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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Quetta, the 4th July, 2013.

No. PAB/Legis:V1(02)/2013-2103. The Balochistan Service

Tribunals (Amendment) Bill, 2013 Bill No. II of 2013, having been passed by the Provincial Assembly of Balochistan on 28th June, 2013 and assented to be the Governor, Balochistan on 1st July, 2013 is hereby published as an Act of the Balochistan Provincial Assembly.

BALOCHISTAN SERVICE TRIBUNALS (AMENDMENT) ACT, 2013 (ACT NO. II OF 2013),

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated 1st July, 2013.

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ACT

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further to amend the Balochistan Service Tribunals Act, 1974 (Balochistan Act No. V of 1974).

Preamble. Whereas, it is expedient further to amend the Balochistan Service Tribunals Act, 1974. (Act No. V of 1974), in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and 1. (1) This Act may be called the Balochistan Service — commencement. ~ Tribunal (Amendment) Act, 2013.

(2) It shall come into force at once.

Amendment of 2. In the Balochistan Service Tribunal Act, 1974 Section 2, Act . (Balochistan Act No. V of 1974), hereinafter referred to as No. V of 1974, the Said Act, in section 2,-- ;

(a) After Clause (a) the following new clause shall be inserted:--

“(a-i) “Chairman” means the Chairman of the Tribunal appointed under section 3;”: and

(b) In clause (b), at the end the word “and” shall be omitted and thereafter the following new clause shall be inserted under clause (b):-

“(b-i) “Member” means the Member of the Tribunal appointed under section 3, and”.

Amendment of 3. In the said Act, in section 3 ,--

Section 3, Act ' (a) _ in sub-section (3), for clauses (a) and (b) the
No. V of 1974 following shall be substituted, respectively:-

"(a) aChairman, being a person who has
been, or is qualified to be, a Judge of
High Court; and "a

(b) two members,--

(i) one from amongst the serving
District Judges having not less
than three years service as such;
and

(ii) one from amongst the serving
Civil Servants having service of
not less than ten years against an
executive class | post under the
Provincial Government or Federal
Government; and_ preferably
having a legal background:

Provided that where the
District Judges or the incumbent
Civil Servants are not available,
the appointment may be made
from amongst the persons
qualified to be a judge of High
Court."

(b) in sub-section (4), after the word "Government" the
words and comma "in consultation with the Chief
Justice of the Balochistan High Court," shall be
inserted:-

(c) in sub-section (4), amended as aforesaid, at the end
for full-stop a colon shall be inserted and thereafter
the following proviso shall be added:--

Insertion of
Section 3-A, Act
No. V of 1974.

(d)

(e)

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“Provided that all such appointments shall only be for a single term consisting of a non-extendable period of three years or till the date of superannuation, whichever is earlier in case of a person in service.”:

in sub-section (5), at the end for the full-stop a colon shall be inserted and thereafter the following proviso shall be added:--

“Provided that on resignation by a person in regular service as District Judge or a Civil Servant, if it has been decided to accept his resignation then the incumbent shall be considered as surrender to his own cadre for further posting or for such action as_ the case may be.”; and

for the omitted sub-section (6) the following — shall be substituted, namely:-

“(6) if for any reason, the Chairman becomes unable to perform his duties temporarily, the senior most Member of the Tribunal, shall act as Chairman till such time the Chairman resumes his duties.”

4. In the said Act, after section 3, amended as aforesaid, the following new section shall be inserted, namely:—

“Constitution of Benches:--

3-A (1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of himself or one Member only or two Member without the Chairman or the Chairman and a Member and when so constituted a Bench shall be deemed to be a Tribunal:

Provided that---

I. Where bench consisting of one

Member is to be _ constituted

preference should be given to

the judicial Member;

II. Where a bench consisting of two

Member is to be constituted it

should be comprising of a

Judicial Member and the Member

from Civil Service or the member

other than the Civil Servant; and

III.- every bench consisting of two

* Member should be headed by the

Judicial Member;

(2) If a Bench is unable to arrive at a unanimous

decision in an appeal, the matter shall be placed

before the Full Tribunal and the decision of the

Tribunal shall be expressed in terms of the opinion of

the majority:

Provided that the Chairman or the Member
who was not already on the Bench cannot be
associated or is unable for any reason to take part in
the hearing of the appeal, the decision of the Tribunal
Shall be expressed in terms of the opinion of the
Senior Member of the Bench.

(3) | The Chairman may, at any stage of the hearing
of an appeal, withdraw it from the Tribunal and entrust
it to a Bench or withdraw any appeal pending before a
Bench and make it over to another Bench or to the
Tribunal.”.

Insertion of
section 5-A, Act
No. V of 1974.

Repeal

6

In the said Act, after section 5, the following new

sections shall be inserted, namely:-

"Controlling Authority:--

5-A. (1) The Chairman of the Tribunal shall be the Authority for all the administrative, disciplinary and financial matters of the Balochistan Service. Tribunal; and in this respect there shall be a Registrar, who shall be responsible for the ; smooth working of the Tribunal, the administration as well as the appointments, promotion, disciplinary actions, transfers and postings of the officers and staff, the budget and accounts of . the Tribunal, in accordance with the rules.

(2) On establishment of the Tribunal under section 3, the Government shall allocate funds for the

. Tribunal in its annual Budget, as passed in its budget session by. the Balochistan Provincial Assembly. For which the Chairman of the Tribunal shall have all the financial powers to. disburse and make re-appropriation of the amount so allocated by the Government and approved by the Provincial Assembly in the Annual. Budget, from one head to another head without seeking any approval of the Provincial Finance Department:

Provided that the expenditure that is incurred by him shall fall within the prescribed limit of the allocated funds / sanctioned budget of the Tribunal.".

6. the Balochistan Service Tribunals (Amendment) Ordinance, 2013 (Balochistan Ordinance No. lli) is hereby repealed.

MUHAMMAD AZAM DAWI
Secretary.