

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the December, 26, 1978.

No. 4172/SL/78. The following Ordinance made by the President on the 26th day of December, 1978, is hereby published for general information:-

(ORDINANCE XCVI OF 1978)

AN

ORDINANCE

to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service

WHEREAS it is expedient to provide for the frame-work for review of the cases of those persons compulsorily removed from Government service ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement:-** (1) This Ordinance may be called the Constitution of Review Boards Ordinance, 1978.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once and shall have effect notwithstanding anything contained in any other law for the time being in force.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (a) 'Competent Authority' means the Chief Executive of Azad Jammu and Kashmir or any person authorised by him to exercise the powers of competent authority under this Ordinance.
 - (b) 'Person who was in Government service' includes every person who was on or after the first day of July, 1975 in the service of Azad Jammu and Kashmir or who held a

civil post in connection with the affairs of the Government but does not include a Judge of the Supreme Court or the High Court.

- (c) 'Person who was in Corporation service' means every person who was on or after the first day of July, 1975; in the employment of a corporation or other institution set up or established by the Government or by or under any law for the time being in force and includes the Chairman and the Managing Director of, and holder or any other office in, such corporation or institution.
- (d) 'Compulsorily removed' means dismissed or removed or prematurely retired from service and includes premature retirement ordered on completion of twenty five years service but does not include termination of service on giving notice as provided in the terms and condition of service of the affected person.

3. **Applications.**- (a) Any person who was in Government service and was compulsorily removed from such service between the first day of July, 1975, and the eleventh day of August, 1977, and every person who was in corporation service and was removed from service may submit a review petition to the competent authority.

(b) A person referred to in clause (a) whose appeal or petition against compulsory removal from service was on the date of coming into force of the Ordinance No. XXVIII of 1977, pending in a court or with the Service Tribunal may submit a review petition under that sub-section only after he has withdrawn his appeal or petition from the court or Service Tribunal, as the case may be.

(c) A petition under clause (a), shall be accompanied by a copy of the order of compulsory removal from service passed against the petitioner and the grounds on which he seeks review of that order.

(d) All petitions under this Ordinance shall reach the Chief Secretary on or before the date to be notified in this behalf.

(e) A petition submitted by any person referred to in clause (a) at any time after the thirteenth day of September, 1977, but before the commencement of the Ordinance No. XXVIII of 1977, shall be deemed to be a review petition submitted under that Ordinance.

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4. The competent authority may set up such number of review boards consisting of such members as it may deem fit.
5. (a) A review board, on receipt of a review petition forwarded to it by the competent authority shall review the said petition and after giving an opportunity to a petitioner of being heard and making such further inquiry as it may deem appropriate submit its report together with its recommendations to the competent authority who may pass such order as he may deem appropriate:

Provided that any order passed on a petition, including an order of reinstatement shall not entitle a petitioner to any damages, compensation or arrears of emoluments or other benefits for the period he remained out of service.
- (b) The orders passed by the competent authority on a report submitted by a review board set up under the Ordinance and consequential orders shall be final and shall not be called in question before any court, tribunal or authority.
6. A review board shall determine its own procedure and shall, in the performance of its functions be guided by such direction as the competent authority may issue from time to time.
7. All heads of department and offices and other authorities who possess any records or information in respect of persons who submit petitions under this Ordinance, shall, on receipt of request from the review board, provide it with all record and information and render all other possible assistance in the disposal of petition as may be required of them.
8. All actions taken by the Review Board not formally set up under this Ordinance, to receive petitions, to give hearing to the petitioners and to enquire into petitions, and all recommendations made by such Board, shall be deemed to have been validly taken or made.
9. Repeal.- The Constitution of Review Board (Amendment) Ordinance, 1978 (Ordinance LXXVII of 1978) is hereby repealed.

(Brigadier Mohammad Hayat Khan)
President,
Azad Jammu and Kashmir.

Sd/- (Muhammad Akram Shah)
Secretary Law,