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REGISTERED No. _____

EGIS ED No 1.7646

EXTRAORDINARY

PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JUNE 19, 2023

| PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT

" (Gilgit-Baltistan Secretariat)

Gilgit, the 24th May, 2023

THE GILGIT-BALTISTAN SERVICE TRIBUNAL

(AMENDMENT) ACT, 2022

(ACT No. II of 2023)

AN

ACT

No. ALA-1(1)/2023-GBA.—To provide for the establishment of
Tribunals to exercise jurisdiction regarding matters relating to the terms and
conditions of service in respect of services of Gilgit-Baltistan

Preamble.—

WHEREAS, it is expedient to provide for the establishment of Tribunals to
exercise exclusive jurisdiction regarding the matters relating to the terms and
conditions of service in respect of the services of Gilgit-Baltistan and for matters
connected therewith or ancillary thereto;

(419)

Price: Rs. 20.00

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It is hereby enacted as follows:—

1. Short title, commencement and application.—(1) This Act may be called the Gilgit-Baltistan Service Tribunal (Amendment) Act 2022.

(2) It shall come into force at once.

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

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

(a) “Chairman” means the Chairman of the Tribunal;

(b) “Civil Servant” means a person who is or who has been a member of a civil service of Gilgit-Baltistan or holds or has held a civil post in connection with the affairs of the Gilgit-Baltistan but does not include:

(i) A person who is or who has been on deputation to the Gilgit-Baltistan Government from the Federation or any other Province or authority;

(ii) A person who is or has been employed on contract, or on work-charged basis, or who is or has been paid from contingencies; or

(iii) A person who is or has been a ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 (XXV of 1934) or the Workmen’s Compensation Act, 1923 (VIII of 1923).

(c) “Government” means the Government of the Gilgit-Baltistan;

(d) “Governor” means the Governor of Gilgit-Baltistan;

(e) “Member” means the Member of the Tribunal;

(f) “Registrar” means the Registrar of a Tribunal and includes any other person authorized by a Tribunal to perform the functions and duties of the Registrar; and

(g) “Tribunal” means a Service Tribunal established by this Act, or a Bench thereof.

3. Tribunals—(1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals and where more than one

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tribunals are established the Governor shall specify in the notification the class or classes of civil servants in respect of whom and 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) The 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 or is qualified to be a judge of Gilgit-Baltistan Chief Court ; and

(b) Such number of Members as the Government may determine from time to time and person who is:

(i) A civil servant who is or has been, of the rank of Secretary to

the Government with quasi-judicial or legal experience preference being given to a person having background of dealing with service matters.

(ii) A person qualified for appointment as judge of the Chief Court Gilgit-Baltistan.

(4) Term of Office: (a) The Chairman and members of a Tribunal shall be appointed by the Governor on the advice of Chief Minister for a period of three years on such terms and conditions as he may determine.

(b) Chairman /Member shall cease to hold office on completion of his/her term.

(c) Chairman/Member shall not be removed during the term of office except in the manner hereinafter provided.

(d) If the Governor is of the opinion that a Chairman /Member;

(i) May have been guilty of misconduct; or

(ii) May be incapable of properly performing the duties of his/her office by reason for physical or mental incapacity.

The Governor shall appoint two senior most judges of the Supreme Appellate Court Gilgit-Baltistan to inquire into the matter.

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into the matter the two judges report to the Governor that they are of the opinion that the Chairman/Member has been guilty © of misconduct or is incapable of performing the duties of his/her office, the Governor may remove the Chairman/Member from office:

(c) If after inquiring

Provided if the two judges have a split opinion, the opinion of the Chief Judge of Supreme Appellate Court shall be sought and his opinion shall be treated as opinion of the panel.

(5) The Chairman or a member of a Tribunal may resign his/her office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is thereby increased;

(7) At any time when;

(i) The Chairman of the Tribunal is absent or is unable to perform the functions of his office due to any cause.

Or

(ii) Office of the Chairman is vacant, the senior most Member of the Tribunal shall act as Chairman till the Chairman resumes his office or the regular Chairman is appointed as the case may be.

4. Constitution of Benches.—(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 unable for any reason to take part in the hearing of the appeal, the decision of the Tribunal shall be expressed in terms of this 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.

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4-A. Review.— (1) A Tribunal shall have power to review its final order

on a review petition filed by an aggrieved party within thirty days of the order on the following grounds namely;

(i) Discovery of new and important matters or evidence which, after exercise of due diligence was not within knowledge of the petitioner or could not be produced by him at the time when the order was passed.

(ii) On account of some mistake or error apparent on the face of record.

(iii) For any other sufficient cause.

(2) The Tribunal shall decide within thirty days.

(3) The Tribunal may confirm, set aside, vary or modify the Judgment or Order under review.

5. Appeal to Tribunals—(1) Any civil servant 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 appropriate Tribunal, whichever is later prefer an appeal to the Tribunal:

Provided that:

(a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Act, 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;

(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 grade; and

or ”,

| (2) Where the appeal is against an order or decision of a departmental

| authority imposing @ departmental punishment or penalty on a civil servant, the appeal shall be preferred: —

(a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or

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(b) In any other case, to a Tri
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Explanation:
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6. Powers of Tribunals.—(1) A Tribunal may,
set aside, vary or modify the order appealed against.
of deciding any appeal, be deemed

powers as are vested in such court
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on appeal, confirm,

(2) A Tribunal shall, for the purpos'

to be a Civil Court and shall have the same
under the Code of Civil Procedure, 1908 (Act V of 1908) includin

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.

7 GB) 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.

(4) The Tribunal shall have powers to execute its decisions in accordance with the procedure as may be prescribed.

6-A. Financial Powers of a Tribunal—(1) The Registrar of the Tribunal shall be the Principal Accounting Officer. *coe irl*

(2) The Chairman of the Tribunal may authorize re-appropriation of funds from one head of accounts to another and sanction expenditure on any item from within the allocated budget in accordance with the prescribed procedure

without reference to Finance Department Gilgit-Baltistan.

a 7. ; Abatement of suits and other proceedings.—All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal shall abate on the establishment of the appropriate

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shall abate on the establishment of such Tribunal:

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Provided that any party to such a suit, appcal or application may, within ninety days of establishment of the appropriate Tribunal, prefer an appeal to it in - respect of any such matter which is in issuc in such suit, appeal or application.

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

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

10. Repeal.—The Gilgit-Baltistan Service Tribunal Act-IX of 2010, GB Service Tribunal (Amendment) Ordinance No. I of 2014 and GB Service Triburtal (Amendment) Act No. I of 2014 are hereby repealed.

FIRST SCHEDULE

[See Section-3 (3)]

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PART-I TERMS OF OFFICE

1. Maximum Age for Appointment as Chairman/Member.—A person shall be eligible for appointment as Chairman or Member of GB Service Tribunal if he is not more than sixty two years of age on the date of appointment.

2. Oath of Office.—Oath of office before entering upon his office, the Chairman shall make oath before the Chicf Judge of Supreme Appellate Court Gilgit-Baltistan or Judge nominated by him and the members shall take oath before the Chairman Gilgit-Baltistan Service Tribunal in the form set out in the schedule appended to this Act.

3. Seniority.—The inter se seniority' of the members shall be determined in accordance with the respective dates of entering upon their office as member; provided that when a member is appointed for a second or subsequent term, his seniority shall be reckoned from the date when he enters upon the second or subsequent term of office, as the case may be.

4. Pay.—Allowances and other privileges of the Chairman and members of the Gilgit-Baltistan Service Tribunal shall be in accordance with Schedule-IV given as under which may be amended from time to time through notifications with the prior approval of GB Cabinet.

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SCHEDULE-IV

Salary, Allowances & Utilities (Per month)

2. House Rent Allowance 70000/- 60000/-

Utility Allowance - 20000/- 15000/-

“Judicial Allowance *300,000/- *250,000/-

FACILITIES

Not less than Not less than
1300 CC Capacity | 1300 CC Capacity

car car
300 liter per 270 liter per
month month

5. Provident Fund.—(1) It shall be permissible for a Chairman or a

Member, if he so elects, to subscribe to the General Provident Fund in
accordance with the rules relating to that Fund.

One chauffeur driven vehicle
maintained at the Government
expenses for official and
Private use.

(2) A Chairman or a Member who, on the date of his appointment, was
in the service of Gilgit-Baltistan and had been admitted to the benefits of any
Provident Fund maintained by Government shall be eligible, after appointment to
the Tribunal, to continue to subscribe to the said Fund upon the same terms and
conditions and subject to the rules of that Fund:

Provided that he shall cease to subscribe to the Fund on attaining the age
of superannuation in his previous service and the amount standing to his credit in
the said Fund after such deductions as are authorized under the rules applicable
to him shall become payable to him.

‘ Finance Department GB Notification No.Fin.Reg-3(1)/2019 dated Gilgit 18th May, 2020.

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PART-II LEAVE

6. Leave—A Chairman or a Member who ‘on the date of his appointment was in the service of Gilgit-Baltistan or Pakistan may be granted leave by the Governor under the rules applicable to him immediately before his appointment, and his service as a Chairman or a Member shall count for such

leave.

7. A Chairman or a Member who on the date of his appointment was not in the service of Gilgit-Baltistan or Pakistan may be granted leave by the Governor as follows:—

(i) (a) leave on leave salary equivalent to full pay up to one-eleventh of the period spent on duty as a Chairman or a Member, subject to a maximum of four months at any one time; or

(b) ‘if a Chairman or a Member so elects, leave on leave salary equivalent to full pay (to-be taken not more than once during his term of office) for a period not exceeding four months;

(ii) leave on medical certificate on leave salary equivalent to half pay upto two-elevenths of the period spent on duty as a Chairman or a Member, subject to a maximum of three months at any one time;-

and

(iii) extraordinary leave without salary.

nation.—A person who retires from the service of Gilgit-Baltistan

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mber shall be governed by the

or Pakistan and is re-employed as Chairman or Member
‘provisions of this para.

PART-II TRAVELLING ALLOWANCE AND MEDICAL ATTENDANCE

8. Traveling Allowance.—For the purpose of Traveling Allowance:—

(a) A Chairman shall be entitled to the allowance admissible to a Judge of Chief Court; and

(b) A Member shall be entitled to allowances admissible to a Secretary

to Government. ~

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9, Medical Allowance.—Chairman and a Member shall be entitled to the medical facilities admissible in terms of the West Pakistan Government Servants (Medical Attendance) Rules, 1959:

f Provided that a Chairman or a Member who, on the date of his appointment to the Tribunal, was in the service of Gilgit-Baltistan or Pakistan — may elect to be governed by the rules applicable to him immediately before the said date.

10. Where a person appointed as a Chairman or a Member was, immediately before his appointment as such, in the service of Gilgit-Baltistan or Pakistan, his rights as a person in the service of Gilgit-Baltistan or Pakistan shall not be affected by his appointment as Chairman or Member.

FORM OF OATH
[First Schedule Section-2)

I do solemnly swear that as Chairman of the Service Tribunal, established under the Gilgit-Baltistan Service Tribunal (Amendment) Act, 2022, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my

official conduct or my official decisions.

Place

Date

Signature of Chairman
Gilgit-Baltistan Services Tribunal

) Signature Chief Judge
Supreme Appellate Court
Gilgit-Baltistan

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do solemnly swear that as Member of the Service Tribunal, established under the Gilgit-Baltistan Service Tribunal (Amendment) Act, 2022, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or

my official decisions.

Place

Date

(a)

(b)

()

(d)

(c)

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Signature of Member
Gilgit-Baltistan Services Tribunal

Signature Chairman
Gilgit-Baltistan Services Tribunal

SECOND SCHEDULE

[See Section-6 (4)]

Every memorandum of appeal shall—

Be legibly, correctly and concisely hand-written, type-written or printed;

Be divided into paragraphs numbered consecutively each paragraph containing as nearly as may be, a separate allegation;

Contain full name, official designation and place of posting of each party;

Clearly set out the relief claimed;

Be accompanied by:—

(i) An attested copy of the order of the competent authority against which the appeal is preferred; and

(ii) Copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;

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(f) Be signed by the appellant; and =

(g) Be accompanied by three spare copies of the memorandum of appeal and as many other copits thereof duly initialed by the -appellant and accqmanied by the documents referred to jn sui paragraph (e), as there are respondents.

2. An appeal may be sent to the Registrar by a courier service or

registered post acknowledgement due or it may be presented to the Registra during the working hours either by the appellant personally or through his

Advocate.

3. In every memorandum of appeal, the competent authority shall bee

shown as the first respondent and thereafter all other parties to the dispute shall — be shown as respondents. a]

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4. (1) The Registrar shall scrutinize every memorandum of appeal

received by post or presented to him and shall—

(i) if it be in order and drawn up in accordance with the provisions of paragraph-1, cause it to be registered in the register of appeals to be maintained in Form 'A' appended to this Schedule, and, with the approval of the Chairman, shall fix a date for its preliminary + hearing before a Bench or the Tribunal, as the case may be; or

Gi) if it is not drawn up in accordance with the provision of paragraph-1, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency.

(2) If the memorandum of appeal is not re-submitted within the period

specified under clause (ii 7

stand dismissed, > °* Sub-Paragraph (1) of paragraph 4, the appeal stall

5S. (1) The Bench or the Trib

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the appellant or his Advocate on the date fixed for preliminary heating or on su

subsequent dates to whi : or as

appeal inlimine, "SUCH hearing may be adjourned, may dismiss te

(2) If the appeal is no

appeal and of the day fixed for ; i

appellant, the respondents and or its regular hearing shall be served om

such other persons as the Tribunal may dee™

t dismissed in limine, notices of admission ns f

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6. . (1) A notice under sub-paragraph (2) of paragraph 5 shall be in such form as may be approved by the Tribunal and may be served by registered post or in any other manner, including publication in one or more daily newspapers as the Bench admitting the appeal or the Tribunal may direct; provided that where the notice is directed to be served by publication in the

'newspapers, it shall not be issued until the costs of its publication are deposited by the appellant.

(2) The notice to the respondent shall be accompanied by a copy of memorandum of appeal and copies of other documents referred to in sub-paragraph (e) of paragraph-1.

(3) Service of notice in accordance with the provisions of this paragraph shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

7. (1) In response to the notice served under paragraph 6, the respondent may send his objections to the appeal by registered post acknowledgement due to the Registrar or deliver the same to him either personally or through his advocate on or before the date fixed for hearing of the appeal.

(2) The objections shall be legibly and concisely hand-written, type-written or printed, shall be signed by the respondent and shall be accompanied by a copy of the order or other documents on which the respondent wishes to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, and containing copies of the order and documents referred to in sub-paragraph (2). Three of these copies shall be supplied for the use of the Tribunal and the fourth copy for the appellant or his Advocate.

(4) In case objections are not received or delivered within the time allowed under sub-paragraph (1), the respondent may be proceeded against - ex-parte.

8. (1) Questions arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits but the Tribunal may direct that such questions, as it may consider necessary, be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

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9. (1) An application for summoning witnesses before the Tribuna

- shall be made, as soon as possible, after the issue of notice of appeal Under

paragraph-5. It shall state—

(a) The name, designation, and address of the witnesses to be summoned; :

(b) A brief resume of the evidence which each witness is expected to give; and :

(c) A brief description of the document to be summoned and name and location of the office in which such document is expected to be.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-paragraph (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and travelling charges of such witness at the rate which would have been allowed by the Chief Court if it had summoned him should be deposited by the person calling him, within seven days of the date of the order.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-paragraph (2) or, within any extension thereof that may be granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned. :

(5) Where a Tribunal summons a witness under the Provisions of sub-paragraph (4)—

(a) If such witness is a Government servant, his traveling and daily allowance (if any) shall be borne by Government; and

(b) If the witness is a private person, his traveling allowance and daily allowance shall be borne by such parties and to such extent as may be determined by the Tribunal.

10. (1) Process for service on witnesses of high rank shall be sent in the form of a letter and acknowledgement received.

(2) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document 'shall be served through the head of his office.

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11. (1) a daily cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court-room of the Tribunal. ,

(2) Except as otherwise directed by the Tribunal, cases will be set down in the cause list in the order of the date of admission.

12. (1) 'Evidence of a witness examined by the Tribunal shall be taken down under the superintendence of the Tribunal ordinarily in the form of a

narrative and shall be signed by the members of the Tribunal and shall form part of the records.

(2) The parties or their Advocates may suggest any question to the

Tribunal and the Tribunal may put such, besides any other, question to the witness.

(3) The Tribunal may record such remarks as it thinks material respecting the demeanor of any witness while under examination.

(4) The Tribunal may close the evidence of any party if there is in-

ordinate delay or expense involved in its production, provided that the interest of justice so permits.

13. (1) If on the date fixed for hearing of appeal or on any subsequent date to which the hearing may be adjourned, the appellant or his advocate is not present before the Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the same.

(2) on the date fixed for hearing of appeal or on any subsequent date to which hearing may be adjourned the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their Advocates, are not present before the Tribunal, the Tribunal may hear the appeal ex-parte against all or any of the respondents.

(3) Where an appeal has been dismissed under sub-paragraph (1) or the ex-parte proceedings have been taken under sub-paragraph (2), the Tribunal may on such order as to costs, as it may deem fit restore the appeal or set aside the ex-parte order as the case may be or allow the defaulting party to rejoin the proceedings.

14. A copy of every order of final adjudication on an appeal shall be furnished by the Tribunal, free of cost, to the parties.

15. Clerical or arithmetical mistakes in an order of final adjudication, arising therein from any accidental slip or omission may at any time be corrected

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by the Tribunal either of its own motion or on the application of any of the parties:

Provided that where an application in respect of paragraph to is made by a party, it shall be duly supported by an Affidavit.

16. The provisions contained in the High Court Rules and Orders in regard to copies and inspection of record shall mutatis mutandis and to the extent practicable apply to the proceedings before a Tribunal.

17.. If a civil servant is un-represented before a Tribunal and cannot afford to engage a counsel, the Tribunal may make arrangements to employ a counsel at Government expense.

FORM 'A'
REGISTER OF APPEALS

[See PARAGRAPH 4 (1) (i)]

Date of Name Name and Whether
presentation and address of 2 admitted or
of appeal address the dismissed in
limine with
date of order

SYED AMJAD ALI ZAIDI,
Speaker
Gilgit-Baltistan Assembly.

SYED MEHDI SHAH,
Governor
Gilgit-Baltistan.

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RATION OF PAKISTAN PRESS, ISLAMABAD
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, PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD. KARACHI.