

## APPEALS, PETITIONS AND REPRESENTATIONS

### Sl. No. 1

#### Civil Servants (Appeal) Rules, 1977

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

1. (1) These rules may be called the Civil Servants (Appeal) Rules, 1977.

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context,—

[(a) Appellate authority means.—

(1) in cases relating to discipline.—

(i) where the order is made by the authorised officer, the officer designated as authority under the Government Servants (Efficiency and Discipline) Rules, 1973.

(ii) "[where the order is made by the officer, designated as authority under the rules specified in paragraph (1), the officer or authority next above the authority; and].

(iii) where the order is made by the Prime Minister, the President; and

(2) in other cases, the officer or authority next above the authority against whose order the appeal is preferred and where the order is made by the Prime Minister, the President; and]

(b) \* [ ]

(c) "penalty" means a penalty provided for in the Government Servants (Efficiency and Discipline) Rules, 1973.

3. Every civil servant shall be entitled to appeal, to the appellate authority from an order passed by an authority "[or an authorized officer] imposing upon him any penalty:

Provided that, where the penalty is imposed by an order of the President, the civil servant shall have no right to appeal but he may apply for review of the order.

\* Subs. and omitted *vide* Establishment Division Notification S.R.O.No.178(1)/99, dated 24-3-1999.

\*\* Subs. *vide* Establishment Division Notification SRO No.335(I)/2000, dated 14-6-2000.

\*\*\* Amended *vide* Establishment Division Notification No.3/7/79-DI, dated 28-1-1981.

4. (1) A civil servant shall be entitled to appeal to the appellate authority from an order passed by an authority which—

- (a) alters to his disadvantage, his conditions of service, pay, allowances or pension; or
- (b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or
- (c) reduces or withholds the maximum pension, including an additional pension, admissible to him under the rules governing pensions; or
- (d) terminates his employment or gives notice of such termination otherwise than—
  - (i) on his reaching the age of superannuation, or
  - (ii) in accordance with the provisions of the Civil Servants Act, 1973 (LXXI of 1973):

Provided that a person appointed by the President shall have no right to appeal from an order passed by the President, but he may apply for review of the order:

Provided further that no appeal or review shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

(2) A member of an "All-Pakistan Unified Grades serving under a Provincial Government may appeal, from the order of the Provincial Government, to the President.

(3) A civil servant appointed by the President may appeal to the President from an order passed by an authority subordinate to the President.

5. (1) Every person preferring an appeal should do so separately and in his own name.

(2) Every appeal preferred under these rules shall contain all material statements and arguments relied upon by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself.

(3) Every appeal shall be submitted through the Head of the office to which the appellant belongs or belonged, and through the authority from whose order the appeal is preferred.

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\* BPS.

\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

(4) Every appeal shall be submitted within a period of thirty days of the communication of the order appealed against.

6. (1) In the case of an appeal under rule 3, the appellate authority shall consider—

- (a) Whether the facts on which the order appealed against was based have been established;
- (b) Whether the facts established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive adequate, or inadequate, and, after such consideration shall confirm, set aside or modify the previous order, \*[and the appellant shall be informed of the reasons for passing such order].

(2) In the case of an appeal under rule 4, the appellate authority shall pass such order as, having regard to all circumstances of the case, appears to it just and equitable. \*[and the appellant shall be informed of the reasons for passing such order].

(3) The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

7. (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:—

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the provisions of sub-rule (1), (2) or (3) of the rule 5; or
- (c) it is not preferred within the time specified in sub-rule (4) of rule 5 and no reasonable cause is shown for the delay; or
- (d) it is addressed to an authority to which no appeal lies under these rules; or
- \*\*(e) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case];

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\* Added *vide* Establishment Division Notification S.R.O. No.582 (1)/93, dated 26-6-1993.

\*\* Added *vide* Establishment Division Notification No. 5/1/81-R.I., dated 26-12-1981.



Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it:

Provided further that an appeal withheld on account only of failure to comply with the provisions of sub-rule (2) or (3) of rule 5 or clause (d) may be resubmitted within one month of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted in a form which complies with those provisions or is addressed to the proper appellate authority, as the case may be, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by an authority competent to do so.

8. (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority with an expression of opinion by the authority from whose order the appeal is preferred.

(2) Every appeal by a civil servant serving under a Provincial Government or a local authority, which is not withheld under these rules shall be forwarded by the Provincial Government or the local authority to the Federal Government with an expression of its opinion.

(3) A list of appeals withheld under rule 7, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(4) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

9. (1) Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before they came into force.

(2) All appeals pending immediately before the coming into force of these rules shall be deemed to be appealed under these rules.

10. The Civil Services (Classification, Control and Appeal) Rules, 1930, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done thereunder.

[Authority.—Establishment Division's Notification S.R.O. No. 54(I)/77, dated 17-1-1977].