

**NOTIFICATION.****Dated Quetta, the \_\_\_\_ June, 2013.**

**No.PAB/Legis: II (02)/2013.** The Balochistan Service Tribunal (Amendment) Bill No. 02 of 2013, having been passed by the Provincial Assembly of Balochistan on 28<sup>th</sup> Jun,2013 and assented to by the Governor, Balochistan on \_\_\_\_June, 2013 is hereby published as an Act of the Balochistan Provincial Assembly.

**BALUCHISTAN SERVICE TRIBUNAL (AMENDMENT) ACT, 2013 (ACT NO. II OF 2013).**

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated \_\_\_\_\_,2013.

**AN****ACT**

*further to amend the Balochistan Service Tribunals Act, 1974  
(Balochistan Act No. V of 1974)*

**Preamble.**

Whereas, it is expedient further to amend the Balochistan Service Tribunals Act, 1974 (Act No. V of 1974), in the manner hereinafter appearing;

It is hereby enacted as follows:-

**Short title and commencement.**

1. (1) This Act may be called the Balochistan Service Tribunal (Amendment) Act, 2013.
- (2) It shall come into force at once.

**Amendment of Section 2, Act No. V of 1974,**

2. In the Balochistan Service Tribunal Act, 1974 (Balochistan Act No. V of 1974), hereinafter referred to as the said Act, in section 2,--
  - (a) After clause (a) the following new clause shall be inserted:--

“(a-i) “Chairman” means the Chairman of the Tribunal appointed under section 3;” and
  - (b) in clause (b), at the end the word “and” shall be omitted and thereafter the following new clause shall be inserted under clause (b):-

“(b-i) “Member” means the Member of the Tribunal appointed under section 3, and”.

**Amendment of Section 3, Act No. V of 1974**

3. In the said Act, in section 3,--
  - (a) in sub-section (3), for clauses (a) and (b) the following shall be substituted, respectively:-

“(a) a Chairman, being a person who has been, or is qualified to be, a Judge of High Court; and
  - (b) two members,--

- (i) one from amongst the serving District Judges having not less than three years service as such; and
- (ii) one from amongst the serving Civil Servants having service of not less than ten years against an executive class I post under the Provincial Government or Federal Government; and preferably having a legal background:

Provided that where the District Judges or the incumbent Civil Servants are not available, the appointment may be made from amongst the persons qualified to be a judge of High Court.”;

- (b) in sub-section (4), after the word “Government” the words and comma “in consultation with the Chief Justice of the Balochistan High Court,” shall be inserted:-
- (c) in sub-section (4), amended as aforesaid, at the end for full-stop a colon shall be inserted and thereafter the following proviso shall be added:--

“Provided that all such appointments shall only be for a single term consisting of a non-extendable period of three years or till the date of superannuation, whichever is earlier in case of a person in service.”;

- (d) in sub-section (5), at the end for the full-stop a colon shall be inserted and thereafter the following proviso shall be added:--

“Provided that on resignation by a person in regular service as District Judge or a Civil Servant, if it has been decided to accept his resignation then the incumbent shall be considered as surrender to his own cadre for further posting or for such action as the case may be.”; and

- (e) for the omitted sub-section (6) the following shall be substituted, namely:--

“(6) if for any reason, the Chairman becomes unable to perform his duties temporarily, the senior most Member of the Tribunal, shall act as Chairman till such time the Chairman resumes his duties.”

**Insertion of  
Section 3-A, Act  
No. V of 1974.**

4. In the said Act, after section 3, amended as aforesaid, the following new section shall be inserted, namely:--

**“Constitution of Benches:--**

3-A (1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of himself or one Member only or two Member without the Chairman or the Chairman and a Member and when so constituted a Bench shall be deemed to be a Tribunal:

Provided that---

- I. Where bench consisting of one Member is to be constituted preference should be given to the judicial Member;
- II. Where a bench consisting of two Member is to be constituted it should be comprising of a Judicial Member and the Member from Civil Service or the member other than the Civil Servant; and
- III. every bench consisting of two Member should be headed by the Judicial Member;

(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 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 the hearing of an appeal, withdraw it from the Tribunal and entrust it to a Bench or withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.”.

**Insertion of section 5-A, Act No. V of 1974.**

5. In the said Act, after section 5, the following new sections shall be inserted, namely:--

**“Controlling Authority:--**

5-A. (1) The Chairman of the Tribunal shall be the Authority for all the administrative, disciplinary and financial matters of the Balochistan Service Tribunal; and in this respect there shall be a Registrar, who shall be responsible for the smooth working of the Tribunal, the administration as well as the appointments, promotions, disciplinary actions, transfers and postings of the officers and staff, the budget and accounts of the Tribunal, in accordance with the rules.

(2) On establishment of the Tribunal under section 3, the Government shall allocate funds for the Tribunal in its Annual Budget, as passed in its budget session by the Balochistan Provincial Assembly. For which the Chairman of the Tribunal shall have all the financial powers to disburse and make re-appropriation of the amount so allocated by the Government and approved by the Provincial Assembly in the Annual Budget, from one head to another head without seeking any approval of the Provincial Finance Department: Provided that the expenditure that is incurred by him shall fall within the prescribed limit of the allocated funds/sanctioned Budget of the Tribunal.”.

**Repeal**

6. The Balochistan Service Tribunals (Amendment) Ordinance, 2013 (Balochistan Ordinance No. III) is hereby repealed.