

THE BALOCHISTAN SUBORDINATE JUDICARY
SERVICE TRIBUNAL ACT, 1989

(Baln Act VI of 1989)

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'THE BALOCHISTAN SUBORDINATE JUDICACY
SERVICE TRIBUNAL ACT, 1989

(Baln Act VI of 1989)

[30% July, 1989]

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 members of subordinate
judiciary of the Province of Balochistan.

Preamble. WHEREAS it is expedient to provide for the
establishment of Service Tribunal to exercise exclusive
jurisdiction regarding the matters relating to the terms and
conditions of members of subordinate judiciary of the Province
of Balochistan and for matters connected therewith of ancillary
there-to;

It is hereby enacted as follows:—

Short title, 1. (1) This Act may be called the Balochistan
application and Subordinate Judiciary Service Tribunal Act, 1989.
commencemen

t. (2) It applies to all members of subordinate

judiciary, where-ever they may be.

(3) It shall come into force at once.

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

(a) "Chairman" means the Chairman of the Tribunal;

(b) "Government" means the Government of
Balochistan;

(c) "Member" means the Member of the Tribunal;

(d) "Member of Subordinate Judiciary" includes
Qazi, Member Majlis-e-Shoora, Civil Judge,
Senior Civil Judge, Additional District and
Sessions Judge, District and Sessions Judge
(Inspection), Presiding Officer Labour Court and
District and Sessions Judge; and

(ec) "Tribunal" means the Service Tribunal

1 For Statement of Objects and Reasons see Baln. Extraordinary Gazette No. 112, dated 28" June, 1990. This Act was passed
Assembly on 8" July, 1989; assented to by the Governor of Baln., and; published in the Baln. Gazette (Extraordinary) No. 132,
July, 1989.

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established by this Act, or a Bench thereof.

3. (1) The Government may, by notification in the official Gazette, establish one Service Tribunal in respect of members of subordinate judiciary for the entire Province of Balochistan.

(2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of members of subordinate judiciary, including disciplinary matters

(3) The Tribunal shall consist of—

(a) a Chairman, being the Chief Justice or Acting Chief Justice of the High Court of Balochistan; and

(b) two Members each of whom is the sitting judge of the High Court of Balochistan.

(4) The Chairman and Members of the Tribunal shall be appointed by the Government.

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

(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 term of the opinion of the majority:

Provided that if the Chairman or 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 hearing of an appeal, withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make

it over to another bench or to the Tribunal.

5. Any member of subordinate judiciary aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and

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conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the Tribunal whichever is later prefer an appeal to the Tribunal:

Provided that—

(a) where an appeal, review of representation to a departmental authority is provided under the Balochistan Civil Servants Act, 1974, or any rules against any such orders no appeal shall lie to a Tribunal unless the aggrieved person has preferred an appeal or application for review 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;

(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

(ii) the quantum of departmental punishment or penalty imposed on a member of subordinate judiciary as a result of departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement.

EXPLANATION- _ In this section “departmental authority” means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of members of subordinate judiciary.

6. (1) The Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against. (2) The 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;

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(b) compelling the production of documents;

and

(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.

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

8. All appeals pending before the Tribunal established
under the Balochistan Service Tribunal Act, 1974 (V of 1974),
relating to members of subordinate judiciary shall stand
transferred to the Tribunal established under this Act.

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

10. The Balochistan Subordinate Judiciary Service Tribunal
Ordinance, 1989 (V of 1989)', is hereby repealed.

The Balochistan Ordinance V of 1989 was made by Governor on 21% March, 1982 and published in the Balochistan Gazette (Extraordinary) No. 52, dated 25" March, 1989. Now repealed by Section 10.