

Punjab Subordinate Judiciary Service Tribunal Act, 1991

12 of 1991

[15 October 1991]

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An Act to provide for the establishment of the Punjab Subordinate Judiciary Service Tribunal Preamble.- Whereas it is expedient to provide for the establishment of the Punjab Subordinate Judiciary Service Tribunal and for matters connected therewith or ancillary thereto; It is hereby enacted as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Punjab Subordinate Judiciary Service Tribunal Act 1991.
- (2) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires-

- (a) "Chairman" means the Chairman of the Tribunal;
- (b) "Government" means Government of the Punjab;
- (c) "Governor" means the Governor of the Punjab;

(d) "Member" means a Member of the Tribunal and includes the Chairman;

(e) "Member of subordinate judiciary" means and includes all Judicial Officers [2][who are or have been] under the administrative control of the Lahore High Court; and

(f) "Tribunal" means the Tribunal established by this Act and includes a Bench thereof.

3. Tribunal :-

(1) The Governor may, subject to sub-section (3), by notification in the official Gazette, establish a Service Tribunal for the members of the subordinate judiciary of the Punjab.

(2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of the members of subordinate judiciary including disciplinary matters.

(3) The Tribunal shall consist of three judges of the Lahore High Court nominated by the Chief Justice, the senior most of whom shall be the Chairman.

4. Constitution Of Benches :-

(1) Notwithstanding anything contained in Section 3, the Chairman may constitute a Bench consisting of two Members with or without the Chairman and when so constituted, the 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.

(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.

5. Appeal To Tribunal :-

Any member of subordinate judiciary 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 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 Punjab Civil Servants Act 1974 (Punjab Act VIII of 1974), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person 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; and

(b) no appeal shall lie to the 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 post.

Explanation.- In this section departmental authority means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of members of subordinate judiciary.

6. Powers Of Tribunal :-

(1) The Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) The 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 (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.

7. Limitation :-

The provisions of Sections 5 and 12 of the Limitation Act 1908 (IX of 1908), shall apply to appeals under this Act.

8. Transfer Of Appeal :-

All appeals pending before the Tribunal established under the

Punjab Service Tribunal Act 1974 (Punjab Act VIII of 1974), relating to members of subordinate judiciary shall stand transferred to the Tribunal established under this Act.

9. Rules :-

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

10. Repeal :-

Punjab Subordinate Judiciary Service Tribunal Ordinance 1991 (XVIII of 1991), is hereby repealed.