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PART IV

Repealed by Sindh Act XVII of 1975

PROVINCIAL ASSEMBLY OF SIND

NOTIFICATION

Karachi, the 24th June, 1974

No. PAS/Legis/Bill-12/74.—The Sind Service Tribunals (Amendment) Bill, 1974 having been passed by the Provincial Assembly of Sind on the 12th June, 1974 and assented to by the Governor of Sind on the 21st June, 1974 is hereby published as an Act of the Legislature of Sind:—

THE SIND SERVICE TRIBUNALS (AMENDMENT) ACT, 1974

SIND ACT NO. IX OF 1974

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra-Ordinary) dated 24th June, 1974).

AN

ACT

to amend the Sind Service Tribunals Act, 1973.

WHEREAS it is expedient to amend the Sind Service Tribunals Act, 1973, in the manner hereinafter appearing; Preamb le.

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Service Tribunals (Amendment) Act, 1974:

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section
2 of Sind
Act XV of
1973.

2. In the Sind Service Tribunals Act, 1973, hereinafter called the said Act, in section 2, for clause (a), the following shall be substituted:—

“(a) “civil servant” means a person who, is or has been a member of the Civil Service of the Province or, holds or has held a civil post in connection with affairs of the Province, and for the purpose of any proceeding under this Act includes a person who is or has been, dismissed, discharged, removed or retired from such service or post as a consequence of the order of the departmental authority, but does not include—

(i) a person who is on deputation to the Province from the Federation or any other Province or authority; or

(ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or

(iii) a person who is a “worker” or “workman” as defined in the Factories Act, 1934 (XXV of 1934), or the Workmen’s Compensation Act, 1923 (VIII of 1923);”;

Amendment
of section 3
of Sind Act
XV of 1973.

3. In the said Act, in section 3—

(i) in clause (b) of sub-section (3), for the words “a Class I post”, the words “a post in Grade 16 or an equivalent or a higher post” shall be substituted;

(ii) in sub-section (6), for the words “of profit in the service of Pakistan”, the words “in the service of Pakistan if his remuneration is thereby increased” shall be substituted.

Amendment
of section
4 of Sind
Act XV of
1973.

4. In the said Act, in section 4—

(i) after the words “to him”, the words “or within twelve months of the establishment of a Tribunal whichever is later” shall be added;

(ii) in the proviso, for clause (b), the following shall be substituted:—

“(b) no appeal shall lie to a Tribunal against an order or a 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 or grade; and

(c) subject to the provisions of section 6, no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969.”.

5. In the said Act, after section 6, the following shall be inserted as section 6-A:—

Insertion of
section 6-A
in Sind Act
XV of 1973.

“6-A. The provisions of sections 5 and 12 of the Limitation Act, Limitation. 1908 (Act IX of 1908), shall apply to appeals under this Act.”.

6. In the said Act, the existing section 8 shall be numbered as sub-section (1) of that section, and after sub-section (1) so numbered, the following shall be added as sub-section (2):—

Amendment
of section 8
of Sind Act
XV of 1973.

“(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters namely:—

- (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 of a casual vacancy in the office of the Chairman or a Member of the Tribunal.”.

7. The Sind Service Tribunals (Amendment) Ordinance, 1974, is hereby repealed.

Repeal of
Sind Ordinance VII
of 1974.

By order of the Speaker,
Provincial Assembly of Sind.

JAMALUDDIN ABRO,

Secretary,
Provincial Assembly of Sind.