



The Sindh Government Gazette

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KARACHI, WEDNESDAY, DECEMBER 5, 1973.

PART IV

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 5th December, 1973.

No. PAS/Legis/B-17/73.—The Sindh Service Tribunals Bill, 1973 having been passed by the Provincial Assembly of Sindh on the 21st November, 1973 and assented to by the Governor of Sindh on the 4th December, 1973 is hereby published as an Act of the Legislature of Sindh:—

THE SINDH SERVICE TRIBUNALS ACT, 1973.

Sindh Act No. 15 of 1973.

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 5th Decmbr, 1973).

AN

ACT

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.

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; Preamble.

Short title commencement and application.

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Service Tribunals Act, 1973.
- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.

Definitions.

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

- 5 [(a) "civil servant" ^{Substituted} has the same meaning as in the Sind Civil Servants Act, 1973;]
- (b) "Government" means the Government of Sind.
- (c) "Tribunal" means a Service Tribunal established under section 3.

Tribunals.

3. (1) 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 Act.

~~Wg. A. Addn see Chap 4~~:
 (2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of 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 ^{Class I post} under the Federal Government or a Provincial Government.

³ [(4) The Chairman and members of a Tribunal shall be appointed by Government on such terms and conditions as it may determine.] ^{Substituted see Chap 3}

(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 a Tribunal shall not hold any other office of profit in the service of Pakistan ^{if his remuneration is thereby increased.}

4 [3.A. inserted see Chap 4]

1. Subs by Sind Ord No VII of 1973. S. 3 (i)

2. Subs by ^{ibid} S. 3 (ii).

3. Subs by Sind Ord No XV of 1974 S. 2

4. Inserted by ^{ibid} S. 2.

1. Subs by Sind Act 1974 S. 2

Grade 16 or an or a higher post

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:

Appeals to
Tribunals

Provided that—

(a) where an appeal, review or representation to a departmental authority is provided under the Sind Civil Servants Act, 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

Substituted by Slip D.

(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 reduction in rank 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.

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—

Powers of
Tribunals.

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

(b) compelling the production of documents;

1. Subs by Sind (Ord No VII of 1974, S. 3)

2. Subs by Sind (Ord No VIII of 1974, S. 4)

(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 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.

[6-A. inserted See slip 1]
 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 the Sind Service Tribunal Ordinance 1973 (Sind Ordinance XI of 1973), shall stand transferred to the Tribunal having jurisdiction.

Rules.

8. (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Repeal of West Pakistan Ordinance XXVIII of 1969.

2 [(2) added see slip 2]
 3. The West Pakistan Civil Services (Appellate Tribunals) Ordinance, 1969, is hereby repealed.

Repeal.

omitted
 10. The Sind Service Tribunals Ordinance, 1973 (Sind Ordinance XI of 1973), is hereby repealed.]

By order of the Speaker,
 Provincial Assembly of Sind.

JAMALUDDIN ABRO,
 Secretary,
 Provincial Assembly of Sind.

KARACHI: PRINTED AT THE SIND GOVERNMENT PRESS.

(1580)—5-12-73—N.S.

1. Section 6-A inserted by Sind Ord VII of 1974. S. 4.
2. Section 8 numbered as sub section (1) and Sub-section (2) added by Sind Ord no VII of 1975. S. 5
3. Section 9-10 omitted by Sind Act XVII of 1975.