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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN
LAW AND PROSECUTION DEPARTMENT
(Gilgit-baltistan Secretariat)

Gilgit, the 31st December, 2019.

The Gilgit-Baltistan Subordinate Judiciary Service Tribunal Act 2019

(Act No. VIII oF 2019)

An Act to provide for the establishment of the Gilgit-Baltistan Subordinate
Judiciary Service Tribunal

Preamble.—Whereas it is expedient to provide for the establishment of
the Gilgit-Baltistan Subordinate Judiciary Service Tribunal and for matters connected
therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title and commencement.—_(1) This Act may be called the
Gilgit-Baltistan Subordinate Judiciary Service Tribunal Act 2019.

(791)

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[2067(2019)/Ex. Gaz.]

792. THE GAZETTE OF PAKISTAN, EXTRA., DECEMBER 31, 2019 [Parr 1 :

(2) It shall-come into force at once.

2. . Definitions.—In this Act, unless the context otherwise requires.—

(a) “Chairman” niga the Chaicnan of the Tribunal;

(by “Government” means Government of the Gilgit-Baltistan;

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

(d). “Member” means a Member of the Tribunal and includes the Chairman;

(e) “Member of subordinate judiciary” means and includes all Judicial Officers who are or have been under the administrative control of the Chief Court Gilgit-Baltistan; and

(f) “Tribunal” means the Tribunal established by this Act and includes a Bench. thereof.

3. Tribunal.—(1) The Governor may, subject to sub-section (3), by notification in the official Gazette, establish a Service Tribunal for the members of the subordinate judiciary of the Gilgit-Baltistan.

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

. (3) The Tribunal shall consist of three judges of the Chief Court Gilgit-Baltistan nominated by the Chief Judge, the senior most of whom shall be the ~ Chairman.

‘4, — Constitution of benches.—(1) Notwithstanding anything contained _ in Section 3, the Chairman may constitute a Bench consisting of two Members with

or without the Chairman and when so constituted, the Bench shall be deemed to be a Tribunal.

(2) ‘Ifa 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.

(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. ~ Appeal to Tribunal.— 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:

Provided that—

(a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Act, 1973 (Act No. LXXI of 1973), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person 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 -

(b) no appeal shall lie to the 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.

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 service of members of subordinate judiciary.

6. Powers of Tribunal.—(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 (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 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. Review—(1) The Tribunal shall have the 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: er

(i) discovery of new and important matter 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; or . bs z

ii) for any other sufficient cause.

(2) The Tribunal shall decide the review petition within thirty days.

(3) The Tribunal may confirm, set aside, vary or modify the judgment or: order under review.

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

9. Transfer of Appeal—All appeals pending before the Tribunal established under the Gilgit-Baltistan Service Tribunal Act 2010 (Act No. IX of 2010), relating to members of subordinate judiciary shall Stand transferred to the Tribunal established under this‘Act.

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

FIDA MUHAMMAD NASHAD,
Speaker
Gilgit-Baltistan Assembly.

RAJA JALAL HUSSAIN MAQPOON,
Governor
Gilgit-Baltistan .

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