



The Baluchistan Gazette

PUBLISHED BY AUTHORITY

No. 30 QUETTA, THURSDAY JUNE 27, 1974.

PROVINCIAL ASSEMBLY OF BALUCHISTAN

SECRETARIAT

NOTIFICATION

The 27th June, 1974

No. Legis-X-(1)/74. The Baluchistan Service Tribunals Bill, 1974 having been passed by the Provincial Assembly of Baluchistan on 5th June, 1974 and assented to by Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly.

THE BALUCHISTAN SERVICE TRIBUNALS ACT, 1974.

BALUCHISTAN ACT NO. V of 1974.

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.

12

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

It is hereby enacted as follows:—

Short title, commencement and application.

1. (1) This Act may be called the Baluchistan Service Tribunals Act, 1974

(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 any thing repugnant in the subject or context,—

a) "civil servant" means a person who is a member of a civil service of the Province of Baluchistan or who holds a civil post in connection with the affairs of the Province, but does not include—

(i) a person who is on deputation to the Province of Baluchistan from the Federation or from any Province or other authority; or

(ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or

(iii) a person who is a 'worker' or 'workman' as defined in the Factories Act, 1934 (XXV of 1934) or the Workman's Compensation Act, 1923 (VIII of 1923);

b) "Government" means the Government of Baluchistan; and

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 Service Tribunals and, where there are established more than one Tribunals, the Government shall specify in the notification

the class or classes of civil servants in respect of whom, or the territorial limits within which, each such Tribunal shall exercise jurisdiction under this Act.

(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 ten 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 the 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 Government.

(6) The Chairman or a member of a 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 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 any law 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 or to be promoted post 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 from service, removal from service or compulsory retirement.

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.

Power 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 such any matter which is in issue in such suit, appeal or application.

Rules

7. The Provincial Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Transfer of
Cases.

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

Repeal of West
Pakistan Ordi.
nance XXVIII
of 1969.

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

MUHAMMAD ATHAR
Secretary,
Provincial Assembly of Baluchistan.