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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

Gilgit, the 24th May, 2023

THE GILGIT-BALTISTAN SERVICE TRIBUNAL (AMENDMENT) ACT, 2023

(ACT No. II OF 2023)

AN

ACT

No. ALA-1(1)/2023-GBA.—To provide for the establishment of Tribunals to exercise jurisdiction regarding matters relating to the terms and conditions of service in respect of services of Gilgit-Baltistan

Preamble.—

WHEREAS, it is expedient to provide for the establishment of Tribunals to exercise exclusive jurisdiction regarding the matters relating to the terms and conditions of service in respect of the services of Gilgit-Baltistan and for matters connected therewith or ancillary thereto;

Price: Rs. 20.00

[1175(2023)Ex.Gaz.]

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It is hereby enacted as follows:—

1. **Short title, commencement and application.**—(1) This Act may be called the Gilgit-Baltistan Service Tribunal (Amendment) Act 2023.

(2) It shall come into force at once.

(3) It applies to all civil servants of GB Service wherever they may be.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context:—

(a) "Chairman" means the Chairman of the Tribunal;

(b) "Civil Servant" means a person who is or who has been a member of a civil service of Gilgit-Baltistan or holds or has held a civil post in connection with the affairs of the Gilgit-Baltistan but does not include:

(i) A person who is or who has been on deputation to the Gilgit-Baltistan Government from the Federation or any other Province or authority;

(ii) A person who is or has been employed on contract, or on work-charged basis, or who is or has been paid from contingencies; or

(iii) A person who is or has been a 'worker' or 'workman' as defined in the Factories Act, 1934 (XXV of 1934) or the Workmen's Compensation Act, 1923 (VIII of 1923).

(c) "Government" means the Government of the Gilgit-Baltistan;

(d) "Governor" means the Governor of Gilgit-Baltistan;

(e) "Member" means the Member of the Tribunl;

(f) "Registrar" means the Registrar of a Tribunal and includes any other person authorized by a Tribunal to perform the functions and duties of the Registrar; and

(g) "Tribunal" means a Service Tribunal established by this Act, or a Bench thereof.

3. **Tribunals.**—(1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals and where more then one

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tribunals are established the Governor shall specify in the notification the class or classes of civil servants in respect of whom and 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) The 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 a judge of Gilgit-Baltistan Chief Court ; and

(b) Such number of Members as the Government may determine from time to time and person who is:

(i) A civil servant who is or has been, of the rank of Secretary to the Government with quasi-judicial or legal experience preference being given to a person having background of dealing with service matters.

(ii) A person qualified for appointment as judge of the Chief Court Gilgit-Baltistan.

(4) Term of Office: (a) The Chairman and members of a Tribunal shall be appointed by the Governor on the advice of Chief Minister for a period of three years on such terms and conditions as he may determine.

(b) Chairman /Member shall cease to hold office on completion of his/her term.

(c) Chairman/Member shall not be removed during the term of office except in the manner hereinafter provided.

(d) If the Governor is of the opinion that a Chairman /Member;

(i) May have been guilty of misconduct; or

(ii) May be incapable of properly performing the duties of his/her office by reason for physical or mental incapacity.

The Governor shall appoint two senior most judges of the Supreme Appellate Court Gilgit-Baltistan to inquire into the matter.

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(e) If after inquiring into the matter the two judges report to the Governor that they are of the opinion that the Chairman/Member has been guilty of misconduct or is incapable of performing the duties of his/her office, the Governor may remove the Chairman/Member from office:

Provided if the two judges have a split opinion, the opinion of the Chief Judge of Supreme Appellate Court shall be sought and his opinion shall be treated as opinion of the panel.

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

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is thereby increased;

(7) At any time when;

(i) The Chairman of the Tribunal is absent or is unable to perform the functions of his office due to any cause.

Or

(ii) Office of the Chairman is vacant, the senior most Member of the Tribunal shall act as Chairman till the Chairman resumes his office or the regular Chairman is appointed as the case may be.

4. **Constitution of Benches.**—(1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of himself or one member only or two members without the Chairman or the Chairman and a member and when so constituted a Bench shall be deemed to be a Tribunal.

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

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4-A. **Review.**— (1) A Tribunal shall have power to review its final order on a review petition filed by an aggrieved party within thirty days of the order on the following grounds namely;

(i) Discovery of new and important matters or evidence which, after exercise of due diligence was not within knowledge of the petitioner or could not be produced by him at the time when the order was passed.

(ii) On account of some mistake or error apparent on the face of record.

(iii) For any other sufficient cause.

(2) The Tribunal shall decide within thirty days.

(3) The Tribunal may confirm, set aside, vary or modify the Judgment or Order under review.

5. **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 months of the establishment of the appropriate Tribunal, whichever 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 Civil Servants Act, 1973, 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

(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

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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 (3) 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.

6. **Powers of Tribunals.**—(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a Civil Court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908) including the powers of:—

(a) Enforcing the attendance of any person and examining him on oath;

(b) Compelling the production of documents; and

(c) Issuing commission for the examination of witnesses and documents.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

(4) The Tribunal shall have powers to execute its decisions in accordance with the procedure as may be prescribed.

6-A. **Financial Powers of a Tribunal.**—(1) The Registrar of the Tribunal shall be the Principal Accounting Officer.

(2) The Chairman of the Tribunal may authorize re-appropriation of funds from one head of accounts to another and sanction expenditure on any item from within the allocated budget in accordance with the prescribed procedure without reference to Finance Department Gilgit-Baltistan.

7. **Abatement of suits and other proceedings.**—All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the establishment of the appropriate Tribunal shall abate on the establishment of such Tribunal:

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Provided that any party to such a suit, appeal or application may, within ninety days of establishment of the appropriate Tribunal, prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

8. **Applicability of the provisions of the Limitation Act, 1908.**—The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

9. **Rules.**—Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

10. **Repeal.**—The Gilgit-Baltistan Service Tribunal Act-IX of 2010, GB Service Tribunal (Amendment) Ordinance No. I of 2014 and GB Service Triburtal (Amendment) Act No. I of 2014 are hereby repealed.

FIRST SCHEDULE

[*See* Section-3 (3)]

PART-I

TERMS OF OFFICE

1. ***Maximum Age for Appointment as Chairman/Member.***—A person shall be eligible for appointment as Chairman or Member of GB Service Tribunal if he is not more than sixty two years of age on the date of appointment.

2. ***Oath of Office.***—Oath of office before entering upon his office, the Chairman shall make oath before the Chief Judge of Supreme Appellate Court Gilgit-Baltistan or Judge nominated by him and the members shall take oath before the Chairman Gilgit-Baltistan Service Tribunal in the form set out in the schedule appended to this Act.

3. ***Seniority.***—The *inter se* seniority of the members shall be determined in accordance with the respective dates of entering upon their office as member; provided that when a member is appointed for a second or subsequent term, his seniority shall be reckoned from the date when he enters upon the second or subsequent term of office, as the case may be.

4. ***Pay.***—Allowances and other privileges of the Chairman and members of the Gilgit-Baltistan Service Tribunal shall be in accordance with Schedule-IV given as under which may be amended from time to time through notifications with the prior approval of GB Cabinet.

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SCHEDULE-IV

Salary, Allowances & Utilities (Per month)

S.#	Items	Chairman	Member
1.	Salary	200000/-	170000/-
2.	House Rent Allowance	70000/-	60000/-
3.	Utility Allowance	20000/-	15000/-
4.	*Judicial Allowance	**300,000/-**	**250,000/-**
	Total	**590,000/-**	**495,000/-**

FACILITIES

S.#	Items	Chairman	Member
1.	One chauffer driven vehicle maintained at the Government expenses for official and Private use.	Not less than 1300 CC Capacity car	Not less than 1300 CC Capacity car
2.	Fuel Limit	300 liter per month	270 liter per month

5. ***Provident Fund.***—(1) It shall be permissible for a Chairman or a Member, if he so elects, to subscribe to the General Provident Fund in accordance with the rules relating to that Fund.

(2) A Chairman or a Member who, on the date of his appointment, was in the service of Gilgit-Baltistan and had been admitted to the benefits of any Provident Fund maintained by Government shall be eligible, after appointment to the Tribunal, to continue to subscribe to the said Fund upon the same terms and conditions and subject to the rules of that Fund:

Provided that he shall cease to subscribe to the Fund on attaining the age of superannuation in his previous service and the amount standing to his credit in the said Fund after such deductions as are authorized under the rules applicable to him shall become payable to him.

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* Finance Department GB Notification No.Fin.Reg-3(1)/2019 dated Gilgit 18th May, 2020.

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PART-II

LEAVE

6. ***Leave.***—A Chairman or a Member who on the date of his appointment was in the service of Gilgit-Baltistan or Pakistan may be granted leave by the Governor under the rules applicable to him immediately before his appointment, and his service as a Chairman or a Member shall count for such leave.

7. A Chairman or a Member who on the date of his appointment was not in the service of Gilgit-Baltistan or Pakistan may be granted leave by the Governor as follows:—

(i) (a) leave on leave salary equivalent to full pay up to one-eleventh of the period spent on duty as a Chairman or a Member, subject to a maximum of four months at any one time; or

(b) if a Chairman or a Member so elects, leave on leave salary equivalent to full pay (to be taken not more than once during his term of office) for a period not exceeding four months;

(ii) leave on medical certificate on leave salary equivalent to half pay upto two-elevenths of the period spent on duty as a Chairman or a Member, subject to a maximum of three months at any one time; and

(iii) extraordinary leave without salary.

Explanation.—A person who retires from the service of Gilgit-Baltistan or Pakistan and is re-employed as Chairman or Member shall be governed by the provisions of this para.

PART-III

TRAVELLING ALLOWANCE AND MEDICAL ATTENDANCE

8. ***Traveling Allowance.***—For the purpose of Traveling Allowance:—

(a) A Chairman shall be entitled to the allowance admissible to a Judge of Chief Court; and

(b) A Member shall be entitled to allowances admissible to a Secretary to Government.

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9. ***Medical Allowance.***—Chairman and a Member shall be entitled to the medical facilities admissible in terms of the West Pakistan Government Servants (Medical Attendance) Rules, 1959:

Provided that a Chairman or a Member who, on the date of his appointment to the Tribunal, was in the service of Gilgit-Baltistan or Pakistan may elect to be governed by the rules applicable to him immediately before the said date.

10. Where a person appointed as a Chairman or a Member was, immediately before his appointment as such, in the service of Gilgit-Baltistan or Pakistan, his rights as a person in the service of Gilgit-Baltistan or Pakistan shall not be affected by his appointment as Chairman or Member.

FORM OF OATH

[First Schedule Section-2)

I, _____ do solemnly swear that as Chairman of the Service Tribunal, established under the Gilgit-Baltistan Service Tribunal (Amendment) Act, 2022, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

Place _____

Date _____

Signature of Chairman
Gilgit-Baltistan Services Tribunal

Signature Chief Judge
Supreme Appellate Court
Gilgit-Baltistan

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I,_____do solemnly swear that as Member of the Service Tribunal, established under the Gilgit-Baltistan Service Tribunal (Amendment) Act, 2022, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

Place_____

Date_____

Signature of Member
Gilgit-Baltistan Services Tribunal

Signature Chairman
Gilgit-Baltistan Services Tribunal

SECOND SCHEDULE

[*See* Section-6 (4)]

1. Every memorandum of appeal shall—

(a) Be legibly, correctly and concisely hand-written, type-written or printed;

(b) Be divided into paragraphs numbered consecutively each paragraph containing as nearly as may be, a separate allegation;

(c) Contain full name, official designation and place of posting of each party;

(d) Clearly set out the relief claimed;

(e) Be accompanied by:—

(i) An attested copy of the order of the competent authority against which the appeal is preferred; and

(ii) Copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;

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(f) Be signed by the appellant; and

(g) Be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof duly initialed by the appellant and accompanied by the documents referred to in sub-paragraph (c), as there are respondents.

2. An appeal may be sent to the Registrar by a courier service or registered post acknowledgement due or it may be presented to the Registrar during the working hours either by the appellant personally or through his Advocate.

3. In every memorandum of appeal, the competent authority shall be shown as the first respondent and thereafter all other parties to the dispute shall be shown as respondents.

4. (1) The Registrar shall scrutinize every memorandum of appeal received by post or presented to him and shall—

(i) if it be in order and drawn up in accordance with the provisions of paragraph-1, cause it to be registered in the register of appeals to be maintained in Form 'A' appended to this Schedule, and, with the approval of the Chairman, shall fix a date for its preliminary hearing before a Bench or the Tribunal, as the case may be; or

(ii) if it is not drawn up in accordance with the provision of paragraph-1, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency.

(2) If the memorandum of appeal is not re-submitted within the period specified under clause (ii) of sub-paragraph (1) of paragraph 4, the appeal shall stand dismissed.

5. (1) The Bench or the Tribunal, as the case may be, after hearing the appellant or his Advocate on the date fixed for preliminary hearing or on such subsequent dates to which such hearing may be adjourned, may dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its regular hearing shall be served on the appellant, the respondents and such other persons as the Tribunal may deem proper.

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6. (1) A notice under sub-paragraph (2) of paragraph 5 shall be in such form as may be approved by the Tribunal and may be served by registered post or in any other manner, including publication in one or more daily newspapers as the Bench admitting the appeal or the Tribunal may direct; provided that where the notice is directed to be served by publication in the newspapers, it shall not be issued until the costs of its publication are deposited by the appellant.

(2) The notice to the respondent shall be accompanied by a copy of memorandum of appeal and copies of other documents referred to in sub-paragraph (c) of paragraph-1.

(3) Service of notice in accordance with the provisions of this paragraph shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

7. (1) In response to the notice served under paragraph 6, the respondent may send his objections to the appeal by registered post acknowledgement due to the Registrar or deliver the same to him either personally or through his advocate on or before the date fixed far hearing of the appeal.

(2) The objections shall be legibly and concisely hand-written, type-written or printed, shall be signed by the respondent and shall be accompanied by a copy of the order or other documents on which the respondent wishes to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, and containing copies of the order and documents referred to in sub-paragraph (2). Three of these copies shall be supplied for the use of the Tribunal and the fourth copy for the appellant or his Advocate.

(4) In case objections are not received or delivered within the time allowed under sub-paragraph (1), the respondent may be proceeded against *ex-parte*.

8. (1) Questions arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits but the Tribunal may direct that such questions, as it may consider necessary, be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

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9. (1) An application for summoning witnesses before the Tribunal shall be made, as soon as possible, after the issue of notice of appeal under paragraph-5. It shall state—

(a) The name, designation, and address of the witnesses to be summoned;

(b) A brief resume of the evidence which each witness is expected to give; and

(c) A brief description of the document to be summoned and name and location of the office in which such document is expected to be.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-paragraph (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and travelling charges of such witness at the rate which would have been allowed by the Chief Court if it had summoned him should be deposited by the person calling him, within seven days of the date of the order.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-paragraph (2) or within any extension thereof that may be granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.

(5) Where a Tribunal summons a witness under the provisions of sub-paragraph (4)—

(a) If such witness is a Government servant, his traveling and daily allowance (if any) shall be borne by Government; and

(b) If the witness is a private person, his traveling allowance and daily allowance shall be borne by such parties and to such extent as may be determined by the Tribunal.

10. (1) Process for service on witnesses of high rank shall be sent in the form of a letter and acknowledgement received.

(2) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the head of his office.

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11. (1) a daily cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court-room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases will be set down in the cause list in the order of the date of admission.

12. (1) Evidence of a witness examined by the Tribunal shall be taken down under the superintendence of the Tribunal ordinarily in the form of a narrative and shall be signed by the members of the Tribunal and shall form part of the records.

(2) The parties or their Advocates may suggest any question to the Tribunal and the Tribunal may put such, besides any other, question to the witness.

(3) The Tribunal may record such remarks as it thinks material respecting the demeanor of any witness while under examination.

(4) The Tribunal may close the evidence of any party if there is in-ordinate delay or expense involved in its production, provided that the interest of justice so permits.

13. (1) If on the date fixed for hearing of appeal or on any subsequent date to which the hearing may be adjourned, the appellant or his advocate is not present before the Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the same.

(2) If on the date fixed for hearing of appeal or on any subsequent date to which hearing may be adjourned the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their Advocates, are not present before the Tribunal, the Tribunal may hear the appeal *ex-parte* against all or any of the respondents.

(3) Where an appeal has been dismissed under sub-paragraph (1) or the *ex-parte* proceedings have been taken under sub-paragraph (2), the Tribunal may on such order as to costs, as it may deem fit restore the appeal or set aside the *ex-parte* order as the case may be or allow the defaulting party to rejoin the proceedings.

14. A copy of every order of final adjudication on an appeal shall be furnished by the Tribunal, free of cost, to the parties.

15. Clerical or arithmetical mistakes in an order of final adjudication, arising therein from any accidental slip or omission may at any time be corrected

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by the Tribunal either of its own motion or on the application of any of the parties:

Provided that where an application in respect of paragraph to is made by a party, it shall be duly supported by an Affidavit.

16. The provisions contained in the High Court Rules and Orders in regard to copies and inspection of record shall *mutatis mutandis* and to the extent practicable apply to the proceedings before a Tribunal.

17. If a civil servant is un-represented before a Tribunal and cannot afford to engage a counsel, the Tribunal may make arrangements to employ a counsel at Government expense.

FORM 'A'

REGISTER OF APPEALS

***[See* PARAGRAPH 4 (1) (i)]**

Serial No.	Date of presentation of appeal	Name and address of the appellant	Name and address of the respondent	Date of registration of the appeal	Whether admitted or dismissed in limine with date of order	Amount of security and costs deposited by the appellant	Date of final order	Brief substance of the final order	Date on which copy of the final order sent to the competent authority
1	2	3	4	5	6	7	8	9	10

SYED AMJAD ALI ZAIDI,
Speaker
Gilgit-Baltistan Assembly.

SYED MEHDI SHAH,
Governor
Gilgit-Baltistan.

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