

**THE SINDH SUBORDINATE JUDICIARY SERVICE TRIBUNAL (PROCEDURE)
RULES, 1993.**

CONTENTS

Rules.

1. (1) Short title, and comment.
(2) Application.
2. Definition.
3. Tribunal may hold its sitting.
4. Properly appointed counsel.
5. Memorandum of appeal.
6. Member of Subordinate judiciary.
7. Appeal scrutinized.
8. Reasons recorded in writing.
9. Admission of an appeal.
10. The Provision Contained in order V of the Code.
11. Respondent to whom the notice.
12. Discretionary.
13. Party requiring any of the witnesses.
14. Prepared a daily cause list.
15. Witness examined by the Tribunal.
16. Hearing of an appeal.
17. Difference of opinion.
18. Conclusion of an appeal.

PART-I
GOVERNMENT OF SINDH
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT

NOTIFICATION

Karachi, dated the 20th October, 1993..

No. SOR-I(S&GAD)2/14-88(Pt-IV).- In exercise of the powers conferred by Section-8 of the Sindh Service Tribunals Act, 1973, the Government of Sindh in consultation with the High Court of Sindh, are pleased to make the following rules, namely:-

1. (1) These rules may be called the Sindh Subordinate Judiciary Service Tribunal (Procedure) Rules, 1993.
(2) 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 Sindh Service Tribunals Act, 1973;
 - (b) "appeals" means the fire brigade station managed by the

THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.

Municipal Committee;

- (c) "Bench" means a Bench of the Tribunal constituted by the Chairman;
 - (d) "Chairman" means Chairman of the Tribunal;
 - (e) "Code" means the Civil Procedure Code, 1908;
 - (f) "member" means a member of the Tribunal and includes the Chairman;
 - (g) "member of the subordinate judiciary" means District and Sessions Judge, Additional District and Sessions Judge, Assistant Sessions Judge, Senior Civil Judge, Civil Judge or Judicial Magistrate, wherever he may be, or any other officer declared by Government to be a member of the subordinate judiciary;
 - (h) "Registrar" means the Registrar of the Tribunal, appointed by the Chief Justice of the High Court and includes any other person authorised by the Chief justice to perform the duties and functions of the Registrar; and
 - (i) "Tribunal" means the Tribunal established under Section 3 of the Act.
3. The Tribunal shall observe the same office hours and holidays as are observed by the High Court.
4. The Tribunal shall ordinarily hold its sittings within the premises of the High Court at Karachi:
- Provided that the Tribunal may hold its sittings either at Hyderabad or Sukkur depending upon the quantum of work and convenience of the parties and their counsel.
5. An appeal shall be presented complete in all respect to the Registrar during office hours by the appellant or any of the appellants either personally or through properly appointed counsel.
6. (1) A memorandum of appeal shall be legibly, written or typed in accordance with the law of pleadings and shall be governed by Order VI read with Order XVI of the Code.

THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.

(2) The memorandum shall be accompanied by the authenticated copies of the documents on which the appellant relies and of the impugned order:

Provided that if such copies are not filed forthwith, a list of documents relied upon shall be filed within fourteen days of preferring the appeal or within such further period as may be permitted by the Tribunal or, as the case may be, concerned Bench.

7. The authority, whose order is challenged and every member of subordinate judiciary against whom any relief is claimed shall be impleaded as respondent.

8. Every memorandum of appeal shall be scrutinized by the Registrar within three days of its presentation and the same shall be registered in the register of appeals in the form appended to these rule, if it is in accordance with these rules and is otherwise in order:

Provided that if there is a defect which can be remedied by way of amendment or correction, the defect may be allowed to be rectified subject to others of the Chairman.

9. The memorandum of appeal shall be placed before the Tribunal or, as the case may be, concerned Bench which may admit the same or dismiss it in limine for the reasons recorded in writing.

Provided that no appeal shall be dismissed in limine unless the appellant or this counsel has been given an opportunity of being heard.

10. (1) On admission of an appeal, a notice accompanied by a copy of the memorandum of appeal and the documents appended therewith shall be sent to each respondent.

(2) The costs of the service of the notice shall be deposited by the appellant with the Registrar according to the High Court Rules, within the period fixed by the Registrar.

(3) If the appellant fails to deposit the costs for service of the notice within the time fixed by the Registrar, the appeal shall be

THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.

dismissed unless the time is extended by the Tribunal, the concerned Bench, or the Chairman, as the case may be.

11. The provisions contained in Order V of the Code shall apply mutatis mutandis to the issue and service of process by the Tribunal.
12. (1) The respondent to whom the notice has been sent shall within fifteen days of service of such process, file with the Registrar personally or through his counsel, written statement to be drawn in accordance with **Order VIII** of the Code.

(2) The respondent shall also supply a copy of his written statement to the appellant.
13. (1) It shall be discretionary for the Tribunal to record or require oral or documentary evidence on any contested point but if one party is allowed to lead evidence the other party shall be entitled to lead evidence in rebuttal.

(2) A party can lead evidence by way of affidavit; provided that the other party shall be entitled to cross-examine the deponent of such affidavit.

(3) An appellant shall not, except by the leave of the Tribunal, urge or be heard in support of any ground or objection not set forth in the memorandum of appeal.

THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.

14. (1) A party requiring any of his witnesses to be summoned by the Tribunal or the concerned Bench, shall move such application within a period of seven days from the date on which such party is given direction to lead evidence and the party moving such application shall deposit costs for summoning his witnesses within three days of moving the application.
- (2) If the party applying for summoning of witnesses fails to deposit the requisite costs within the prescribed period or within any extension granted by the Tribunal the application for summoning such witnesses shall be rejected.
- (3) The application under sub-rule (1)-
- (a) may be disallowed wholly or party in respect of a witness not material for disposal of the appeal;
 - (b) shall be dismissed if the application is considered frivolous or found to have been moved for causing unnecessary delay.
15. The Registrar shall cause to be prepared a daily cause list which shall be affixed on a notice board of the Tribunal, a day prior to the hearing.
16. (1) The evidence of the witnesses examined by the Tribunal, or as the case may be, the concerned Bench shall be taken down in writing and shall form part of the record.
- (2) If any question is dis-allowed the same shall, if so requested by any party to the proceedings or his counsel, be recorded in question form, with reasons for dis-allowing the same.
- (3) The Tribunal or, as the case may be, the concerned Bench shall be competent to record remarks in respect of demeanour of any witness examined by it.
17. (1) If on a date fixed for hearing of an appeal or on any subsequent date to which the appeal is adjourned, the appellant or his counsel if absent the appeal may be dismissed; provided that the appellant or his counsel had notice or information of the date of hearing, and likewise if the respondent or his counsel is absent on the date fixed for hearing of the appeal or on any subsequent date, the matter may be ordered to proceed ex-parte against such respondent.
- (2) Where an appeal has been dismissed in default, the

THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.

appellant may within thirty days of such dismissal move for restoration of his appeal, on the ground that he was prevented from appearing in the matter when the same was dismissed and the Tribunal or, as the case may be, concerned Bench, may restore such appeal if it is satisfied that there was sufficient cause for his non-appearance.

(3) A respondent against whom ex-parte order has been passed may move an application for setting aside of the ex-parte order within thirty days of passing of such order and on being satisfied that there was sufficient cause for non-appearance of the respondent on the day the ex-parte order was passed against him, the Tribunal or, as the case may be, the concerned Bench may set aside such order.

18. (1) Subject to the general or special orders of the Chairman, an appeal against an order imposing any minor penalty shall be heard by a single member, while rest of the appeals shall be heard by atleast two members or by the Chairman and one member.

(2) If any member for any personal reason expresses his inability to hear a matter, the same shall be heard by the other two members or by the Chairman and one member, as the case may be.
19. If in any matter there is difference of opinion between the members of the Bench the matter shall be placed before the Tribunal and the opinion of the majority shall prevail and the decision of the Tribunal shall be expressed in terms of the majority view.
20. On conclusion of an appeal, the Tribunal or, as the case may be the concerned Bench may make such order as the costs of proceedings as it may deem fit and such costs if not paid within one month of the order, shall be recoverable as arrears of land revenue.
21. A copy of every order of final adjudication on an appeal shall be furnished free of costs to the authority whose order is challenged for enabling such authority to give effect to the order forthwith.
22. In respect of matters for which no provision exists in these rules, the High Court Rules and Orders shall apply to the proceedings before the Tribunal.

**THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY MARCH 10, 1994.**

AHMAD SADKI
Chief Secretary to Govt. of Sindh.

Jail/17-8-2015.