

Act No. LXVII — LXXI

REGISTERED No. L-764 S. 1033

The Gazette of Pakistan

The coat of arms of Pakistan is centered between the words 'Gazette' and 'of Pakistan'. It features a shield with a crescent moon and a star above it, surrounded by a wreath of cotton and wheat. Below the shield is a banner with the Urdu motto 'QURAN KHARID'.

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, SATURDAY, SEPTEMBER 29, 1973

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 29th September, 1973

The following Acts of Parliament received the assent of the President on the 26th September, 1973, and are hereby published for general information :—

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;

It is hereby enacted as follows :—

1. **Short title, commencement and application.**—(1) This Act may be called the Service Tribunals Act, 1973.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

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

(a) "civil servant" means a person who is, or has been, a civil servant within the meaning of the Civil Servants Act, 1973 (LXXI of 1973); and")

3. **Tribunals.**—(1) The President may, by notification in the official Gazette, establish one or more service Tribunals and, where there are established more than one Tribunal, the President shall specify in the notification the class or classes of civil servants in respect of whom, or the territorial limits within which, or the class or classes of cases in respect of 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.

1. Subes by Act xxxI of 1974.

(3) A Tribunal shall consist of— *is, or*

(a) a Chairman, being a person who has been, or is qualified to be,

(b) such number of members not exceeding three, each of whom is a person who possesses such qualifications as may be prescribed by qualifi- rules, as the President may from time to time appoint.

(4) The Chairman and members of a Tribunal shall be appointed by the

3A. Benches of the Tribunal.—(1) The powers and functions of a Tribunal may be exercised or performed by Benches consisting of not less than two members of the Tribunal, including the Chairman, constituted by the Chairman.

(2) If the members of a Bench differ in opinion as to the decision to be given on any point,—

(a) the point shall be decided according to the opinion of the majority;

(b) if the members are equally divided and the Chairman of the Tribunal is not himself a member of the Bench, the case shall be referred to the Chairman and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman; and

(c) if the members are equally divided and the Chairman of the Tribunal is himself a member of the Bench, the opinion of the Chairman shall prevail and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman.

(a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Ordinance, 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 the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post.

(2) W authority the appeal (c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969."

(a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or time-scale or to a lower stage in a time-scale, to a Tribunal referred to in sub-section (3) of section 3; and

(b) in any other case, to a Tribunal referred to in sub-section (7) of that section.

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. Powers of Tribunals.—(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

1. Subs. Am, added by Act XXXI of 1974.
2. Ins. by Act XIX of 1977.
3. Subs. + Ins. by ord. IX of 1978.

(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; and
- (c) issuing commission for the examination of witnesses and documents.

6. Abatement of suits and other proceedings.—All suits, appeals or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith:

Provided that any party to such a suit, appeal or application may, within ninety days of the ~~commencement of this Act~~, ~~prefer an appeal to the appropriate Tribunal~~ in respect of any such matter which is in issue in such suit, appeal or application. *Establishment of the appropriate Tribunal preferred an appeal to it*

7. Limitation.—The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) requirements as to the number of members of the Tribunal necessary for hearings before, or order or decision by, a Tribunal; and
- (b) filling for a specified period any vacancy in the office of the Chairman or a member of the Tribunal caused by the absence on leave or otherwise of the Chairman or, as the case may be, a member.

9. Repeal.—The Service Tribunals Ordinance, 1973 (XV of 1973), is hereby repealed.