

NOTIFICATION

Karachi, the 8th November 1980.

No. SOIX-REG (S&GAD) 2/J/2-76. — In exercise of the powers conferred by section 26 of the Sindh Civil Servants Act, 1973, the Government of Sindh are pleased to make the following rules, namely:

THE SINDH CIVIL SERVANTS (APPEAL) RULES, 1980.

- (1) These rules may be called the Sindh Civil Servants (Appeal) Rules, 1980.
 - (2) These shall come into force at once.
2. In these rules unless there is anything repugnant in the subject or context: —
- (a) "appellate authority" means the officers mentioned in column 3 of the schedule;
 - (b) "competent authority" means the officer mentioned in column 2 of the schedule;
 - (c) "schedule" means the schedule appended to these rules.
3. (1) A civil servant aggrieved by an order of the competent authority relating to the terms and conditions of his service may, within 30 days from the date of the order, prefer an appeal to the appellate authority;
- Provided that where the order is made by the Government there shall be no appeal the civil servant may apply for review of the order;
- Provided further that the appellate authority or as the case may be. Government may condone the delay in preferring -appeal or review petition, if it is satisfied that the delay was for reasons beyond the control of the appellant or for the reasons that the earlier appeal or review petition was not addressed to the proper forum.
- (2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer appeal separately.
 - (3) Where the civil servant has died, the appeal may be filed or inherit his property; provided that the benefit likely to accrue in the appeal inherit his property; provided that the benefit likely to accrue in the appeal is heritable.

- 4 (1) Every Memorandum of Appeal shall —
- (a) contain full name and address, official designation and place of posting of the appellant.
 - (b) state in brief the facts leading to the appeal.
 - (c) be accompanied by a certified copy of the order appealed from and copies of all other documents on which the appellant wishes to rely
- (2) The appeal shall be submitted through the head of the office in which the appellant is posted at the time of filing the appeal and the said head of the office shall forward the appeal to the competent authority if he himself is not such authority, and the competent authority shall after adding his own comments if any transmit the appeal to the appellate authority
- 5 (1) The appellate authority shall, on receipt of appeal, call for the record of the case from the competent authority and after perusal of such record and if considered necessary hearing the appellant and the representative of the competent authority make such order as it may deem fit
- Provided that if the appellate authority proposes to make an order adversely affecting the appellant, it shall give him reasonable opportunity to show-cause against making of such order.
- (2) The appellate authority shall communicate the order made by it to the appellant if he is not present at the time of announcement of the order
- 6 (1) Where the competent authority has made an order before coming into force of these rules, appeal from that order can be filed within 30 days of the announcement thereof
- (2) All appeals pending immediately before coming into force of these rules shall be disposed as appeals under these rules.
- 7 The Sindh Civil Servants (Appeal) Rules, 1975 are hereby repealed

SCHEDULE See*rule 2 (2)*

S. No.	Authority making the order	Authority competent to hear appeals and entertain representations
<u>1</u>	<u>2</u>	<u>3</u>
1	Officer in Basic Scale 16, 17, 18 and 19.	The officer next above under whom the officer making the order is working
2	Regional-Head	Head of the Attached Department concerned and if there is no Head of the Attached Department than Secretaiy of the Department concerned
3	Head of Attached Department	Secretary of the Department unless he is holding a post in lower Basic Pay Scale in which case Chief Secretary through the Secretary of the Department.
4	Secretaries of the Department.	Chief Secretary
5	Chief Secretary	Chief Minister
6	Chief Justice	Chief Minister through Chief Secretary
7	Chief Minister	Chief Minister for Review

M.MASUDZAMAN, Chief Secretary to
Government of Sindh

INSTRUCTIONS
APPEAL RULES

27 INSTRUCTIONS ON APPEAL RUL[^]S

Subject;— Admissibility representation against supersession in matter of promotion on grounds other than suitability for promotion.

A question has answer whether a civil servant has a right to make representation against his supersession and promotion of his junior to a higher post.

2 The provision relating to right of appeal or representation is contained in subsection (2) of Section 23 of the Sindh Civil Servants Act, "1973. This is, however, subject to the proviso which is reproduced below :—

"Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to higher post or grade"

3 The proviso clearly places a bar on making representation against one's supersession on the ground of his suitability for promotion. But the bar does not extend to representations made on other grounds. For instance, if a civil servant who possess the prescribed qualifications for promotion or his case is not placed before the Promotion Board/Committee, he can ventilate his grievance in this regard by making representation to the higher authority.

SCHEDULE See*rule 2 (2)*

S. No.	Authority making the order	Authority competent to hear appeals and entertain representations
<u>1</u>	<u>2</u>	<u>3</u>
1	Officer in Basic Scale 16, 17, 18 and 19.	The officer next above under whom the officer making the order is working
2	Regional-Head	Head of the Attached Department concerned and if there is no Head of the Attached Department than Secretaiy of the Department concerned
3	Head of Attached Department	Secretary of the Department unless he is holding a post in lower Basic Pay Scale in which case Chief Secretary through the Secretary of the Department.
4	Secretaries of the Department.	Chief Secretary
5	Chief Secretary	Chief Minister
6	Chief Justice	Chief Minister through Chief Secretary
7	Chief Minister	Chief Minister for Review

M.MASUDZAMAN, Chief Secretary to
Government of Sindh

1 Subrcilitled under notification No SOIX-RG(S&GAD)2/J/2-76 dated IOlli December. 19S4