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SINDH ORDINANCE NO.XI OF 1973

THE SIND SERVICE TRIBUNALS ORDINANCE, 1973

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SINDH ORDINANCE NO.XI OF 1973

THE SIND SERVICE TRIBUNALS ORDINANCE, 1973

[7th September, 1973]

An Ordinance to provide for the establishment of Service Tribunals to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants.

Preamble.

WHEREAS it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto;

AND WHEREAS The Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

Short title, commencement and application.

1. (1) This Ordinance may be called the Sind Service Tribunals Ordinance, 1973.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "civil servant" has the same meaning as in the Sind Civil Servants Ordinance, 1973;

(b) "Government" means the Government of Sind;

(c) "Tribunal" means a Service Tribunal established under section 3.

Tribunals.

3. (1) The Government may, by notification in the official Gazette, establish one or more Tribunals and, if more, than one Tribunal is established, Government shall specify in the notification the class or classes of civil servants in respect of whom, or the territorial limits within which, such tribunals shall exercise jurisdiction under this Ordinance.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service or civil servants, including disciplinary matters.

(3) A Tribunal shall consist of—

(a) a Chairman, being a person who has been, or is qualified to be, Judge of a High Court; and

(b) two members each of whom is a person who has for a period of not less than seventeen years held a Class I post under the Federal Government or a Provincial Government.

(4) The Chairman and members of a Tribunal shall be appointed by Government on such terms and conditions as it may determine.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of Tribunal shall not hold any other office of profit in the service of Pakistan.

Appeals to Tribunals.

4. 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, prefer an appeal to the Tribunal having jurisdiction in the matter:

Provided that—

(a) where an appeal, review or representation to a departmental authority is provided under the Sindh Civil Servants Ordinance, 1973, or any rules, against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred; and

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining—

(i) the fitness or otherwise of a person, to be appointed to or hold a particular post or, to be promoted to a higher post or grade; or

(ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal, removal or compulsory retirement from service.

Explanation— In this section, "departmental authority" means any authority, other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of civil servants.

Powers of Tribunals.

5. (1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908), including the powers of—

(a) enforcing the attendance of any person and examining him on oath;
(b) compelling the production of documents;
(c) issuing commission for the examination of witnesses and documents.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from, a tribunal.

Abatement of suits and other proceedings.

6. All suits, appeals or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of the Law as may be enacted by the Parliament, extending clause (2) of Article 212 of the Constitution of the Islamic Republic of Pakistan to a Tribunal, shall abate on the commencement of such Law.

Provided that any civil servant who is a party to such a suit, appeal or application may, within ninety days of the commencement of such Law, prefer an appeal to the appropriate Tribunal in respect of any such matter which is in issue in such suit, appeal or application.

Transfer of cases.

7. All cases pending before the Tribunal constituted under section-5 of the West Pakistan Civil Services (Appellate Tribunals) Ordinance, 1969 immediately before the commencement of this Ordinance shall, on such commencement, stand transferred to the Tribunal having jurisdiction.

Rules.

8. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Repeal of West Pakistan Ordinance XXVIII of 1969.

9. The West Pakistan Civil Services (Appellate Tribunal) Ordinance, 1969, is hereby repealed.