

EXTRAORDINARY

REGISTERED NO. S-2771



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 15 QUETTA TUESDAY MARCH 4, 2003.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 4th March, 2003.

No. PAB/Legis: V (4)/2003. The Balochistan Province Removal from Service (Special Powers) (Amendment) Bill, 2003 having been passed by the Provincial Assembly of Balochistan on 1st March, 2003, and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly:-

THE BALOCHISTAN PROVINCE REMOVAL FROM SERVICE (SPECIAL POWERS) (AMENDMENT) ACT, 2003. (BALOCHISTAN ACT NO. IV OF 2003).

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated the 4th March, 2003).

**AN
ACT**

further to amend the Balochistan Province Removal from Service (Special Powers) Ordinance, 2000 (III of 2000).

Preamble

WHEREAS it is expedient further to amend the Balochistan Province Removal from Service (Special Powers) Ordinance, 2000 in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Balochistan Province Removal from Service (Special Powers) (Amendment) Act, 2003.

(2) It shall come into force at once.

Amendment of Section-2 of Ordinance III of 2000.

2. In the Balochistan Province Removal from Service (Special Powers) Ordinance, 2000, hereinafter referred to as the said Ordinance, in clause (a) of section 2, for the word "Governor" appearing twice the words "Chief Minister" shall be substituted.

Amendment of Section-3 of Ordinance III of 2000.

3. In the said Ordinance, in the second proviso of sub section (2) of Section 3, for the words "or removed from service or reduced in rank on the ground of conduct which has led to a sentence of fine or of imprisonment" the words, brackets, letter and figures "under clause (a) of sub-section (2) of section 3A" shall be substituted.

Insertion of new section-3A Ordinance III of 2000.

4. In the said Ordinance, after Section 3, the following new section shall be added, namely:-

"3A. Procedure in case of conviction by a Court of Law.

(1) Where a person in Government service or in corporation service on conviction by a court of Law is sentenced to imprisonment or fine, the competent authority shall examine the facts and the grounds on which the order convicting such person was passed by a Court of Law.

(2) Where on examination the competent authority finds that order of imprisonment or fine is based on-

- (a) established charges of corruption or moral turpitude it shall pass order of dismissal from service of the delinquent person in Government service or in corporation service to be effective from the date of his conviction by a court of Law; and
- (b) charges other than corruption or moral turpitude it may in the light of the facts and circumstances of the case, decide as to whether it is a fit case for taking departmental action under this Ordinance and if it so decides it may, subject to the

provisions of sub section (2) of section 3, impose any penalty authorized by this Ordinance as it may deem fit in the circumstances of the case.

**Amendment of
Section-9 of
Ordinance III
of 2000.**

5. In the said Ordinance, for section 9, the following shall be substituted:-

"9 Representation:- (1) A person on whom a penalty is imposed under Section 3, may, within fifteen days from the date of communication of the order prefer a representation to the Chief Minister or such officer or authority as the Chief Minister may designate:

Provided that where the order has been made by the Chief Minister such person may, within the aforesaid period, submit a review to the Chief Minister.

(2) The Chief Minister, or an officer or authority, as may be designated for the purpose by the Chief Minister, may, on consideration of the representation, and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation is made."

**Amendment of
Section-10 of
Ordinance III
of 2000.**

6. In the said Ordinance, in section 10, for the full stop appearing at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that where a representation has been preferred under Section 9 but no decision has been received by, or communicated to the applicant or, as the case may be the petitioner may within a period of sixty days of its submission to the prescribed authority, he may prefer appeal to the Service Tribunal within thirty days of the expiry of the aforesaid period."

MUHAMMAD KHAN MENGAL
Secretary,
Provincial Assembly of Balochistan.