

## **THE SINDH CIVIL SERVANTS (APPEAL) RULES, 1980**

**1.-** (1) These rules may be called the Sindh Civil Servants (Appeal) Rules, 1980.

(2) They shall come into force at once.

**2.-** In these rules unless there is any thing 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 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 servants, every civil servant shall prefer appeal separately.

(3) Where the civil servant has died, the appeal may be filed or pursued if it has already been filed by any of his legal heirs entitled to inherit his property; provided that the benefit likely to accrue in 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 wished 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 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 be disposed as appeals 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 imposed as appeals under there rules.

**7.-** The Sindh Civil Servants (Appeal) Rules, 1975 are hereby repealed.

**SCHEDULE**

[See rule 2(c)]

<b>S. No.</b>	<b>AUTHORITY MAKING THE ORDER</b>	<b>AUTHORITY COMPETENT TO HEAR APPEALS AND ENTERTAIN REPRESENTATIONS</b>
<b>1</b>	<b>2</b>	<b>3</b>
1	Officer in <sup>1</sup> [Basic Scales] 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 then Secretary of the Department concerned.
3	Head of the Attached Department	<sup>2</sup> [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	<sup>3</sup> [Senior Puisne Judge or a Judge nominated by the Chief Justice	Chief Justice
6-A	Chief Justice	Chief Justice for Review
7	Chief Minister	Chief Minister for Review

<sup>1</sup> Substituted for "Grade" by Notification No. SOIX-REG(S&GAD)2/J/2-76, dated 10-12-1984, S.G.G, Part IV-A, 10-1-1985

<sup>2</sup> Substituted by Notification No. SOIX-REG(S&GAD)2/J/2-76, dated 10-12-1984, S.G.G, Part IV-A, 10-1-1985

<sup>3</sup> Substituted by Notification No. SOR-I(S&GAD)2/3/93, dated the 7-4-1999