

THE PUNJAB LOCAL GOVERNMENT (APPEAL) RULES, 2002

[15th March, 2002]

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[SOV(LG)5-1/2002]

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THE PUNJAB LOCAL GOVERNMENT (APPEAL) RULES, 2002

- 1. Short title, commencement and application.** - (1) These rules may be called the Punjab Local Governments (Appeal) Rules, 2002.
 - (2) They shall come into force at once.
 - (3) These rules shall apply to all appeals preferred against orders passed under the Punjab Local Government Ordinance, 2001, and the rules or bye-laws framed thereunder except appeals relating to service matters of employees working under the Local Governments.
- 2. Appellate Authority.**- Except as otherwise provided in the Punjab Local Government Ordinance, 2001 or the rules framed thereunder an appeal from an order of the authority specified in column-2 of Schedule-I annexed to these rules, shall lie to the authority specified in column-3 thereof.
- 3. Limitation.** - (1) Except as otherwise provided in the Punjab Local Government Ordinance, 2001, or the rules framed thereunder, the period within which an appeal under these rules may be preferred shall be thirty days from the date of the order appealed from.
 - (2) In computing the period of limitation prescribed for an appeal the time requisite for obtaining a certified copy of the order appealed from shall be excluded.
 - (3) An appeal may be admitted after the period of limitation prescribed therefore when the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within such period.
- 4. Manner in which appeals are to be filed.** - (1) Every appeal shall be preferred in the form of a memorandum and shall be presented to the Appellate Authority or an officer authorized by it in this behalf, by the appellant personally or through his authorized agent and may be sent to such authority by registered post.
 - (2) Every memorandum of appeal shall be in writing and shall set forth concisely the grounds of objection to the order appealed from and such grounds shall be numbered consecutively.
 - (3) Every memorandum of appeal shall be signed and verified by the appellant and shall, unless the authority before which the appeal is filed dispenses with such requirements, be accompanied by a certified copy of the order appealed from.
 - (4) Every appeal received by an Appellate Authority shall be entered in a register of appeals in Schedule-III appended to these rules,
- 5. Hearing and decision of appeal.** - (1) No appeal shall be decided under these rules without:-
 - (i) notice to the authority passing the order appealed against;
 - (ii) considering any representation that may be made by such authority in respect of the matter under appeal; and
 - (iii) giving an opportunity of being heard in person or through duly authorized agent to the appellant and any other party to the proceedings in which the order appealed against was passed.
 - (2) The Appellate Authority may, before deciding the appeal, call for the record of the case from the authority against whose order the appeal is preferred and may cause such inquiry to be made or obtain such advice, as it may consider necessary.
 - (3) The Appellate Authority may issue an interim order staying the execution of the order appealed against where, in its opinion, such execution is likely to affect materially the redressal sought for by the appellant.

- (4) An appeal shall, as far as possible, be decided within ninety days of its filing.
- (5) The decision of the appeal shall be communicated to the appellant and to the authority passing the order appealed from and shall be given effect to by the latter immediately on its receipt.
- (6) The Appellate Authority may determine the costs of an appeal and specify the party by and to whom such costs shall be paid.
- (7) Any cost awarded to a Local Government under these rules shall be recoverable as arrears of tax leviable under the Punjab Local Government Ordinance, 2001 or the rules framed thereunder.

6. Transfer of appeal. - Government may transfer an appeal pending before a District Co-ordination Officer and a District Co-ordination Officer may transfer an appeal pending before any other Appellate Authority specified in Schedule-I to any other officer of higher or equivalent status as that of the Appellate Authority specified in the Schedule and he shall exercise all the powers of the Appellate Authority for the purposes of the appeal.

7. Disposal of pending appeals. - All pending appeals under the repealed Punjab Local Government Ordinance, 1979 and Punjab Local Councils (Appeal) Rules, 1980 shall be heard and decided by the authorities mentioned in column-3 of Schedule-II annexed to these rules.

SCHEDULE 1
(See Rule-2)

Sr. No.	AUTHORITY MAKING THE ORDER UNDER APPEAL	APPELLATE AUTHORITY
1.	District City District Government.	(i) Concerned Administrative Secretary of the Government, if the order pertains to the devolved functions of his department. (ii) Secretary Local Government & Rural Development Department, in all other cases.
2.	Officers of District/City District Government.	District Coordination Officer.
3.	Tehsil / Town Municipal Union Nazim Administration.	Secretary Local Government & rural Development Department
4.	Officers of Tehsil/Town Municipal Administration	Tehsil/Town Municipal Officer
5.	. Union Administration	Tehsil/Town Municipal Officer
6.	Officials of Union Administration	Union Nazim

SCHEDULE - II
(See Rule-7)

Sr. No.	AUTHORITY WITH WHOM THE APPEALS WERE PENDING	NEW APPELLATE AUTHORITY
1.	Commissioner	District Coordination Officer of the District in which the defunct Local Council falls.
2.	Deputy Commissioner	Executive District Officer (Revenue) concerned.
3.	Assistant Commissioner/Political Assistant of de-excluded area of D.G. Khan District	Deputy District Officer (Revenue) concerned.
4.	Mayors/Chairman of the dissolved Local Councils.	Nazim of the successor Local Government concerned.

SCHEDULE - III
REGISTER OF APPEAL RULES 4(4)
Appellate Authority:- _____

Sr.No.	Date of filling the appeal	Name of the appellant	Name of the respondent (a)	Date and name of the authority passing the order appealed against	The redress sought for the appellant	Interim order, if any, of the appellate authority with date	Date of decision of the appeal	Abstract of the decision
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