

## SIND ACT NO.IX OF 1974

### THE SIND SERVICE TRIBUNALS (AMENDMENT) ACT, 1974

[24<sup>th</sup> 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; **Preamble.**

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.

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

“(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);”;

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3. In the said Act, in section 3—
- Amendment of section 3 of Sind Act XV of 1973.**
- (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.
4. In the said Act, in section 4—
- Amendment of section 4 of Sind Act XV of 1973.**
- (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 1<sup>st</sup> 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.**
- Limitation.
- “6-A.The provisions of sections 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall apply to appeals under this Act.”.

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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.**