) When a retired Judicial Officer is appointed as Chairman, he shall be entitled to a monthly fee of last drawn salary less the amount of pension received by him.

⁹(3) Any other person shall be entitled to a sitting fee of Rupees one thousand and five hundred per sitting.

(4) The Chairman and other person shall be entitled to such traveling and daily allowances on official tour as are admissible to Group ‘A’ officers of the Central Government.

¹⁰(5) For the purpose of attending the sittings of Permanent Lok Adalat, the Chairman and other person shall be entitled to conveyance allowance of rupees five thousand per month.

4. Terms and Conditions of Service of Chairman and other persons of Permanent Lok Adalat – (1) Before appointment, the Chairman and other person shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairman or other person.

⁷ Framed vide notification No. G.S.R.3 (E) dated 2.1.2003 by Government of India, Ministry of Law & Justice, Department of Legal Affairs.

⁸ Notification No.G.S.R.[E] dated 13.5.2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

⁹ Notification No. G.S.R.[E] dated 13th May, 2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

¹⁰ Notification No. G.S.R.[E] dated 13th May, 2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

¹¹(2) The Chairman and other persons shall hold office for a term of five years or till the age of sixty five years, whichever is earlier.

(3) Notwithstanding anything contained in sub rule (2), Chairman or other persons may—

- (a) by writing under his hand and addressed to the Central Authority or, as the case may be, the State Authority, resign his office at any time;
- (b) be removed from his office in accordance with the provisions of rule 5.

(4) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) person of Permanent Lok Adalat holding office for the time being shall discharge the functions of the Chairman until the day on which the Chairman resumes the charge of his functions.

(5) The Chairman or any other person ceasing to hold office as such shall not hold any appointment in, or be connected with, the management or administration of an organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

5. Resignation and removal – The Central Authority or State Authority, as the case may be, may remove from office, Chairman or other person who—

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Authority, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Chairman or other person; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairman or Other person; or
- (e) has or so abused his position as to render his continuance in office prejudicial to the public interest :

Provided that the Chairman or any other person shall not be removed from his office on the grounds specified in clauses (d) and (e), except on inquiry held in accordance with the procedure prescribed in rule 6.

6. Procedure for Inquiry – (1) Whenever the Central Authority or, as the case may be, State Authority is of the opinion that an allegation under clause (d) or clause (e) of Rule 5 is required to be inquired into, it may hold an inquiry against the Chairman or other person and shall draw or cause to be drawn up the substance of the allegation which shall contain a statement of relevant facts and a list of documents and witnesses.

(2) The Central Authority or, as the case may be, State Authority shall deliver or cause to be delivered to the Chairman or other person a copy of the allegation and a list of documents and witnesses and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(3) If the allegations are admitted by the Chairman or other person, the Central Authority or, as the case may be, State Authority shall record reasons and remove the Chairman or other person.

(4) Where the charges have been denied by the Chairman or the other person, the Central Authority or, as the case may be, State Authority may appoint an officer to inquire into the truth of the allegations and it may also appoint a Presenting Officer to present the case on behalf of the Central Authority or, as the case may be, State Authority before the Inquiry Officer.

(5) The Inquiry Officer shall give an opportunity to the Presenting Officer to present the case within such time as may be allowed by the Inquiry Officer from time to time. After the evidence is closed by the Presenting Officer, the

¹¹ Notification No.GSE/618(E) dated 22nd June, 2016.

Chairman or other person, as the case may be, shall be given an opportunity to present his defence in respect of allegations within such time as may be allowed by the Inquiry Officer.

(6) The Inquiry Officer shall have power to call witnesses and record their statements or receive evidence on affidavits or call for production of documents or other relevant records, which may be necessary for the inquiry.

(7) The Inquiry Officer shall submit his report within a period of six months or within such time as may be extended by the Central Authority or, as the case may be, State Authority.

(8) If the Central Authority or, as the case may be, State Authority is satisfied that the charges are proved on the basis of the report submitted by the Inquiry Officer, it shall remove the delinquent Chairman or other person, as the case may be.

7. Place of sittings – (1) The Permanent Lok Adalat may sit at a place specified by the Central Authority or the State Authority, as the case may be.

(2) The working days and office hours of the Permanent Lok Adalat shall be the same as that of the Central Government or the State Government, as the case may be.

(3) The sitting of the Permanent Lok Adalat, as and when necessary, shall be convened by the Chairman.

8. Staff of Permanent Lok Adalat – The Central Government or the State Government, as the case may be, shall provide such staff as may be necessary to assist the Permanent Lok Adalat in its day-to-day work and perform such other functions as are provided under the Act and these rules or assigned to it by the Chairman. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.
