

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 3rd December, 2020

No. LD/Legis-Act/430-43/2020. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 24th November, 2020 and received the assent of the President on the 29th day of November, 2020, is hereby published for general information.

[ACT XXVIII OF 2020]

An

Act

further to amend the Azad Jammu and Kashmir Service Tribunals Act, 1975

Whereas, it is expedient further to amend the Azad Jammu and Kashmir Service Tribunals Act, 1975 (Act XXII of 1975), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**-(1) This Act may be called the Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2020.
(2) It shall come into force at once.
2. **Amendment of Section 3, Act XXII of 1975.**- In the Azad Jammu and Kashmir Service Tribunals Act, 1975 (Act XXII of 1975), hereinafter referred to as the said Act, in sub-section (3) of Section 3, after sub-clause (ii) of clause (a), full stop at the end shall be substituted by expression and word “; or” and thereafter following new sub-clause (iii) shall be added:-
“(iii) 25 years of experience in the service of Azad Jammu and Kashmir and has served as Secretary to Government for at least 3 years.”

3. **Amendment of Section 4, Act XXII of 1975.**- In the said Act, for proviso to sub-section (1) of Section 4, following shall be substituted:-

“Provided that notwithstanding anything contained in any judgment of the Supreme Court or the High Court,-

- (a) where an appeal, review or representation to a departmental authority is provided under any law, regulations or rules for the time being in force, 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, who shall decide the appeal, application or representation within a period of sixty days of institution of such appeal, application or representation:

Provided further that if the authority to which an appeal, review or representation preferred by the aggrieved civil servant fails to decide the same within the stipulated period, the civil servant may file an appeal against the original order before the Service Tribunal within a period of 30 days from the lapse of period prescribed for decision of appeal, etc.

- (b) In case the appeal, review or representation is decided within the prescribed period by the departmental authority, the aggrieved civil servant may file appeal against the order of the departmental authority within a period of 30 days.

(c) 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 to hold a particular post or to be promoted to a higher grade.”

4. **Amendment of Section 5, Act XXII of 1975.**- In the said Act, sub-section (3) of Section 5, shall be substituted as follows:-

“(3) Court fee at the rate of Rs. 1000/- for instituting an appeal before the Service Tribunal and Rs. 10/- per page shall be payable for obtaining the attested copy of an order of the Service Tribunal:

Provided that no court fee shall be payable for exhibiting or recording any document in respect of an appeal sub judice before the Tribunal.”

5. **Repeal of Schedule-I of Act XXII of 1975.**-In the said Act, Schedule-I shall be omitted.

Sd/-
(Gulfraz Ahmed Khan)
Section Officer (Legislation)