

LAW (LEGISLATIVE DRAFTING) DEPARTMENT**(Group-II)****NOTIFICATION****Jaipur, June 2, 2005**

No. F. 4(1)Vidhi/2/2005.—In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Civil Seva (Seva Mamlon Ke liye Appeal Adhikarn) (Sanshodhan) Adhyadesh, 2005 (2005 Ka Adhyadesh Sankhyank 1) promulgated by him on the 30th day of May, 2005.

(Authorised English Translation)**THE RAJASTHAN CIVIL SERVICE (SERVICE MATTERS
APPELATE TRIBUNALS) (AMENDMENT)
ORDINANCE, 2005****(Ordinance No. 1 of 2005)****[Made and promulgated by the Governor on the 30th day
of May, 2005]****An****Ordinance**

**further to amend the Rajasthan Civil Services (Service
Matters Appellate Tribunals) Act, 1976.**

Whereas the Rajasthan State Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor hereby promulgates in the Fifty-sixth Year of the

Republic of India, the following Ordinance, namely:—

1. Shrot title and commencement.— (1) This Ordinance may be called the Rajasthan Civil Services (Service Matters Appellate Tribunals) (Amendment) Ordinance, 2005.

(2) It shall come into force at once.

2. Insertion of section 4A, Rajasthan Act No. 34 of 1976.—After the existing section 4 and before the existing section 5 of the Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976 (Act No. 34 of 1976), hereinafter referred to as the principal Act, the following new section shall be inserted, namely:—

"4A. Appeal not to be admitted unless other remedies exhausted.—(1) The Tribunal shall not ordinarily admit an appeal unless it is satisfied that the appellant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances—

(a) if a final order has been made by the Government or other authority or Committee or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance;
or

(b) where no final order has been made by the Government or other authority or Committee or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

Explanation:-In this section the expression "service rules as to redressal of grievance" means the rules, regulations, order or other instruments or arrangements as in force for the time being with respect to redressal, otherwise than under this Act, of any grievances in relation to services matters."

3. Amendment of section 9, Rajasthan Act No. 34 of 1976.—For the existing section 9 of the principal Act, the following shall be substituted, namely:—

"9. Limitation for appeals.—(1) The Tribunal shall not admit an appeal—

(a) in a case, where a final order such as is mentioned in clause (a) of sub-section (2) of section 4A has been made in connection with the grievance, unless the appeal is preferred within six months from the date on which such final order has been made;

(b) in a case, where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 4A has been preferred or made and a period of six months has expired thereafter without such final order having been made, unless the appeal is preferred within six months from the date of expiry of the said period of six months; or

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(c) in other cases, unless the appeal is preferred within six months from the date of the order against which appeal is preferred.

(2) Notwithstanding anything contained in sub-section (1), an appeal may be admitted after the period of limitation specified in sub-section (1) if the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within such period."

प्रतिभा पाटिल,

GOVERNOR OF RAJASTHAN.

सी. पी. सिंह,

Secretary to the Government.