

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P. 111

GAZETTE

## North-West Frontier Province

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Published by Authority

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PESHAWAR, WEDNESDAY, 14TH JANUARY, 2003.

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PROVINCIAL ASSEMBLY SECRETARIAT,  
NORTH-WEST FRONTIER PROVINCE.

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**NOTIFICATION**

14th January, 2004.

No. PA/NWFP/Legis:I/2004/1332— The North-West Frontier Province Removal from Service (Special Powers) (Second Amendment) Bill, 2003 having been passed by the Provincial Assembly of North-West Frontier Province on the 29th December, 2003 and assented to by the Governor of the North-West Frontier Province on 07th January, 2004 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

**THE NORTH-WEST FRONTIER PROVINCE  
REMOVAL FROM SERVICE (SPECIAL POWERS)  
(SECOND AMENDMENT) ACT, 2003.  
(N.-W.F.P. ACT NO. II OF 2004)**

*(First published after having received the assent of the Governor of  
the North-West Frontier Province in the Gazette of the N.W.F.P.  
(Extraordinary), dated the 14th January, 2004).*

**AN  
ACT**

*further to amend the North-West Frontier Province Removal from  
Service (Special Powers) Ordinance, 2002.*

**Preamble.**— WHEREAS it is expedient further to amend the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2002 (N.-W.F.P. Ord. No. V of 2002), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**— (1) This Act may be called the North-West Frontier Province Removal from Service (Special Powers) (Second Amendment) Act, 2003.

(2) It shall come into force at once and shall be deemed to have taken effect on the 20th December, 2003.

2. **Amendment of section 2 of N.-W.F.P. Ord. No. V of 2002.**— In the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2002 (N.-W.F.P. Ord. No. V of 2002), hereinafter referred to as the said Ordinance, in section 2, for clause (a), the following shall be substituted, namely:

"(a) 'competent authority' means the Chief Minister and where, in relation to any person or class of persons, the Chief Minister authorises any officer or authority, not being inferior in rank to the appointing authority prescribed for the post held by the person against whom action is proposed to be taken, to exercise the powers of competent authority under this Ordinance, that officer or authority and, in relation to an employee of a Court or Tribunal functioning under Government, the appointing authority, or the Chairman or Presiding Officer of the Court or the Tribunal:

Provided that in relation to the employees of Universities incorporated by law in the North-West Frontier province, in respect of which the Governor is the Chancellor, the North-West Frontier Province Text Book Board, the North-West Frontier Province Board of Technical Education and the Boards of Intermediate and Secondary Education in the North-West Frontier Province, the competent authority shall mean the Governor;"

3. **Amendment of section 9 of N.-W.F.P. Ord. No. V of 2002.**— In the said Ordinance, for section 9, the following shall be substituted, namely:

"9. **Representation.**— (1) A person on whom a penalty is imposed under section 3, may, within fifteen days from the date of communication of the order, prefer a representation to—

- (a) the Chief Minister or an officer or authority designated by him, if the order has been passed by an officer or authority authorized by the Chief Minister;
- (b) the Governor or an officer or authority designated by him in any other case; provided that where the order has been made by the Governor, such person may, within the aforesaid period, submit a presentation to the Governor; and

(c) the Governor, where an order as competent authority has been passed by the Chief Minister.

(2) The Governor, the Chief Minister or an officer or authority, as may be designated for the purpose by the Governor or the Chief Minister, as the case may be, may, on consideration of the representation or, as the case may be, the presentation, and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation or presentation is made."

**BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF  
NORTH-WEST FRONTIER PROVINCE.**

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**NAZIR AHMAD**  
Secretary,  
Provincial Assembly of N.W.F.P.

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