

# The Sindh Councils (Appeals) Rules, 1982.

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# **The Sindh Government Gazette**

**PUBLISHED BY AUTHORITY**

KARACHI, MONDAY, MARCH 29, 1982

## **PART I**

GOVERNMENT OF SINDH

HOUSING, TOWN PLANNING, LOCAL GOVT. AND

RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Karachi, the 28<sup>th</sup> March, 1982

No.OSD/E/LG/33/79.-In exercise of the powers conferred by section 103 read with sections 31 and 108 of the Sindh Local Government Ordinance, 1979, and in supersession of the Government of West Pakistan.

Basic Democracies and Local Government Department Notification No. SOXI-64/80, dated the 31<sup>st</sup> December, 1960, the Government of Sindh are pleased to make the following rules:-

- |                               |   |
|-------------------------------|---|
| Short title and commencement. | 1. (1) These rules may be called the Sindh Councils (Appeal) Rules, 1982.<br>(2) They shall come into force at once.  |
| Definitions.                  | 2. In these rules unless there is anything repugnant in the subject or context-<br><br>(a) "Appeal" means an appeal against the order passed under the ordinance or rule or bye-laws made thereunder;<br><br>(b) "Appellate authority" means the authority competent to hear appeal under these rules, or under the ordinance or any other rule or bye-laws framed thereunder;<br><br>(c) "Order" includes a resolution of no confidence motion passed under section 27;<br><br>(d) "Ordinance" means the Sindh Local Government Ordinance, 1979;<br><br>(e) "Section" means a section of the Ordinance;<br><br>(f) "Tribunal" means a Tribunal appointed under rule 3. |
| Tribunal;                     | 3. (1) Government may appoint one or more Tribunals and if more than one Tribunal is appointed Government shall determine the local limits within which each such Tribunal shall exercise jurisdiction.<br><br>(2) A Tribunal shall consist of a person who is or has been a district Judge.  |
| Period of Appeal.             | 4. (1) Appeal shall, except otherwise provide in the Ordinance or any other rules or bye-laws framed thereunder lie to-<br><br>(a) Tribunal from an order of Mayor or Chairman;<br><br>(b) Mayor or as the case may be, Chairman in any other case.   |

(2) The period of limitation for an appeal shall, subject to the Ordinance or any other rules or bye-laws framed thereunder be thirty days from the date of the order appealed against;

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Provided that the appellate authority may on application condone the delay if it is satisfied that the delay was for reasons beyond the control of the appellant.

5. (1) Every appeal shall be preferred in the form of a memorandum, and shall be presented to the appellate authority, by the appellant personally or through his authorised agent.

Manner in which appeal are to be filed.

(2) Every memorandum of appeal shall be in writing and shall set forth concisely the relief claimed and grounds there for and such grounds shall be numbered consecutively.

(3) Every memorandum of appeal shall be signed and verified by the appellant and shall unless the appellate authority dispensar with such requirement be accompanied by a certified copy of the order appealed against.

(4) Every appeal received by the appellate authority shall be entered in a Register of Appeals in the form appended to these rules.

6. (1) The appellate authority shall, on receipt of the appeal, call for the record of the case and after giving an opportunity of being heard in person or Through authorized agent to the authority against whose order the appeal has been filed and the appellant and after perusal of the record and making such enquiry as it may deem fit, shall make an appropriate order which shall be final.

Disposal of Appeal.

(2) The appellate authority, may pending the form disposal of the appeal, issue an interim order staying the execution of the order appealed against, other than the resolution of no confidence passed under section 27, wherein its opinion, such execution is likely to effect materially the redress sough for by the appellant.

(3) The appeal shall, as far as possible, be decided within ninety days of its filing.

(4) The decision of the appeal shall be communicated to the appellant and to the authority passing the order appealed against and shall be given effect to by the latter immediately on its receipt.

(5) The appellate authority may award such costs of the appeal to such party as it may deem fit.

FORM

REGISTER OF APPEAL

(See Rule 5(4) Appellate Authority.)

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1	2	3	4	5
Sr. No.	Date of filing the appeal.	Name(s) of the appellant.	Name(s) of the respondent.	Date and name of the authority Passing the order  appealed against.

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6	7	8	9
The redress sought for by the appellant.	Interim order, if any of the appellate	Date of decision of appeal.	Abstract of the decision of appeal.

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**M.SALMAN FARUQUI**  
SECRETARY TO GOVERNMENT OF SINDH

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KARACHI: PRINTED AT THE SINDH GOVERNMENT PRESS.

(2,000)-29-3-82-II.