

The Sindh Service Tribunal (Procedure) Rules, 1974.

Contents

Rules.

1. Short Title and Commencement
2. Definition.
3. Tribunal Office Hours.
4. Tribunal holidays.
5. Place /office of Tribunal.
6. Language of Proceedings.
7. Presentation of Appeal.
8. Memorandum of appeal.
9. Registrar.
10. Challenged memorandum of appeal.
11. Appeal admitted.
12. Preliminary hearing.
13. Serving of notice.
14. Acknowledgement of notice.
15. Appellant fails to deposit costs.
16. Date of hearing specified in the notice.
17. Tribunal shall be deiced upon affidavits.
18. Application for summoning the witness.
19. Daily cause list.
20. Evidence of witness examined.
21. Dismissal of appeal.
22. Cost awarded by a Tribunal.
23. Penalty.
24. Sitting of the full Bench.
25. Decision of the Tribunal.
26. Casual Vacancy.
27. Final adjudication on an appeal
28. High Court Rules and Orders apply to the proceedings before a Tribunal as far as possible.
FORM 'A' REGISTER OF APPEALS (see Rule 10)

THE SINDH SERVICE TRIBUNALS (PROCEDURE) RULES, 1974

Karachi, the 29th August, 1974

No. SO.IX-Reg.(S&GAD)2/D/2-74(Pt.I). – In exercise of the powers conferred by section 8 of the Sind Service Tribunals Act, 1973 (Sind Act XV of 1973), the Government of Sind Service are pleased to make the following rules namely :-

1.
 - i. These rules may be called the Sind Service Tribunals Rules, 1974
 - ii. They shall come into force at once.
2. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say –
 - a) ‘Act’ means the Sind Service Tribunals Act, 1973 (Sind Act XV of 1973);
 - b) ‘appeal’ means an appeal under section 4 of the Act;
 - c) ‘Form’ means form appended to these rules;
 - d) ‘member’ means a member of a Tribunal, and includes the Chairman;
 - e) ‘Registrar’ means the Registrar of a Tribunal, and includes any other person authorized by the Chairman to perform, for the time being, the duties and functions of the Registrar under these rules.
3. A Tribunal shall observe the same office hours as are observed by Government ;

Provided it may follow such schedule of time for sitting of the Tribunal, as is observed by High Court.

4. A Tribunal shall observe the holidays notified by Government.
5. A Tribunal shall ordinarily hold its sittings at Karachi; provided it may hold its sitting at any other District Headquarter in the Province, if it considers expedient or convenient to the parties to do so.
6. All proceedings before a Tribunal shall be conducted in English language but if permitted by the Chairman national language or Provincial language may be used.
7. An appeal shall be presented to the Registrar during office hours personally by the appellant or his counsel.
8. Every memorandum of appeal shall –
 - a) Be legibly, correctly and concisely written, typewritten or printed;
 - b) State in brief the facts constituting cause of action and the precise date or period when it arose;
 - c) Be divided into paragraphs numbered consecutively each paragraph containing as nearly as may be a separate issue;
 - d) Clearly set out the relief claimed and grounds therefor;
 - e) Contain full name, official designation and place of posting of the appellant and the respondents;
 - f) Be accompanied by –
 - i. An authenticated copy of the order appealed against;
 - ii. A copy of the seniority list if the appeal relates to seniority;
 - iii. Copies of rules, orders and other relevant documents on which the appellant proposes to rely;

- g) Be accompanied by three spare copies, and as many other copies, as there are respondents, of the appeal and the documents referred to in clause (f) :

Provided that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (f) it may waive production of such document;

- h) Be verified and signed at the foot by the appellant; and
i) Where an appeal is presented after the expiry of the prescribed period of limitation, be accompanied by a petition for condonation of delay supported by an affidavit setting forth the cause of delay.

9. In every memorandum of appeal the authority whose order is challenged shall be shown as respondent and in case relief is claimed against a civil servant, that civil servant shall also be shown as a respondent.

10. The Registrar shall scrutinize every memorandum of appeal received by him, and shall –
- i. If it drawn up in accordance with the foregoing provisions and is otherwise in order, cause it to be registered in the Registrar of Appeals in Form A;
 - ii. If it is not in conformity with the foregoing provisions obtain the orders of the Chairman requiring the appellant to amend the memo of appeal if the amendment is of formal nature and in any other case file amended memo of appeal within time to be specified in the order.

11. The appeal shall be admitted to regular hearing unless the Tribunal wishes the appellant or his counsel to be heard before its admission and in the latter case, the date, time and place for preliminary hearing shall be notified to the appellant or his counsel.

- 12.
- i. After preliminary hearing the Tribunal may, for reasons to be recorded, dismiss the appeal in limine.
 - ii. If the appeal is not dismissed in limine, it shall be admitted to regular hearing.

- 13.
- i. When the appeal is admitted, the date shall be fixed for its hearing, the notice of which shall be served on the appellant or his counsel as the case may be and on respondents.
 - ii. The appellant shall, on receipt of the notice under sub-rule (1), deposit with the Registrar cost of service of notice as fixed by the Registrar, according to High Court Rules.

- 14.
- 1) A notice issued by the Tribunal may be served by registered post acknowledgement due or in any other manner as the Tribunal may direct.
 - 2) The notice to the respondent shall be accompanied by a copy of the memorandum of appeal and all the documents appended therewith.
 - 3) An acknowledgement purporting to be signed by the respondent on receipt of the registered communication or an endorsement by a postal employee that the respondent

refused to take delivery of the same shall be deemed by the tribunal to be prima facie proof of service of notice.

- 4) If the number of respondents is large or the Tribunal considers it appropriate to do so, it may direct that in addition to sending a copy of the notice to respondents by registered post, the notice shall also be published at the cost of appellant in daily newspaper having circulation in the areas where the respondents reside or are serving.
- 5) Service of notice under this rule shall be deemed good service.

15. If the appellant fails to deposit costs under rule 13 or rule 14 within a period fixed by the Tribunal, the appeal shall be dismissed, unless the time is extended by the Tribunal.

16.

- 1) A respondent on whom a notice has been served under rule 13 shall deliver within seven days immediately preceding the date of hearing specified in the notice his written statement to the Registrar during office hours personally or through his counsel.
- 2) The respondent shall, in his written statement deal specifically with each issue or fact of which does not admit the truth.
- 3) Every issue or fact, if not denied specifically or by necessary implication, shall be taken to be admitted by the respondent.
- 4) The written statement shall be correctly and concisely written, typewritten or printed and shall be accompanied by copies of the documents on which he wishes to rely in support of his defence, and if the appeal relates to seniority by a seniority list.
- 5) The written statement shall be verified and signed at foot by the respondent.
- 6) The written statement shall be accompanied by three spare copies and as many other copies thereof and documents appended therewith as there are appellants.
- 7) A copy of the written statement together with all documents appended therewith shall be furnished to the appellant or his counsel.

17.

- 1) The issues arising for determination by the Tribunal shall be decided upon affidavits and relevant documents but the Tribunal may direct that such issues as it may consider necessary be decided on such other evidence and in such manner 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 made in the affidavit.

18.

- 1) If the Tribunal directs any issue to be proved by evidence, the party wishing to examine any witness on such issue shall make an application for summoning the witness within three days from the date of such directions.
- 2) The application under sub-rule (1) shall –
- 3)
 - i. Set forth a list of witnesses and state whether the witnesses are required to give evidence, or produce any document;
 - ii. Give a brief resume of the evidence each witness is expected to give;
 - iii. Give brief description of the documents any witness is required to produce.
- 4) If the Chairman or any member nominated by him in this behalf is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) is material for disposal of an appeal before it, he may direct such witness to be summoned on a date to be fixed by him and may further require party calling such a witness to

deposit with the Registrar daily allowance and travelling charges of such witness at the rates admissible under the High Court Rules.

- 5) If the person applying for the summoning of a witness fails to deposit the requisite charges of the witness within the period of three days from the date of order passed under sub-rule (3), or within any extension granted by the Chairman or any member nominated by him in this behalf the application for summoning of witness, so far as it relates such witness, shall be rejected.
- 6) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it such witness may be summoned by it.
- 7) Where a Tribunal summons any witness under sub-rule (5) his travelling and daily allowance (if any) shall be borne by Government.

19.

- 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 shall be set down in the cause list in the order of the date of admission.

20.

- 1) The evidence of witnesses examined by the Tribunal shall be taken down under the superintendence of the Tribunal and shall form part of the record.
- 2) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

21.

- 1) If on the date fixed for hearing of the appeal or any subsequent date of which the appeal is adjourned –
 - i. The appellant or his counsel is called absent, the Tribunal may dismiss the appeal;
 - ii. The respondent or his counsel is called absent, the Tribunal may strike off his defence and proceed to hear and decide the appeal.
- 2) Where appeal has been dismissed or his defence has been struck off under sub-rule (1), the appellant or as the case may be the respondent may within thirty days of dismissal of appeal or striking off defence move the Tribunal for restoration of his appeal or as the case may be defence and the Tribunal if satisfied may restore the appeal or as the case may be defence with or without payment of such costs as it may deem fit.

22.

- 1) A Tribunal may make such order as to the costs of proceedings before it, as it may deem fit.
- 2) Any costs awarded by a Tribunal if not paid within one month of the order awarding the cost, shall, on the certificate of the Tribunal be recoverable as arrears of land revenue.

23. Subject to the general or special orders of the Chairman –

- a) An appeal against an order, imposing any minor penalty under the Sind Civil Servants (Efficiency and Discipline) Rules, 1973 or relating to provident fund, leave, transfer or posting shall be heard by a single member;

- b) An appeal against an order relating to benevolent fund, insurance, re-employment or probation shall be heard by a Division Bench consisting of two members; and
- c) An appeal against an order, imposing any major, penalty under the Sind Civil Servants (Efficiency and Discipline) Rules, 1973 or, relating to confirmation, promotion, retirement, pension and gratuity, pay including additional pay, technical pay and special pay and honoraria shall be heard by the full Bench consisting of three members.

24. If any member, is, for any reason unable to attend a sitting of the full Bench, the other two members may, notwithstanding his absence, proceed with and any appeal or other matter if ripe for decision, dispose it finally at such sitting or any subsequent sitting.

25. If in any matter requiring the decision of a Tribunal, there is a difference of opinion among its members, the opinion of the majority shall prevail, and the decision of the Tribunal shall be expressed in term of the view of the majority.

26. If a matter is heard by two members only and there is a difference of opinion between them, the matter shall be reheard by the Chairman and the members and the opinion of the majority shall then prevail.

27. Whenever a casual vacancy in the office of Chairman occurs, the senior member shall act as Chairman till the vacancy is filled by Government.

28.

- 1) A copy of every Order of final adjudication on an appeal shall be furnished by the Tribunal, free of cost, to the authority whose Order is challenged and to the Chief Secretary as well as to the Assistant Advocate General or any other law officer incharge of the appeal, who shall, after recording his views as to the feasibility of filing appeal against the said order, forward it to the Solicitor and the solicitor, in his turn shall send the copy of the order to the Administrative Department concerned along with his advice if the order is fit to be challenged in appeal or not.
- 2) The Administrative Department shall, unless the Solicitor advises or it otherwise decides to file appeal against the order of the Tribunal, take necessary steps to implement the order.

29. The High Court Rules and Orders shall in respect of matters for which no provision exists in these rules and in relation to copies and inspection of record apply to the proceedings before a Tribunal as far as possible.

THE SIND SERVICE TRIBUNALS (PROCEDURE) RULES, 1974
FORM 'A'
REGISTER OF APPEALS

(See Rule 10)

(See Rule 10)			
Sr. No.	Date of Presentation of appeal	Name and address of the appellant	Name and addresses of the respondents
1	2	3	4
Date of registration of appeal	The Date of issue of notice u/r 12	Whether admitted or dismissed in limine with date of order	Amount of cash security and cost deposited appellant.
5	6	7	8
The date of receipt of objections	Date of Final order	Brief substance of Final Order	Date on which copy of the final order sent to the competent authority
9.	10	11	12