

**AN
ACT**

further to amend the Khyber Pakhtunkhwa Services Tribunal Act, 1974.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.— (1) This Act may be called the Khyber Pakhtunkhwa Services Tribunal (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. I of 1974.— In the Khyber Pakhtunkhwa Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), hereinafter referred to as the said Act, in section 3,—

(a) in sub-section (3), for clause (b), the following shall be substituted, namely:

“(b) two members, one of whom is a District and Session Judge and the other is a civil servant in BPS-20 and above.”; and

(b) for sub-section (4), the following shall be substituted, namely:

“(4) The Chairman and members of a Tribunal shall be appointed by the Governor in consultation with the Chief Justice of the Peshawar High Court.”.

3. Insertion of section 3B in the Khyber Pakhtunkhwa Act No. I of 1974.— In the said Act, after section 3A, the following new section shall be inserted, namely:

“3B. Tenure, terms and conditions of service of Chairman and members.— (1) The Chairman and a member shall hold office for a period of three years or until he attains the age of sixty years, whichever is earlier, and shall not be eligible for re-appointment:

Provided that if a judge of the High Court is appointed as Chairman, he shall hold office for a period of three years or until he attains the age of superannuation as judge of the High Court whichever is earlier.

(2) In case, a retired judge of the High Court is appointed as Chairman under clause (a) of sub-section (3) of section 3, he shall hold office for a period of three years and shall not be eligible for re-appointment.

(3) The other terms and conditions of service of the Chairman and members shall be such as may be determined by the Governor.”.

4. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. I of 1974.— In section 5,—

(i) in sub-section (1).—

(a) in clause (c), for the word “one”, the word “one preferably judicial member” shall be substituted; and

(b) in the first proviso, for the words “two or more members”, the words “two members”, shall be substituted; and

(ii) for sub-section (2), the following shall be substituted, namely:

“(2) In case a Bench consisting of more than one member is unable to arrive at a unanimous decision, the appeal shall be referred to the Chairman for consideration by the Tribunal.”.

5. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. I of 1974.— In the said Act, in section 6,—

(i) in sub-section (2), the words and comma “or members or, as the case may be two or more members”, shall be deleted; and

(ii) sub-section (4) shall be deleted.

6. Repeal.—The Khyber Pakhtunkhwa Services Tribunal (Amendment) Ordinance, 2013 (Khyber Pakhtunkhwa Ordinance No. II of 2013) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa