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ISLAMABAD, SATURDAY, SEPTEMBER 29, 1973

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 29th September, 1973

The following Acts of Parliament received the assent of the President on

~ the 26th September, 1973, and are hereby published for general information :—

~ ACT No. LXVII of 1973

An Act to amend the Life Insurance (Nationalisation) Order, 1972

WHEREAS it is expedient to amend the Life Insurance (Nationalisation) Order,

1972 (P.O. No. 10 of 1972) for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1, Short title and commencement.—(1) This Act may be called the Life Insurance (Nationalisation) (Amendment) Act, 1973.

(2) It shall come into force at once.

2. General amendment of P.O. No. 10 of 1972.—In the Life Insurance

nationalisation) Order, 1972 (P.O. No. 10 of 1972), hereinafter referred to as

the said Order, for the words “ Central Government”, wherever occurring, the words “Federal Government” shall be substituted.

3. Amendment of Article 22, P.O. No. 10 of 1972.—In the said Order, in Article 22, after clause (4), the following new clause (5) shall be added, namely :—

“(5) Any amount due to the Corporation in pursuance of an order of the Tribunal under clause (z) or an order of the High Court under section 106 of the Act may be set off against any compensation, debt, liability or any money due by the Corporation to the insurer or its shareholders or directors under the provisions of this Order, including the amount of compensation payable under Article 39.”.

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2. For making a record of any fact by this Act authorised or — Rs, Paisa required to be recorded by the registrar,—

(a) in respect of a company having a nominal share capital

of less than Rs. 1,00,000, a fee of Rs. 10.00

' (6) in respect of a company having a nominal share capital

of Rs. 1,00,000 or more but less than Rs. 5,00,000, a

fee of Rs. 15.00

4 (c) in respect of a company having a nominal share capital

of Rs. 5,00,000 or more but less than Rs. 20,00,000, a

fee of Rs. 20.00

(d) in respect of a company having a nominal share capital

of Rs. 20,00,000 or more, a fee of Rs. 25.00

(e) in respect of a company having no share capital, a fee of Rs. 10.00."

ACT No. LXX of 1973

\ 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.

io 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 :—

1. Short title, commencement and application.—(1) This Act may be called the Service Tribunals Act, 1973.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be,

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

and "civil servant" means a person who is, or has been, a civil servant

h(a) "civil servant" means a person who is, or has been, a civil servant

"LL. within the meaning of the Civil Servants Act, 1973 (LXXI of 1973): and")

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. 3, Tribunals.—(1) The President may, by notification in the official Gazette,
~~ establish one or more service Tribunals and, where there are established more than
one Tribunal, the President shall specify in the notification the class or classes
of civil servants in respect of whom, or 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) A Tribunal shall have exclusive jurisdiction in respect of matters rela-
ting to the terms and conditions of service of civil servants, including disciplinary
matters.

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(3) A Tribunal shall consist of— ign ou

(a) a Chairman, being a person who/ has been, or is qualified to be,

“(bj such number of members not exceeding three. each of whom is a person who possesses such qualifcations as may be prescribed by _qualjfi rules. as the President may from time to Ume appoint

(4) The Chairman and members of a Tribunal shall be appointed by the

“3A, Benwhes of the Tribune —{1) The powers and funciwns of a Tribunal may be exercised or performed by Benches consisting of not less © by than two members of the Tribunal. including the Chairinan. consti-

tuted by the Chairman. other

(2) Tf the members of a Bench differ in opinion as to the decision to bz eased. given on any point— m (4),

(a) the point shalf be decided according to the opinion of the liction majority ; © per

th) if the members are equally divided and the Chairman of the ‘fribuaal is not hisaseif a member of the Bench, the case shali final be referred to the Chairman and the decision of the Tribunal in res- shall be expressed in terms of the opinion of the Chairiman : and ’ days {c} if the members are equally divided and the Chairman of the “the

Tribunal is himself a member of the Bench, the opinion of the efer Chairman shall prevail and the decision of the Tribuna! shall be expressed in terms of the opinion of the Chairman ”.

(a) Where an appeal, icview us acprroumauuu ww a ucpacumental autho-

rity is provided under the Civil Servants Ordinance, 197%, 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; ant

(b) no appeal shall lie to a Tribunal against an order or decision of a

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departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promo-

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a Tribunal against an order ot

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o no appt a departmental authority made at any time before ta

authority no ri nt,

the appeal

the ist July, 1969".

(a) in the case of a penalty of dismissal from service, removal from

service, compulsory retirement or reduction to a lower post or timescale or to a lower stage in a time-scale, to a Tribunal referred to in subsection (3) of section 3; and

(b) in any other case, to a Tribunal referred to in sub-section (7) of that

section.

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. Powers of Tribunals.—(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

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(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; and
- (c) issuing commission for the examination of witnesses and documents.

6. Abatement of suits and other proceedings.—All suits, appeals or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith :

Provided that any party to such a suit, appeal or application may, within ninety days of the(s OAthi
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appeal or application: çtabdishoms nt fie opprcpreit Tribunal prafer

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

8. Rules.—{1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :— “ov 0 beweh Weise]

- (a) requirements as to the number of members of the Tribunal] necessary for hearings before. or order or decision by, a Tribunal]; and
- (b) filling for a specified period any vacancy in the office of the Chairman or a member of the Tribunal caused by the absence on leave or otherwise of the Chairman or, as the case may be, a member.

9. Repeal.—The Service Tribunals Ordinance, 1973 (XV of 1973), is hereby repealed.

ACT No. LXXI or 1973

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan

WHEREAS it is expedient to regulate by law, the appointment of persons to,
~ and the terms and conditions of service of persons in, the service of Pakistan,
and to provide for matters connected therewith or ancillary thereto ;

It is hereby enacted as follows :—

1. Short title, application and commencement.—(1) This Act may be called
the Civil Servants Act, 1973.

(2) It applies to all civil servants wherever they may be.

(3) It shall come into force at once.

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