

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD**

Dated the 8th July, 1990.

No. 398-403/LD/Leg/90. The following Ordinance made by the President on the 8th day of July, 1990, is hereby published for general information:-

(ORDINANCE XLVII OF 1990)

AN

ORDINANCE

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

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

AND WHEREAS the Legislative Assembly is not in session and 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, Commencement and Application.**- (1) This Ordinance may be called the Azad Jammu and Kashmir Service Tribunals (Amendment) Ordinance, 1990.
 - (2) It shall come into force at once.
 - (3) It extends to the whole of Azad Jammu and Kashmir.
2. **Substitution of Section 3, Act XXII of 1975.**- In the Azad Jammu and Kashmir Service Tribunals Act, 1975 (Act XXII of 1975), herein after referred to as the said Act, for the existing Section 3, the following shall be substituted:-

“3. **Tribunals.**- (1) The President may, by notification in the Official Gazette, establish one or more Service Tribunals and where there are established more than one Tribunal, the President shall specify in the notification the class or classes of civil servants in respect of whom, or 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.
- (3) A Tribunal shall consist of -
- (a) a Chairman, being a person, who has been, or is qualified to be, Judge of a High Court; and
 - (b) one member, who is a person, who possesses such qualification as may be prescribed by rules.
- (4) The chairman and member of a Tribunal shall be appointed by the President on such terms and conditions as he may determine.
- (5) The chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the President.
- (6) The chairman or a member of a Tribunal shall not hold any other office of profit in the service of Azad Jammu and Kashmir or Pakistan if his remuneration is thereby increase.
- (7) Notwithstanding anything contained in sub-section (3), (4) (5) or (6), a Tribunal established to exercise jurisdiction in respect of a specified class or classes of cases, may consist; one or more persons in the service of Azad Jammu and Kashmir to be appointed by the President."

3. **Substitution of Section 4, Act XXII of 1975.**-In the said Act, for Section 4, the following shall be substituted:-

“4. **Appeal 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 month of the establishment of the appropriate Tribunal, whichever is later, prefer appeal to the Tribunal: Provided that-

- (a) Where an appeal, review or representation to a departmental authority is provided under the Azad Jammu and Kashmir Civil Servants Act, 1976 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) that the 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".

4. **Deletion of Sections 6 and 7, Act XXII of 1975.-**
In the said Act the existing Sections 6 & 7 shall be deleted.

Sd/-
(Sardar Mohammad Abdul Qayyum Khan)
President
Azad Jammu and Kashmir
