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SINDH ORDINANCE NO.XV OF 1974

THE SIND SERVICE TRIBUNALS (SECOND AMENDMENT) ORDINANCE, 1974

[13th September, 1974]

An Ordinance to further amend the Sind Service Tribunal Act, 1973.

Preamble.

WHEREAS it is expedient to further to amend the Sind Service Tribunals Act, 1973, in the manner hereinafter appearing;

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 and commencement.

1. This Ordinance may be called the Sind Service Tribunals (Second Amendment) Ordinance, 1974.

Amendment of section 4 of Sind Act XV of 1973

2. In the Sind Service Tribunals Act, 1973, hereinafter referred to as the said Act, in section 3, for sub-section (4), the following shall be substituted, and shall be deemed always to have been so substituted:-

> (4) The Chairman and members of a Tribunal shall be appointed for a period of three years and on such terms and conditions as may be determined by Government; provided that Government may extend such term of office by such further period as it deems fit.".

Insertion of section 3-A in Sind Act XV of 1973.

3. In the said Act, after section 3, the following shall be inserted and shall be deemed always to have been so inserted:-

Removal of Chairman or member

"3-A. (1) If Government is of the opinion that Chairman or a member of a Tribunal by reason of physical or mental incapacity is unable to perform his duties, or is guilty of mis-conduct, it shall appoint a committee consisting of three persons headed by a person not below the rank of the Chairman, to enquire into the matter.

(2) If, after holding the enquiry, the committee submits a report that the Chairman or a member is incapable of performing his duties or is guilty of mis-conduct, Government may, notwithstanding the provisions of sub-section (4) of section 3, remove such Chairman or member.

(3) For the purpose of an inquiry under section 3-A, the committee shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.".