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THE BALOCHISTAN GAZETTE

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NO. 132 QUETTA — SUNDAY JULY 30, 1989.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT,
NOTIFICATION

Dated Quetta, the 30th July, 1989,

No.PAB/LEGIS:1HI(5)/89. The Balochistan Subordinate
Judiciary "Service Tribunal Bill, 1989 having been passed by
the Provincial Assembly of Balochistan on 8th July, 1989 and
assented to by the Governor of Balochistan, is hereby published
as an Act of the Provincial Assembly. .

THE BALOCHISTAN SUBORDINATE JUDICIARY
SERVICE TRIBUNAL ACT, 1989.

(BALOCHISTAN ACT NO. vi OF 1939).

(First published after having received the assent of the
Governor of Balochistan in the Balochistan Gazette (Extra
Ordinary) dated 30th 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.

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" Preamble.

Short title,
application
and
commencement.

Definitions.

Tribunal.

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 or ancillary thereto;

It is hereby enacted as follows:-

1; (1) This Act may be called the Balochistan Subordi-

"nate Judiciary Service Tribunal Act, 1989.

(2) It applies to all members of subordinate judiciary, where-ever they may be.

(3) It shall come into force at once.

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 Balochis-

tan;

(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

(e) "Tribunal" means the Service Tribunal establish-

_ed 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

Constitutions
of Benches.

(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 terms of the opinion of the majority: ,

Provided that if the Chairman or the Member who was not already on the Bench cannot be associated.or is \nable 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 tea an appeal, withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a B nch and make it over to another Bench or to the Tribunal.

Appeal to
Tribunal.

4

Ss 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 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:

Provide that-

(a)

(b)}

(i)

(ii)

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;

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; or

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 * on' compulsory

retirement.

Powers of
/ Tribunal.

Limitation.

Transfer of

Appeal.

Rules.

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EXPLANATION - In this section 'departmental authority' means the authority, either 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 Proceduré, 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 wit-

nesses 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. ,

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

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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 trans-

ferred '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."