

**[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]**

**A  
BILL**

further to amend the Service Tribunals Act, 1973 (No. LXX of 1973).

WHEREAS it is expedient further to amend the Service Tribunals Act, 1973 (No. LXX of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Service Tribunals (Amendment) Act, 2016.  
(2) It shall come into force at once.
2. **Amendment of section 2, Act LXX of 1973.**- In the Service Tribunals Act, 1973 (No. LXX of 1973), hereinafter referred to as the said Act, in section 2, in clause (b), after the word "tribunal", the words, "and benches thereof", shall be inserted.
3. **Amendment of section 4, Act LXX of 1973.**- In the said Act, in section 4.-
  - (i) in sub-section (1),-
    - (a) in clause (a) for the word "ninety", the words, "forty-five" shall be substituted.
    - (b) in clause (b) the words "or to be promoted to a higher grade", shall be deleted.
  - (ii) after sub-section (2), a new sub-section (3) shall be added, namely.-

"(3) Any civil servant may file an appeal to the Tribunal directly along with an affidavit stating that he opted not to prefer an appeal or application for review or representation to the departmental authority."
4. **Amendment of section 5, Act LXX of 1973.**- In the said Act, in section 5,
  - (i) in sub-section (1) after the words "set aside", the word and comma "suspend," shall be inserted.
  - (ii) after sub-section (2) a new sub-section (3) shall be added, namely.-

"(3) In case of any appeal against major and minor penalty, the Tribunal shall decide within six and four months of filing of such appeal respectively."

**STATEMENT OF OBJECTS AND REASONS**

Some of the provisions of the Federal Service Tribunals Act, 1973 are against the natural justice and creating difficulties for civil servants as the condition of ninety days for appeal causes delay in filing an appeal for speedy justice. Honourable Supreme Court of Pakistan in its judgment 2015 SCMR 546 (Mr. Azhar Ali Baloch Vs Government of Sindh) has taken notice of this delay due to lengthy procedure.

2. Secondly, the FST has no power to suspend an order of departmental penalties and the aggrieved civil servants have no option but to knock the door of High Court, thus, creating

extra burden on the High Courts. Furthermore, provision of such powers to FST would not only make it an effective judicial forum but also reduce the burden of the respective High Courts.

3. Withholding promotion of civil servant is not an appealable right at present which requires amendment in relevant provisions.

4. Furthermore, the proposed amendment in definition of Tribunal will extend the scope of Tribunal and provide legal cover to benches thereof established at provincial headquarters.

5. The Bill aims to seek the above-mentioned objective.

**Sd/-**

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