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THE PUNJAB SERVICE TRIBUNALS ACT, 1974

(IX of 1974)

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TEXT

**¹THE PUNJAB ²[SERVICE] TRIBUNALS ACT, 1974
(IX of 1974)**

[20th June, 1974]

**An
Act**

to provide for the establishment of ³[Service] Tribunals to exercise jurisdiction regarding matters relating to the terms and conditions of service in respect of services of the Province of the Punjab.

Preamble.— WHEREAS it is expedient to provide for the establishment of ⁴ [Service] Tribunals to exercise exclusive jurisdiction regarding the matters relating to the terms and conditions of service in respect of the services of the Province of the Punjab and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title, commencement and application.— (1) This Act may be called the Punjab ⁵[Service] Tribunals Act, 1974.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) “Chairman” means the Chairman of the Tribunal;

(b) “civil servant” means a person who is or who has been a member of a civil service of the Province or holds or has held a civil post in connection with the affairs of the Province but does not include—

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

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

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

¹This Act was passed by the Punjab Assembly on 5th June, 1974; assented to by the Governor of the Punjab on 20th June, 1974; and, published in the Punjab Gazette (Extraordinary), dated 20th June, 1974 (pages 865 to 880).

²Substituted for the word “Administrative” by the Punjab Administrative Tribunals (Amendment) Act, 1975 (XXVI of 1975); and published in the Punjab Gazette (Extraordinary), dated 31.3.1975, pages 237-O to 237-R, s.2.

³Ibid

⁴Ibid

⁵Ibid

- (c) “Government” means the Government of the Punjab;
- (d) “Governor” means the Governor of the Punjab;
- (e) “Member” means the Member of the Tribunal;
- (f) “Registrar” means the Registrar of a Tribunal and includes any other person authorised by a Tribunal to perform the functions and duties of the Registrar; and
- (g) “Tribunal” means a ⁶[Service] Tribunal established by this Act, or a Bench thereof.

⁷**[3. Tribunals.]** (1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals and, where there are established more than one Tribunals, the Governor shall specify in the notification the class or classes of civil servants in respect of whom all the territorial limits within which or the class or classes of cases in respect of which, each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

⁸[(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.

⁶Ibid

⁷Substituted by the Punjab Administrative Tribunals (Amendment) Act, 1975 (XXVI of 1975); and published in the Punjab Gazette (Extraordinary), dated 31.3.1975, pages 237-O to 237-R, s.3.

⁸Substituted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.2 (effective from 22nd July 2013).

- (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.]

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is hereby increased.

(7) Notwithstanding anything contained in sub-section (3), sub-section (4), sub-section (5), or sub-section (6), a Tribunal established to exercise jurisdiction in respect of a specified class or classes of cases, may consist of one or more persons in the service of Pakistan to be appointed by the Governor.]

⁹**[3-A. Constitution of Benches.—** ¹⁰[(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.]

(2) If a Bench is unable to arrive at a unanimous decision in an appeal, the matter shall be placed before the full Tribunal and the decision of the Tribunal shall be expressed in terms of the opinion of the majority:

Provided that if the Chairman or the member who was not already on the Bench cannot be associated or is unable for any reason to take part in the hearing of the appeal, the decision of the Tribunal shall be expressed in terms of the opinion of the senior member of the Bench.

(3) The Chairman may, at any stage of hearing of an appeal, withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.]

⁹Added by the Punjab Service Tribunals (Amendment) Ordinance, 1980 (II of 1980); and published in the Punjab Gazette (Extraordinary), dated 19.2.1980, s.2

¹⁰Substituted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.3 (effective from 22nd July 2013).

¹¹**[4. Appeals to Tribunals.–** (1) Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is latter prefer an appeal to the Tribunal–

Provided that–

- (a) where an appeal, review or representation to a departmental authority is provided under the Punjab Civil Servants Act, 1974, or any rules against any such order no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred;
- (b) no appeal shall lie to a Tribunal against an order or 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 grade; and
- (c) 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.

(2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred–

- (a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or time-scale or to a lower stage in a time-scale to a Tribunal referred to in sub-section (3) of section 3; and
- (b) in any other case, to a Tribunal referred to in sub-section (7) of section 3 and where no such Tribunal is established, to a Tribunal established under sub-section (3) of that section.

Explanation– In this section “departmental authority” means any authority, other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of civil servants.]

5. Powers of Tribunals.– (1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908) including the powers of–

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

¹¹Substituted by the Punjab Administrative Tribunals (Amendment) Act, 1975 (XXVI of 1975); and published in the Punjab Gazette (Extraordinary), dated 31.3.1975, pages 237-O to 237-R, s.4.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

¹²**[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.]

¹³**[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.]

8. Abatement of suits and other proceedings.– All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the establishment of the appropriate Tribunal shall abate on the establishment of such Tribunal:

Provided that any party to such a suit, appeal or application may, within ninety days of establishment of the appropriate Tribunal, prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

9. Applicability of the provisions of the Limitation Act, 1908.– The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

¹⁴**[10. Repeal and transfer of cases.**– * * * * *]

¹²Previous Section 6 “Benches and their Procedure” was omitted by the Punjab Administrative Tribunals (Amendment) Act, 1975 (XXXI of 1975); and published in the Punjab Gazette (Extraordinary), dated 31.3.1975, pages 237-O to 237-R, s.5, and the present Section 6 was inserted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.4 (effective from 22nd July 2013).

¹³Previous Section 7 “Casual Vacancy” was omitted by the Punjab Administrative Tribunals (Amendment) Act 1975 (XXXI of 1975); and published in the Punjab Gazette (Extraordinary), dated 31.3.1975, pages 237-O to 237-R, s.5, and the present Section 7 was inserted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.5 (effective from 22nd July 2013).

¹⁴Section 10. “Repeal and transfer of cases” omitted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.6 (effective from 22nd July 2013).

¹⁵[**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.]

12. ¹⁶* * * * *]

¹⁷* * * * *]

¹⁵Substituted *ibid.*, s.7.

¹⁶Section 12. “Repeal of Punjab Ordinance No. V of 1974” by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.8 (effective from 22nd July 2013).

¹⁷The First Schedule and the Second Schedule omitted by the Punjab Service Tribunals (Amendment) Act 2013 (XVII of 2013); and published in the Punjab Gazette (Extraordinary), dated 21.8.2013, pages 595-597, s.5 (effective from 22nd July 2013).