

**CHAPTER-2**  
**THE UNIVERSITY OF AZAD JAMMU & KASHMIR**  
**EMPLOYEES (APPEAL) STATUTES 1999<sup>1</sup>**

1. (1) These Statutes may be called the University of Azad Jammu and Kashmir Employees (Appeal) Statutes 1999.
- (2) These Statutes shall come into force at once.

**2. Definitions**

In these Statutes, unless there is anything repugnant in the subject or context: -

- (a) "Syndicate" means the Syndicate of the University of Azad Jammu and Kashmir specified in the University of Azad Jammu and Kashmir Act 1985.
- (b) "Competent Authority" means an officer or authority competent to appoint the accused.
- (c) "Appellate Authority" means the Syndicate of the University of Azad Jammu and Kashmir.
- (d) "University Employees" excluding the Chancellor and the Vice Chancellor, includes teaching, administrative and other staff in the service of the University whose pay is debitable to the University fund, except;
  - (i) University employee between whom and the University there is a specific contract or agreement.
  - (ii) A person who is on deputation to the service of Azad Jammu and Kashmir University in connection with the affairs of the University, from the Government of Azad Jammu and Kashmir or Federation or any other Province of Pakistan or any other authority.

**3. Appeal**

A University employee shall be entitled to appeal to the Syndicate from an original order passed by an authority or an officer prejudicial to his service interest.

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<sup>1</sup> Approved by the Syndicate in its 19<sup>th</sup>. Meeting held on 22-12-1999, item 27, P.27.1 to 27.17 as notified vide Registrar's No. Syndicate/19<sup>th</sup>. Meeting/99/2499-2539/2000 dated 18-2-2000. The word Rules has been replaced by the word Statutes vide 21<sup>st</sup>. Meeting of the Syndicate held on 11-6-2001, item 28, P.28.1-28.4. as notified vide Registrar's No. Syndicate/ 21<sup>st</sup> Meeting/ 2001/ 3799-3825 dated 20-07-2001.

4. (1) A University Employee shall be entitled to appeal to the appellate authority from an original 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 Statutes 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 Statutes governing pension; or
  - (d)
    - (i) on his reaching the age of superannuation; or
    - (ii) in accordance with the provisions of the University Service Statutes, 1981.
    - (iii) provided further that no appeal or review shall lie to the Syndicate against an order or decision determining the fitness or otherwise of a person to be appointed or to hold a particular post or to be promoted to a higher post or grade.
5. (i) The person preferring an appeal shall do so separately and in his own name.
- (ii) The appeal preferred under these Statutes shall contain all material statement and concise argument relied upon by the appellant. It shall contain no disrespectful or improper language, and shall be complete in itself.
- (iii) The appeal shall be submitted within a period of sixty days of the communication of the order appealed against.
6. (i) In the case of an appeal under Statute 3,4 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
- (ii) In the case of an appeal, under Statute 4 the appellate authority shall pass such order as, having regard to all circumstances of the case, appears, to it, just and equitable.



- (iii) The authority/officer from whose order an appeal is preferred under these Statutes shall give effect to any order made by the appellate authority.
7. (i) An appeal may be rejected by the appellate authority without hearing the appellant if:-
- (a) it is an appeal in a case in which no appeal lies under these Statutes; or
  - (b) it does not comply with the provisions of sub-Statute (i) (ii) (iii) of Statute 5; or
  - (c) it is addressed to authority to which no appeal lies under these Statutes;
  - (d) It is time barred under these Statutes.
- (ii) Any order passed on appeal shall be final except otherwise specifically provided under these Statutes.
- (iii) The right of appeal shall be governed under the provision of section 38 of the University of Azad Jammu and Kashmir Act, 1985.
- (iv) The authority to whom the appeal is made shall exercise the same powers as are vested in the appellate authority under these Statutes.

## 8. Revision

- (i) The Syndicate may call for and examine the record of any proceedings before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding or order recorded or passed and as to the regularity of any proceeding of such authority.
- (ii) On examining any record under this Statute, the Syndicate may pass such order as it may deem fit.

Provided that any order under this Statute made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action.

9. (i) The Syndicate and the Vice Chancellor or a Committee duly constituted on their behalf may give personal hearing to the concerned University employee or direct any other officer subordinate to him to grant a hearing to the concerned University employee.



- (ii) The Syndicate or the Vice Chancellor may constitute an Appeal Committee which shall consist of a Chairman and two members nominated by the concerned authority.

**10.** An order passed under these Statutes on an appeal, shall be final.

**11.** All appeals, revision, review petitions: and representations pending immediately before the coming into force of these Statutes shall be processed and finalized under the Statutes existing before promulgation of these Statutes.

Provided that all such pending cases shall not be adversely affected by the provision of limitation.

**12.** The University Employee on whom a penalty has been imposed under University Efficiency and Disciplines Statutes 1988 shall have such right of appeal in the manner as provided in these Statutes.

**13.** Right of Appeal and Review against Penalty under University Employees Efficiency and Discipline Statutes, 1988.

A University employee on whom a penalty has been imposed under University Efficiency and Discipline Statutes 1988, may within 30 days from the date of the communication of the order, appeal against or apply for review of the order as provided in section 38 of the University Act 1985.

Provided that if the Syndicate or any other officer authorised by the Syndicate as the case may be, is satisfied that there is sufficient ground for extending the time, it may entertain the appeal or the review petition at any time.

**14. Petition of Appeal or Review**

Every appeal or review petition preferred under these Statutes shall be made in the form of a petition in writing and shall set forth concisely the grounds of objection to the order appealed from or sought to be reviewed and shall not contain disrespectful or improper language and shall be submitted to the Vice Chancellor and he shall forward the same along with his comments to the Syndicate.

**15. Determination of Appeal by the Syndicate**

- (i) The Syndicate shall cause notice to be given to the appellant and the competent authority or the authorised officer imposing penalty, of the time and place at which such appeal will be heard. The Syndicate shall call for the record of the case if such record



is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the Syndicate may, if it considers that there is no sufficient ground for interfering dismiss the appeal or may: -

- (a) reverse the finding and acquit the accused; or
  - (b) order and direct that further or fresh inquiry be made; or
  - (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
  - (d) subject to the provisions enhance the penalty.
- (ii) Where the Syndicate proposes to enhance the penalty, it shall: -
- (a) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
  - (b) give him a reasonable opportunity to show cause against that action.
- (iii) While taking into consideration an appeal, the Syndicate may, if it thinks additional evidence to be necessary either take such evidence itself or direct it be taken by the authorised officer and, when such evidence has been taken, the Syndicate shall there upon propose to dispose off the appeal.

#### **16. No Second Appeal, Review Petition in Certain Cases**

- (i) No appeal shall lie against any order passed by the Syndicate on an appeal except where the Syndicate has enhanced the penalty by the Appellate order:
- (ii) In every case in which the Syndicate enhances the penalty imposed by the competent authority or the authorised officer, the accused may, within 30 days of the communication of the order, apply to the Syndicate or any other officer authorised by the Syndicate for the review of that order.

Provided that if the Syndicate or any other officer authorised by the Syndicate is satisfied that there is sufficient ground for extending the time, it may entertain the application for review at any time.

- (iii) The application for review shall be filed in the manner indicated in Statute 14.

- (iv) On examining any record under these Statutes the Syndicate or any other officer authorised by the Syndicate may direct the competent authority or the authorised officer to make further inquiry into the charges of which the accused has been acquitted and discharged.

Provided that an order prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment shall not be revised suomoto or otherwise after the lapse of a period of three months from the date of its communication to the accused.

**Note:** The Statutes 15,16,17,18,19 and 20 of University Employees Efficiency and Discipline Statutes 1988 shall stand repealed from the date of enforcement of these Statutes.