

JURISDICTION OF ADMINISTRATIVE TRIBUNALS IN BANGLADESH : AN ANALYSIS AND EVALUATION

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I. Concept of Administrative Tribunal

The term 'Administrative Tribunal,' in its wide sense, is a generic name that includes all types of tribunals, and is commonly used to mean an adjudicating body that disposes of disputes arising in connection with the administration of legislative schemes normally of a welfare or regulatory nature.¹ But in narrow sense, it is an adjudicating body that resolves litigation only relating to the terms and conditions of service of persons employed to public service or any statutory body controlled by the government.²

The term 'Administrative Tribunal' is used in India,³ Pakistan⁴ and Bangladesh⁵ in restricted sense to mean only that tribunal which has been established to settle disputes relating to the terms and conditions of service of persons appointed in the public service or in any statutory body controlled by the government. In this sense, the expression 'Administrative Tribunal' has been used in the present research work.

II. Jurisdiction : Analysis & Evaluation

The Constitution of Bangladesh⁶ in Article 117 empowers the Parliament⁷ to enact law providing for the establishment of Administrative Tribunals to exercise jurisdiction in respect of matters relating to the terms and conditions of persons in the service of the Republic⁸; the acquisition,

1. The United Kingdom is an example where the term 'Administrative Tribunal' is used in wide sense.
2. India, Pakistan and Bangladesh are the genuine examples where the term 'Administrative Tribunal' is used in narrow sense.
3. See sec. 14, the Administrative Tribunals Act, 1985.
4. See sec. 3, the Service Tribunals Act, 1973.
5. See sec. 4, the Administrative Tribunals Act, 1980.
6. Constitutionally known as the Constitution of the People's Republic of Bangladesh. It was enacted on 04 November, 1972 and came into force on 16 December, 1972.
7. Constitutionally known as the House of the Nation. See Art. 65, the Constitution of the People's Republic of Bangladesh.
8. Art. 117(1)(a), the Constitution of the People's Republic of Bangladesh.

administration, management and disposal of any property vested in or managed by the Government and service in any nationalised enterprise or statutory public authority⁹; and any law mentioned in the First Schedule to the Constitution.¹⁰ But the Administrative Tribunals Act, 1980, passed by the Parliament in 1981,¹¹ has confined the jurisdiction of the Administrative Tribunals merely to deal with disputes relating to the terms and conditions of persons in the service of the Republic and, as such, it precluded the Administrative Tribunals from exercising jurisdiction in respect of matters relating to or arising out of the terms and conditions of any person in the service of any nationalized enterprise or statutory public authority; the acquisition, administration, management and disposal of any property vested in or managed by the Government; and most of the laws mentioned in the First Schedule to the Constitution. As Section 4 of the Act provides that –

- (1) An Administrative Tribunal shall have exclusive jurisdiction to hear and determine applications made by any person in the service of the Republic in respect of the terms and conditions of his service including pension rights, or in respect of any action taken in relation to him as a person in the service of the Republic.
- (2) A person in the service of the Republic may make an application to an Administrative Tribunal under sub-section (1), if he is aggrieved by any order or decision in respect of the terms and conditions of his service including pension rights or by any action taken in relation to him as a person in the service of the Republic....
- (3) In this section “person in the service of the Republic” includes a person who is or has retired or is dismissed, removed or discharged from such service but does not include a person in the defence services of Bangladesh.

Thus, the Administrative Tribunal has been given exclusive jurisdiction to decide disputes relating to service matters of merely Government servants. This led the High Court Division of the Bangladesh Supreme Court to observe in the case of *Md. Habibur Rahman Vs. A G, Works and WAPDA*¹²:

9. Art. 117(1)(b), *ibid*.

10. Art. 117(1)(c), *ibid*.

11. The Administrative Tribunals Act, 1980, was tabled before the legislature in 1980 and it was passed in 1981 and as such it is numbered as Act No. VII of 1981. It received the assent of the Acting President on 5.6.1981 and was also published in the Bangladesh Gazette on the same date. It came into force on 01.02.1982.

12. 1987 BLD 44.

Administrative Tribunal has exclusive jurisdiction in service matter of Government servants, and civil courts have no jurisdiction in the matter.

The Administrative Tribunal exercised exclusive jurisdiction to deal with the matters relating to the terms and conditions of persons in the service of the Republic until September, 1984 when the Administrative Tribunals (Amendment) Ordinance promulgated¹³ extended the jurisdiction of the tribunal to hear and determine disputes relating to the terms and conditions of persons in the service of the statutory public authorities. The Administrative Tribunals (Amendment) Ordinance, 1984, inserted in Section 2 of the original Act the definition of statutory public authority¹⁴ meaning an authority, corporation or body specified in the Schedule added for the first time to the Act. It is pertinent to mention here that the newly added Schedule did not incorporate into it all the statutory public authorities obtaining in Bangladesh.

Initially only 11 financial institutions were included¹⁵ in the Schedule. But, about four years later, on 18 April 1988, the Rupali Bank was excluded¹⁶ from the Schedule by the Administrative Tribunal (Amendment) Ordinance, 1988 (Ordinance No. 20 of 1988) perhaps taking into account that it had been privatized. Thus, presently persons in the service of the (11-1=) 10 financial institutions¹⁷ are amenable to the jurisdiction of the Administrative Tribunals of Bangladesh. It is noticeable that the Administrative Tribunals have not been given the authority to

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13. Ordinance No. LX of 1984, published in the Bangladesh Gazette 25 September 1984.
 14. See sec. 2 (aa), the Administrative Tribunals Act, 1980.
 15. With regard to the pending suits, cases and appeals in courts relating to such statutory public authorities at the time of this amendment, the provisions of sec. 13 were applicable in the same manner as were in the cases of the persons in the service of the Republic at the commencement of the Act. Sec. 13 of the Administrative Tribunals Act, 1980, provides that all suits, cases, applications and appeals relating to any matter in respect of which a Tribunal has jurisdiction pending, immediately before the commencement of this Act, before any Court shall be tried, heard and disposed of by such Courts, as if this Act had not come into force.
 16. The pending cases relating to the persons of the service of the Rupali Bank were to be returned for presentation in the proper courts on the ousting of the jurisdiction of the Tribunals on the commencement of the Ordinance No. 20 of 1988.
 17. These are- Sonali Bank, Agrani Bank, Janata Bank, Bangladesh Bank, Bangladesh Shilpa Bank, Bangladesh Shilpa Rin Sangstha, Bangladesh House Building Finance Corporation, Bangladesh Krishi Bank, Investment Corporation of Bangladesh and Grameen Bank.

hear and determine disputes concerning terms and conditions of service of the persons who are in the service of the private financial institutions. Furthermore, the persons serving in some other statutory public authorities¹⁸, which are not financial institutions, have been excluded from the jurisdiction of the Administrative Tribunals to have their cases decided concerning the terms and conditions of service.

Thus, discrimination is being made between the persons serving in statutory public authorities, which are financial institutions and other statutory public authorities that are not financial institutions. For, whereas the persons serving in the former institutions shall have their disputes concerning terms and conditions of service resolved by the Administrative Tribunal, the persons serving in the latter institutions shall have their cases relating to the terms and conditions of service decided by the regular civil courts of law. As a result, a litigant in the service of the statutory public authority (which is a financial institution) can only prefer an appeal as to the correctness of the decision of the Administrative Tribunal to the Administrative Appellate Tribunal and, as such, is deprived of the other remedies, such as review in the same forum of justice and revision in the court of Additional District Judge or District Judge or the High Court Division of the Bangladesh Supreme Court as the case may be. But, litigants who are in the service of the other statutory public authorities (which are not financial institutions), e.g. Bangladesh Power Development Board, shall have the advantage of so many remedies (appeal, revision and review) against the decision of the civil court of the first instance if he is aggrieved with the decision of such a court. Furthermore, he can prefer a reference on a point of law to the High Court Division of the Bangladesh Supreme Court so as to obtain fair justice.

It is not clear as to the rationale of vesting the Administrative Tribunal with the authority to deal with the persons serving in the statutory public authorities (which are financial institutions) and excluding from its jurisdiction the persons serving in other statutory public authorities although Article 117 of the Constitution does not recognize any such distinction; the very general expression of statutory public authority has been mentioned in the Article.

It should be mentioned here that the original Administrative Tribunals Act, 1980, which defined the expression 'person in the service of the Republic' in Section 4(3), did not include in it a person in the defence services of Bangladesh. Although the Administrative Tribunal was

18. These are, among others, Bangladesh Water Development Board, Bangladesh Power Development Board, Bangladesh Inland Water Transport Authorities and Bangladesh Rural Development Board.

excluded under the original Act to deal with the dispute of a person in the defence services of Bangladesh concerning his terms and conditions of service, the Tribunal's jurisdiction to resolve disputes regarding the terms and conditions of service of the civilian employees in defence services was not barred. As it was held in *Md. Ishaquddin Ahmed Vs. Comandant, School of Armour and Center, Bogra Cantonment, Bogra and others*¹⁹ that for legal remedies in service matters, civilian employees in defence services can well invoke the jurisdiction of the Administrative Tribunal. In *Serajul Islam Thakur Vs. Bangladesh*,²⁰ it was held more clearly that civilian employees in the defence services not being member of any of the defence services are holders of civil posts who now have to move the Administrative Tribunal for redress of their grievances and cannot move the High Court Division of the Bangladesh Supreme Court in writ jurisdiction.

It is noticeable that Section 4 (3) of the original Administrative Tribunals Act did not include in the expression of "person in the service of the Republic" a person in the Bangladesh defence services and as such, the dispute relating to service of a person in the Bangladesh Rifles,²¹ which is a para-military force not under the Defence Ministry but under the Home Ministry of Bangladesh, could be resolved by the Administrative Tribunal.

But, only six months after the coming into effect of the Administrative Tribunals Act and of the establishment of the Administrative Tribunal on 01.02.1982, the Martial Law Administration (Martial Law was proclaimed throughout Bangladesh for the 2nd time in its history on 24 March, 1982) amended the provision of Section 4 (3) of the Act by the Administrative Tribunals (Amendment) Ordinance, 1982. It was provided that "person in the service of the Republic" should not include also a person in the service of the Bangladesh Rifles. Thus, a person in the defence services or of the Bangladesh Rifles was excluded from the jurisdiction of the Administrative Tribunal to deal with the case relating to the terms and conditions of service. It is curious to note that the said amendment was given retrospective effect in a casual and cavalier manner. For, the amending Ordinance was given retrospective effect on 01 February 1981, which is exactly one year before the Administrative

19. 51 DLR (AD) 144.

20. 46 DLR 318.

21. Art. 08 of the Bangladesh Rifles Order, 1972, provides that "the force shall be employed for the purpose of the following services namely:- (a) border protection; (b) anti-smuggling work; and (c) any other task as the Government may direct."

Tribunals Act itself come into force. Furthermore, the amendment was given into effect even six months before the Administrative Tribunals Bill received the assent of the Head of the State (the President gave his assent to the Bill on 05.06.1981) to become an Act of the Parliament. Nevertheless, these, from legal point of view, show that both the Administrative Tribunal and the Administrative Tribunals Act, 1980, were never applicable to the Bangladesh Rifles.

It is noticeable that as per Article 102(5)²², a tribunal, to which Article 117 applies, is exempted from the writ jurisdiction of the High Court Division of the Supreme Court. Article 117 (2) of the Bangladesh Constitution also provides that no court has power to entertain any proceeding or make any order against the decisions of the Administrative Tribunals. Thus, the combined effect of Articles 102(5) and 117(2) is that no writ is maintainable against the decision of an Administrative Tribunal. Taking into account this reality, the Appellate Division of the Bangladesh Supreme Court held that a public servant can invoke writ jurisdiction directly for striking down any statute or rules framed thereunder for the enforcement of his fundamental rights, but if he can obtain full relief from the Administrative Tribunal without striking down the statutes or rules then the writ petition would be incompetent.²³

The case laws show that the Administrative Tribunal has certain limitations. The Tribunal cannot give any relief to a person in the service of the Republic or of any statutory public authority who is aggrieved because of inter-departmental conflict. As in *Matiur Rahman (Md) Vs. Bangladesh, through the Secretary, Ministry of Establishment, Government of the People's Republic of Bangladesh & others*,²⁴ the Supreme Court held that if one branch of the department of the Government is not following the lawful order of the hierarchy of the government authority, definitely the person who is aggrieved can come before this Court and pray for direction or declaration to implement or fulfil or obey the lawful order of the Government, which the Administrative Tribunal is not competent to do. In this context, the Appellate Division of the Supreme Court of Bangladesh held in case of *Qazi Nazrul Islam Vs. Bangladesh House Building Finance Corporation*²⁵ that the Administrative Tribunal in

22. Art. 102(5) of the Bangladesh Constitution provides – “In this article, unless the context otherwise requires, “person” includes a statutory public authority and any court or tribunal, other than a court or tribunal established under a law relating to the defence services of Bangladesh or any disciplined force or a tribunal to which article 117 applies”.

23. *Abul Bashar Vs. Bangladesh & others*, 1 BLC (AD) 77.

24. 50 DLR 357.

25. 45 DLR (AD) 106.

Bangladesh "has been established with limited jurisdiction and limited power. The Tribunal gratuitously granting relief acts in excess of its jurisdiction".

Unlike the Service Tribunal in Pakistan in which appeals are preferred against the decisions or orders of the administrative departments,²⁶ the Administrative Tribunals in Bangladesh and India have been given original jurisdiction in respect of the cases relating to service matters of civil servants and of other statutory bodies²⁷. The jurisdictions of the Administrative Tribunals in India²⁸ and Bangladesh are confined to judicial review of departmental decisions mainly based on the principles of natural justice, while in Pakistan, the Service Tribunal exercises the jurisdiction of the appellate authority. But there are wide differences between the Administrative Tribunals in Bangladesh and India both in points of status and jurisdiction. Unlike the Administrative Tribunal of India, which can decide the constitutionality of any rules or order relating to the terms and conditions of service, the Administrative Tribunal in Bangladesh has not been given such power in the Administrative Tribunals Act, 1980. As the Appellate Division of the Bangladesh Supreme Court in *Mujibur Rahman Vs. Bangladesh*²⁹ held that the Administrative Tribunal is not exercising the jurisdiction of the High Court Division as its constitutional successor. It is exercising a jurisdiction of its own in its own right (not by taking away of the High Court's pre-existing jurisdiction by a constitutional amendment) as laid down in the original Constitution itself. It does not possess the power of judicial review at all. It cannot decide the constitutionality of any rule or order touching service matters.

26. As regards appeal to Service Tribunal in Pakistan, sub-section (1) of sec. 4 of the Service Tribunals Act, 1973, provides – "Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal".

27. See sec. 4, the Administrative Tribunals Act, 1980 (Bangladesh) and sec. 14, the Administrative Tribunals Act, 1985 (India).

28. The detailed provisions relating to the jurisdiction of Administrative Tribunal in India are contained, among others, in section 14 of the Administrative Tribunals Act, 1985. Especially secs. 14 (1) and 14(3), which are very large and elaborate, vest complete jurisdiction in the Administrative Tribunal over service matters of civil servants.

29. 44 DLR (1992) AD 111.

Territorial Jurisdiction

Eight years later of the enactment and enforcement of the Constitution, the Parliament of Bangladesh, in fulfillment of the constitutional mandate given in Article 117, enacted the Administrative Tribunals Act, 1980 (Act No. VII of 1981) empowering the Government to establish by notification in the Official Gazette one or more Administrative Tribunals³⁰ to deal with matters and disputes especially pertaining to service matters of civil servants.

Accordingly, in exercise of the powers conferred by Section 3(1) of the Administrative Tribunals Act, 1980, the Government, by a notification³¹ established an Administrative Tribunal at Dhaka on 01 February, 1982, for the whole of Bangladesh. Thus, an Administrative Tribunal was established for the first time in the history of Bangladesh to resolve disputes concerning the terms and conditions of the service of civil servants. In fact, the Tribunal was given herculean task of resolving disputes relating to service matters of civil servants throughout the country.

Ten years later of the establishment of the first Tribunal, it was ultimately realised in 1992 that the single Tribunal was unable to deal with the increasing number of cases expeditiously and, as such, on 30 May, 1992, the second Administrative Tribunal was established at Bogra.³² The Government took more than nine years to set up further Tribunals to ensure speedy justice. On 22 October, 2001, the Government of Bangladesh established 05 more Administrative Tribunals in the country.³³ Thus, the total number of Administrative Tribunals stands at 07 – three at Dhaka, one at Chittagong, one at Khulna, one at Barisal and one at Bogra.³⁴

Of the three Administrative Tribunals established at Dhaka, the capital of Bangladesh, Administrative Tribunal No. 1 (one) has been given jurisdiction over six administrative districts,³⁵ Administrative Tribunal No. 2 (two) over five administrative districts,³⁶ and Administrative Tribunal No. 3 (three) over six administrative districts.³⁷

30. See sub-section (1) of sec. 3 of the Administrative Tribunals Act, 1980, which runs thus "The Government may, by notification in the official Gazette, establish one or more Administrative Tribunals for the purpose of this Act".

31. Notification No. S.R.O. 58-L/82-JIV/1T-1/81, dated 01 February, 1982.

32. Notification No. S.R.O. 119-L/92/249-JIV/5C-5/89, dated 30 May, 1992.

33. Notification S.R.O. No. 288-Law/2001, dated 22 October, 2001.

34. Ibid.

35. These are Dhaka, Narayanganj, Munshiganj, Manikganj, Gazipur and Narsingdi.

36. These are Faridpur, Gopalganj, Madaripur, Shariatpur and Rajbari.

37. These are Mymensingh, Kishoregonj, Netrokona, Tangail, Jamalpur and Sherpur.

Administrative Tribunal set up at Chittagong has been vested with the jurisdiction to resolve relevant disputes in twelve administrative districts.³⁸ Administrative Tribunal established at Khulna has been given territorial jurisdiction over ten administrative districts.³⁹ Administrative Tribunal, Barisal, has been accorded jurisdiction to deal with disputes concerning the terms and conditions of service of civil servants in six⁴⁰ and Administrative Tribunal, Bogra, in sixteen⁴¹ administrative districts of the country to deal with.

Thus, the seven Administrative Tribunals have been given territorial jurisdictions over 61⁴² out of 64 administrative districts in Bangladesh. The remaining three administrative hilly districts, namely, Khagrachari, Rangamati and Bandarban have been placed as a tradition, as claimed by the Registrar of the Administrative Appellate Tribunal in an interview with the author,⁴³ under the jurisdiction of the Administrative Tribunal located at Chittagong in absence of clear mandate by the Government notification concerned.⁴⁴ Thus, more or less a full fledged Administrative Tribunal system has been established and developed throughout Bangladesh over the period of 25 years.⁴⁵

**Administrative Tribunal's Power of Punishment
for Creating Obstruction in the Performance
of its Functions and for Contempt**

It is expected that any authority or body exercising judicial functions shall have the powers and authority to punish those who interfere with or intend to obstruct the administration of justice in any manner. Otherwise, the judicial authority exercising judicial functions shall not be able to perform its functions in a meaningful and desired manner. Taking into account this reality, the Administrative Tribunals Act has

38. These are Chittagong, Cox's Bazar, Noakhali, Feni, Laksmipur, Comilla, Chandpur, Brahmanbaria, Sylhet, Moulvi-Bazar, Habiganj and Sunamganj.

39. These are Khulna, Bagerhat, Satkhira, Jessore, Magura, Jhenaidah, Narail, Kustia, Chuadanga and Meherpur.

40. These are Barisal, Pirojpur, Jhalakhati, Bhola, Patuakhali and Barguna.

41. These are Bogra, Joypurhat, Pabna, Sirajganj, Dinajpur, Thakurgaon, Panchagar, Kurigram, Rangpur, Lalmonirhat, Gaibanda, Nilfamari, Rajshahi, Nawabganj, Naogaon and Natore.

42. $6+5+6+12+10+6+16=61$ administrative districts.

43. Interview took place on 13 January 2006.

44. Vide notification S.R.O. No. 288-Law/2001, dated 22 October, 2001.

45. Beginning in February, 1982.

invested the Tribunal,⁴⁶ with the power to punish a person who obstructs⁴⁷ it in the performance of its functions without any justification. As it has been provided that –

A Tribunal shall have power to punish any person, who without lawful excuse obstructs it in the performance of its functions, with simple imprisonment, which may extend to one month, or with fine, which may extend to five hundreds taka, or with both.⁴⁸

It should be stressed here that like the Service Tribunals Act, 1973 of Pakistan, the original Administrative Tribunals Act, 1980 of Bangladesh did not contain any provision whatsoever concerning the power of the Administrative Tribunal or the Administrative Appellate Tribunal to punish those who tend to scandalise or prejudice its proceedings. Almost 08 years after the enactment of the Administrative Tribunals Act, 1980, it was considered necessary to invest the Administrative Appellate Tribunal with the power to punish for its contempt or for the contempt of the Administrative Tribunal and as such, Section 10A was added to the original Act by the Administrative Tribunals (Amendment) Ordinance, 1988. The newly inserted Section 10A runs thus:

The Administrative Appellate Tribunal shall have power to punish for contempt of its authority or that of any Administrative Tribunal, as if it were the High Court Division of the Supreme Court.

Thus, it is the Administrative Appellate Tribunal that has been provided with the power to punish for the contempt of its authority as well as that of the Administrative Tribunal. Unlike the Administrative Tribunal in India, which has been empowered under Section 17 of the Administrative Tribunals Act, 1985, to exercise the same power in respect of contempt as that of the High Court, the Administrative Tribunal in Bangladesh has not been given the power to punish for contempt of its authority. Since, the Administrative Tribunals Act, 1980, as amended in 1988 does not contain any procedure to be followed in case of contempt proceedings and no form of punishment has been provided for by the Act, it appears that the Administrative Appellate Tribunal in Bangladesh should follow the relevant provisions of the Contempt of Courts Act, 1926, in dealing with such a contempt case.

46. The term 'Tribunal' has been defined in sec. 2(b) of the Administrative Tribunals Act to mean Administrative Tribunal or Administrative Appellate Tribunal

47. Mere obstruction does not carry any idea of use of force. Nazim Vs. State, AIR 1957 (All) 829.

48. Sec. 9, the Administrative Tribunals Act, 1980.

III. Conclusions

By virtue of the Administrative Tribunals Act, 1980 and Article 117 of the Bangladesh Constitution, the Administrative Tribunal in Bangladesh enjoys complete jurisdiction with regard to service matters and oust the jurisdiction of the High Court Division in such matters. Substantially, the combined effect of Article 102 (5) and Article 117 (2) is that no writ is allowable against the decision of the Administrative Tribunal. The Administrative Tribunal, while resolving service disputes, is entitled to construe and apply the provisions of the Bangladesh Constitution, especially Articles 133, 134 and 135. The proceedings before the Administrative Tribunals are still free from quashment by any court including the Supreme Court, the highest court of Bangladesh.⁴⁹

But initially the jurisdiction of the Administrative Tribunals was not made applicable to the matters relating to the services of the persons of the statutory bodies. Subsequently in 1984, the Administrative Tribunals Act, 1980 was amended to extend the jurisdictions of the Administrative Tribunals to deal with the persons in the service of only 10 (ten) statutory public authorities namely, Sonali Bank, Agrani Bank, Janata Bank, Bangladesh Bank, Bangladesh Shilpa Bank, Bangladesh Shilpa Rin Sangstha, Bangladesh House Building Finance Corporation, Bangladesh Krishi Bank, Investment Corporation of Bangladesh and Grameen Bank. Important statutory public authorities, such as Bangladesh Water Development Board, Bangladesh Inland Water Transport Authorities, Bangladesh Power Development Board, etc. are among others that have not been included in the jurisdiction of the Administrative Tribunals.

Therefore, it may be suggested that an amendment should be made in the Schedule to the Administrative Tribunals Act to include rest of the statutory public authorities in the jurisdiction of the Administrative Tribunal to ensure the enjoyment of the fundamental right of equality before law by all the persons in the service of the statutory public authorities.

The Administrative Tribunals in Bangladesh have not been given the power to decide the constitutionality of any rule or order touching service matters and, as such, one has to approach the Supreme Court, High Court Division for getting redress relating to the constitutionality of any rule or order touching service matters. Like the Indian Administrative Tribunal, the Administrative Appellate Tribunal in Bangladesh, whose Chairman is, or has been or is qualified to be, a Judge of the Supreme Court, may be given the powers and jurisdiction to decide the constitutionality of any rule or order touching service matters.

49. See sec. 10, the Administrative Tribunals Act, 1980.

As regards territorial jurisdiction of Administrative Tribunals, it is suggested that a separate Administrative Tribunal may be set up for the trial of cases concerning service matters in the three hilly districts of Khagrachari, Rangamati, and Bandarban, which are now being tried as a tradition by the Administrative Tribunal, Chittagong in the absence of clear mandate by the Government notification concerned. This measure would also expedite quick disposal of cases concerning service matters of civil servants in the country.

While agreeing with the broad proposition that interim order should not be issued in each and every matter thereby restraining the hands of the executive, we cannot but disagree that such order should never be issued or there would be no occasion at all to issue an interim order. Sometimes, the power to grant interim order or injunction is very essential for effective dispensation of justice. But unlike the Administrative Tribunals in India, the Administrative Tribunal in Bangladesh has, under the existing laws, no power to grant stay or injunction as an ad-interim measure in the absence of which in many cases the aim of seeking relief becomes frustrated thereby reducing the jurisdiction of the Administrative Tribunals nugatory. As the alternative remedy is not efficacious, in many cases, the person aggrieved seeking immediate relief takes the disputes into the writ jurisdiction of the High Court Division of the Bangladesh Supreme Court. Although in Pakistan, there is no specific provision authorising Service Tribunal to pass orders suspending operation of the challenged action or decision, in *Munawar Hussain Bhatti Vs. WAPDA*,⁵⁰ the tribunal (since a strong *prima facie* case had been made out) suspended the operation of the impugned order till the decision of the appeal. Since the power to grant interim order or injunction is very essential for proper dispensation of justice, the Administrative Tribunal in Bangladesh may be given such a power by amending Section 4 of the Administrative Tribunals Act, 1980.⁵¹

50. 1983 PLC (CS) 86.

51. In this context, Barrister Abdul Halim Chaklader, is a senior practicing lawyer, in an interview with the author on 07.08.2006, advocated for such power to make Administrative Tribunal more effective and competent.