

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 18th July, 1987.

No. 645-48/SL/87, The following Ordinance made by the President on the 18th day of July, 1987, is hereby published for general information:-

(ORDINANCE XXXIV OF 1987)

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 the circumstance 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, 1987.
 - (2) It shall come into force at once.
 - (3) It extends to the whole of Azad Jammu and Kashmir.
2. **Substitution of Section 3, of Azad Jammu and Kashmir Service Tribunal Act 1975:-** In the Azad Jammu and Kashmir Service Tribunals Act, 1975 for the existing Section 3, the following shall be substituted:-
 - “3. **Tribunals.**- (1) the Government may, by notification in the official Gazette, establish on or more Service Tribunal and, were there are established more than one tribunal, the Government shall specifying the notification the class or classes of Civil Servants in respect of whom, or the territorial limit 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 condition 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 Government, on such terms and conditions as it may determine.

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

(6) The Chairman or a member of Tribunal shall not hold any other office of profit in the Service of Azad Jammu and Kashmir or Pakistan, if his remuneration is hereby increased.

(7) Notwithstanding anything contained in sub-sections (3), (4) (5) or (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 Azad Jammu and Kashmir to be appeal by the Government.”

3. **Substitution of Section 4, Azad Jammu and Kashmir Service Tribunal Act, 1975.**- In the Azad Jammu and Kashmir Service Tribunal Act 1975, for Section 4, the following shall be substituted:-

“4. **Appeals to Tribunals.**- (1) Any Civil Servant aggrieved by any final order, weather 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, which ever is later, prefer an 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 form the date on

Volume VIII (1985-88)

- 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 persons 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 departmental authority made at any time before the first 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 an other case, to a Tribunal referred be in sub-section 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.”

4. **Delection of Section 6 and 7, Azad Jammu and Kashmir Service Tribunal Act 1975.**- In the Azad Jammu and Kashmir Service Tribunal Act 1975, the existing Section 6 & 7 shall be deleted.

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