

**THE SINDH SERVICE TRIBUNALS ACT, 1973**  
SINDH ACT NO. XV OF 1973

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[5<sup>th</sup> December, 1973]

**AN ACT** to provide for the establishment of Service Tribunal 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 jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereof;

**Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the <sup>1</sup>Sindh Service Tribunals Act, 1973. **Short title, commencement and application.**
- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.
2. In this Act, unless there is anything repugnant in the subject or context. – **Definitions.**
  - (a) “civil servant” has the same meaning as in the Sindh Civil Servants Act, 1973;
  - <sup>2</sup>[(aa) “Corporation” means a Corporation or Institution set up or established by a Provincial enactment.]
  - (b) “Government” means the Government of Sindh;
  - <sup>3</sup>[(bb) “member of the subordinate judiciary” means a District and Sessions Judge, Additional District and Sessions Judge,, Senior Civil Judge and Assistant Sessions Judge, Civil Judge and Judicial Magistrate and includes an officer and servant of the High Court or an employee working under the administrative control of the District and Sessions Judge wherever he may be.]
  - (c) “Tribunal” means a Service Tribunal Established under section 3 <sup>4</sup>[or section 3-B].

<sup>1</sup> Substituted word **Sind** by **Sindh** wherever occurring by Sindh Act. No. XVIII of 2013, dated 19<sup>th</sup> March, 2013.

<sup>2</sup> Inserted clause by Sindh Act No. XXXI of 1994, dated 16<sup>th</sup> January, 1995.

<sup>3</sup> Inserted clause by Sindh Act No. XXXII of 1994, dated 22<sup>nd</sup> February, 1995.

<sup>4</sup> Added words by Sindh Act No. VI of 1991, dated 13<sup>th</sup> June, 1991.

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3. (1) Government may by the notification in the official Gazette, **Tribunals.** 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 with which, such Tribunals shall exercise jurisdiction under this Act.

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

<sup>1</sup>[(3) A tribunal shall consist of a chairman and two Members, who shall be appointed by Government in consultation with the Chief Justice, High Court of Sindh, for a period of not more than two years for one time only.]

(4) (i) A person who has been or is qualified to be a Judge of the High Court, shall be eligible for appointment as Chairman.

<sup>3</sup>[(ii) Two members, one of whom shall be appointed from amongst the sitting District and Sessions Judges and another shall be appointed from amongst the sitting civil servants in BS-20, preferably have legal background, for a period of not more than three years for one time only or till the date of their superannuation, whichever is earlier.

Provided that where the District and Sessions Judge or as the case may be, the civil servant is not available for appointment, Government may, in consultation with the Chief Justice, High Court of Sindh, appoint an advocate, qualified for appointment as a judge of the High Court as a Member.]]

(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 <sup>4</sup>[\*\*\*] of profit in the service of Pakistan.

<sup>5</sup>[3-A. *Repealed*]

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<sup>1</sup> Substituted sub-sections Sind Act No. X of 2014, dated 20<sup>th</sup> March, 2014.

<sup>2</sup> Substituted sub-section (3) by Sindh Act No. XXVIII of 2015, dated 20<sup>th</sup> May, 2015.

<sup>3</sup> Substituted clause by Sindh Act No. XXXI of 2015, dated 4<sup>th</sup> June, 2015.

<sup>4</sup> Repealed words by Sindh Act No. XVII of 1975, dated 25<sup>th</sup> August, 1975.

<sup>5</sup> Repealed section 3-A by *ibid*.

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- <sup>1</sup>[3-B. Notwithstanding anything contained in section 3, the Chief Justice of the High Court may establish a Tribunal consisting of three Judges of the High Court, the most senior of whom shall be the Chairman and the other two Judges shall act as members of the Tribunal and the Tribunal so established shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of members of the subordinate judiciary, including the disciplinary matters. **Tribunal for members of the subordinate judiciary.**
- 3-C. Nothing contained in section 3-A shall apply to the Tribunal established under section 3-B. **Section 3-A not to apply to the Tribunal under section 3-B.**
- 3-D. All matters relating to the terms and conditions of service of members of the subordinate judiciary pending before the Tribunal referred to in section 3 immediately before the commencement of the Sindh Service Tribunals (Amendment) Ordinance, 1991, shall stand transferred to the Tribunal established under section 3-B.] **Transfer of Pending cases.**
- <sup>2</sup>[3-E. Notwithstanding anything contained in any Law, service of Corporation is hereby declared to be the service of the Province and every person holding a post in the Corporation, not being a person who is on deputation to the Corporation shall, for the purposes of this Act, be deemed to be a civil servant. **Employee of a Corporation to be deemed Civil Servant.**
- 3-F. All suits, appeals or applications relating to the terms and conditions of service of a person holding a post in a Corporation pending in any Court immediately before the commencement of the Sindh Service Tribunals (Amendment) Act, 1994, shall abate: **Abatement of pending cases of an employee of the Corporation.**
- Provided that a party to such suit, appeal or application may within ninety days of the commencement of the Amending Act prefer an appeal to the Tribunal established under section 3.]
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 such order to him <sup>3</sup>[\*\*\*] prefer an appeal to the Tribunal having jurisdiction in the matter: **Appeals to Tribunals.**

<sup>1</sup> Inserted sections 3-B, 3-C & 3-D by Sindh Act No. VI of 1991, dated 13<sup>th</sup> June, 1991.

<sup>2</sup> Inserted new sections by Sindh Act No. XXXI of 1994, dated 16<sup>th</sup> January, 1995.

<sup>3</sup> Repealed by Sindh Act No. XVII of 1975, dated 25<sup>th</sup> August, 1975.

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Provided that –

- (a) where an appeal, review or representation to a departmental authority is provided under the Sindh 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
  - (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. **Powers of Tribunals.**
- (2) A Tribunal shall, for the purpose of deciding any appeal be deemed to be a civil court and shall have the same powers 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;

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(c) issuing commission for the examination of witnesses and documents <sup>1</sup>[; and]

<sup>2</sup>[(d) execution of its decisions.]

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

<sup>3</sup>[<sup>4</sup>5-A]. (1) The Chairman shall be the <sup>5</sup>[Principal] Accounting Officer of the Tribunal. (2) The Chairman may re-appropriate funds from one head of account to another head of accounts or sanction expenditure and disburse the same on any item within the budget allocation to the Tribunal and approval of the Government for the purpose shall not be required:

<sup>6</sup>[5-B]. The Chairman, Sindh Service Tribunal shall have full powers to create new posts and abolish old posts, provided that expenditure is met from with the allocated budget of Sindh Service Tribunal and the approval of the Government shall not be required.]

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 :

**Abatement of suits and other proceedings.**

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.

<sup>7</sup>[6-A. *Repealed \*\*\**]

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<sup>1</sup> Replaced full stop at the end by colon by Sindh Act No. V of 2012, dated 16<sup>th</sup> February, 2012.

<sup>2</sup> Added new clause by *ibid*.

<sup>3</sup> Inserted new sections by Sindh Act No. XXX of 2015, dated 4<sup>th</sup> June, 2015

<sup>4</sup> Substituted figure and alphabet by the Sindh Act No. XVII of 2016, dated 11<sup>th</sup> May, 2016.

<sup>5</sup> Substituted word by *ibid*.

<sup>6</sup> Substituted figure and alphabet by *ibid*.

<sup>7</sup> Repealed by Sindh Act No. XVII of 1975, dated 25<sup>th</sup> August, 1975.

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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 Sindh Service Tribunal Ordinance, 1973 (Sindh Ordinance XI of 1973), shall stand transferred to the Tribunal having jurisdiction. **Transfer of cases.**
8. <sup>1</sup>[\*\*\*] Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act <sup>2</sup>[:] **Rules.**
- <sup>3</sup>[Provided that the rules in respect of the Tribunal established under section 3-B shall be made in consultation with the High Court.]
- <sup>4</sup>[9. Omitted\*\*\*]
10. Omitted\*\*\*]

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<sup>1</sup> Repealed by Sindh Act No. XVII of 1975, dated 25<sup>th</sup> August, 1975.

<sup>2</sup> Replaced full stop at the end by colon by Sindh Act No. VI of 1991, dated 13<sup>th</sup> June, 1991.

<sup>3</sup> Added proviso by *ibid.*

<sup>4</sup> Omitted section 9 and 10 by Sindh Act No. XVII of 1975, dated 25<sup>th</sup> August, 1975.