

EXTRAORDINARY REGISTERED No, S-277}

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.

GP. (Q)746-1000-6-74 —————

., 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:—

Shorttitle,com- (1) This Act may be called the Baluchistan Service applicoton. Tribunals Act, 1974

(2) It shall come into force at once.

(3) It applies to ell civil servants whereve chey may be.

Definitiens. . r .

2 In this Act, unless there is any thing repugnant in the subject or context,—

a) “civil servant” means a/person who is a ber of a civil servicé of the Province of Balubhistan or who s a civil post in bo a) “Civil Servant” means a person who is or has been a te Frovinos, ivil Servant within the meaning of the Baluchistan Civil Servants Act, 1974 (Act No. IX of 1974)".

.. ation to the luchistan from the Fede- any Province or other

Province ‘of ration or authority;

(ii) is employed on contract,

(iii) a on who is a ‘werker’ or ‘workman’ asAlefined in the Fxctories Act, 1934

of 1923):

pensation Act, 1923 (V

b) “Government” means the Government of Baluchistan; and

ç) “Tribunal” meansa Service Tribunal estab- lished under section 3

Tribunals, 3. (1) The Government may, by notification in the

official Gazette, establish one or more Service Tribunals, where there are established more than one Tribunals, the Government shall specify in the notification

{ Chee (m) Cnppltabok

Atma iy 91976  
w Rint Totem Cfo  
fe 28-3- (97

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, for

is a to be, Judge of a High Court;

an

(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 trust in the service of Pakistan.

Appeals to = 4 Any civil servant aggrieved by any final order,

Tribunals 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

1 dame \$ bob F/ pel 78  
p1915-Ge ok fre p- 27-4-/976 |  
2. oa ihe.

[www.ezqanoon.com](http://www.ezqanoon.com)

## Power of Tribunals

### Abatement of suits and other proceedings

4

(6) 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 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.

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.

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

## Rules

Transfer of  
Gases,

Repeal of West  
Pakistan Ordinance XXVITI  
of 1969.

&

5  
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.

Ve The Provincial Government may, by notification in the official Gazette, make rules for carrying out the

Purposes of this Act. 1 bobetide  
8. All cases pouting before the/Tribunal constituted under section of the i Civil Service

(Appellate Tribunals) Ordinance, 1969 immediately before

the commencement of this Act shall, on such commence-

ment, stand transferred to the Tribunal having jurisdiction,  
+Babebedr

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

MUHAMMAD ATHAR  
Secretary,  
Provincial Assembly of Baluchistan.

link hha Rg: \* Latte  
tet» Bobetlr" SY but—«  
xe P1978