

PROVINCIAL ASSEMBLY OF THE PUNJAB ¹²⁹

NOTIFICATION

21 August 2013

No.PAP-Legis-2(02)/2013/931. The Punjab Service Tribunals (Amendment) Bill 2013, having been passed by the Provincial Assembly of the Punjab on 15 August 2013, and assented to by the Governor of the Punjab on 21 August 2013, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB SERVICE TRIBUNALS (AMENDMENT) ACT 2013

ACT XVII OF 2013

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 21 August 2013.]

An Act

further to amend the Punjab Service Tribunals Act, 1974.

Whereas it is expedient further to amend the Punjab Service Tribunals Act, 1974 (*IX of 1974*) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Service Tribunals (Amendment) Act 2013.

(2) It shall come into force with effect from 22 July 2013.

2. Amendment in section 3 of Act IX of 1974.— In the Punjab Service Tribunals Act, 1974 (*IX of 1974*), hereinafter referred to as the said Act, in section 3—

(a) for subsections (3) and (4), the following shall be substituted—

“(3) A Tribunal shall consist of—

(a) the Chairman, being a person who has been or is qualified to be a Judge of the High Court and is not more than sixty three years of age on the date of appointment; and

(b) such number of Members as the Government may determine, and a Member shall be a person who is—

(i) a District Judge; or

(ii) in the service of Pakistan of the rank of Secretary to the Government (or equivalent) and who has performed quasi-judicial functions or functions relating to service matters of civil servants; or

(iii) a person qualified for appointment as Judge of a High Court, in case the persons mentioned at (i) and (ii) above are not available.

(4) Subject to this section, the Governor shall, in consultation with the Chief Justice of Lahore High Court, in the manner mentioned hereinafter, appoint the Chairman and the Members on such terms and conditions as may be prescribed and, until so prescribed, as the Government may determine.

(4a) In case of appointment of the Chairman, the Government shall send a panel of three persons to the Chief Justice of Lahore High Court and the Chief Justice shall recommend a person in the panel for appointment as Chairman.

(4b) In the case of appointment of a Member—

(i) for a position mentioned in section 3(b)(i), Chief Justice of Lahore High Court, on a requisition from the Government, shall send a panel of two District Judges to the Government and the Government shall select one of the names for appointment as Member;

- (ii) for a position mentioned in section 3(b)(ii), the Government shall send a panel of two persons to Chief Justice of Lahore High Court and the Chief Justice shall recommend a person in the panel for appointment as Member; and
- (iii) for a position mentioned in section 3(b)(iii), the Government shall send a panel of two persons to the Chief Justice of Lahore High Court and the Chief Justice shall recommend a person in the panel for appointment as Member."

3. Amendment in section 3-A of Act IX of 1974.— In the said Act, in section 3-A, for subsection (1), the following shall be substituted:-

"(1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of one or more Members including the Chairman but a Bench, other than a Bench consisting of the Chairman, shall include at least one Member with legal or judicial experience and the Bench so constituted shall be deemed to be a Tribunal:

Provided that where a single Member Bench is to be constituted, preference shall be given to the Member having legal or judicial experience."

4. Insertion of section 6 in Act IX of 1974.— In the said Act, after section 5, the following section 6 shall be inserted:-

"6. Removal of the Chairman or a Member.— (1) The Government may remove the Chairman or relieve a Member, during the tenure of his office, on the ground of misconduct or, physical or mental incapacity.

(2) The Government shall, before removing or relieving the Chairman or the Member, provide an opportunity of hearing to the Chairman or the Member.

(3) The Chairman or the Member may, within fifteen days from the date of the order of removal or relieving, prefer an appeal before the Lahore High Court.

(4) The appeal mentioned in subsection (3) shall be heard and decided by a Division Bench of Lahore High Court within thirty days and if the High Court fails to decide the appeal within thirty days of filing the appeal, the appeal shall abate and the decision of the Government shall become final.

(5) Without prejudice to any other action under the law, the Government shall communicate to the appointing authority the circumstances in which the Chairman or the Member was relieved before the expiry of the term of three years and the appointing authority may take appropriate necessary action under the law."

5. Insertion of section 7 in Act IX of 1974.— In the said Act, after section 6, the following section 7 shall be inserted:-

"7. Financial Powers.— (1) The Chairman shall be the Principal Accounting Officer of the Tribunal.

(2) The Chairman may re-appropriate funds from one head of account to another head of account or sanction expenditure from within the budget allocated to the Tribunal and approval of the Government for the purpose shall not be required."

6. Omission of section 10 of Act IX of 1974.— In the said Act, section 10 shall be omitted.

7. Amendment of section 11 of Act IX of 1974.— In the said Act, for section 11, the following section 11 shall be substituted:-

"11. Rules.— The Government may, by notification in the official Gazette, may make rules for carrying out the purposes of this Act, including the rules for purposes of implementation of the decisions of the Tribunal."

8. Omission of section 12 of Act IX of 1974.— In the said Act, section 12 shall be omitted.

9. Omission of Schedules of Act IX of 1974.— In the said Act, the First Schedule and the Second Schedule shall be omitted.

10. Transition.— (1) Immediately after the commencement of this Act, the Government shall, by notification, constitute a Committee consisting of at least three persons to review the cases of the incumbent Chairman and the Members.

(2) If the Committee is of opinion that the incumbent Chairman or any Member is not qualified under this Act, it shall refer the matter to the Government for termination of his contract with immediate effect and the Government shall act accordingly.

(3) If the Committee is of opinion that the incumbent Chairman or any Member is qualified under this Act, he may continue to serve for the remaining term of three years subject to consultation with Chief Justice of Lahore High Court.

(4) If the Committee is of opinion that the incumbent Chairman or any Member is qualified under this Act and was appointed in consultation with the Chief Justice of Lahore High Court, he may, subject to the said Act, continue to serve for the remaining term of three years.

(5) Notwithstanding the upper age limit but subject to other provisions of this section and the said Act, the incumbent Chairman may complete his term of three years."

RAI MUMTAZ HUSSAIN BABAR
ACTING SECRETARY