

**¹THE GOVERNMENT SERVANTS (REVIEW OF
PENALTIES) ORDINANCE, 1975**

ORDINANCE NO. XLVIII OF 1975

[2nd September, 1975]

An Ordinance to provide for the review of orders imposing penalties upon some Government servants and Corporation employees under certain laws.

WHEREAS it is expedient to provide for the review of orders imposing penalties upon some Government servants and Corporation employees under Martial Law Regulation No. 58 of 1969 and the Government of Bangladesh (Services) Order, 1972 (P.O. No. 9 of 1972);

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in pursuance of the Proclamation of the 20th August, 1975, and in exercise of the powers conferred by clause (1) of article 93 of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance:-

Short title	1. This Ordinance may be called the Government Servants (Review of Penalties) Ordinance, 1975.
Definition	² [2. In this Ordinance, "Review Board" means the Review Board constituted under section 3A.]
Ordinance to override other laws, etc.	3. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any rules, regulations, contract or terms and conditions of service.
Review Board	³ [3A. (1) The Government shall constitute a Review Board for the purposes of this Ordinance.

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

² Section 2 was substituted by section 2 of the Government Servants (Review of Penalties) (Amendment) Ordinance, 1975 (Ordinance No. LVIII of 1975).

³ Section 3A was inserted by section 3 of the Government Servants (Review of Penalties) (Amendment) Ordinance, 1975 (Ordinance No. LVIII of 1975).

(2) The Review Board shall consist of three members, of whom two shall be persons who are or have been Judges of the Supreme Court and the other shall be a person who is or has been a senior officer in the service of the Republic, and they shall be appointed by the Government.

(3) The Government shall appoint one of the members of the Review Board who is or has been a Judge of the Supreme Court to be its Chairman.

(4) In this section, "Supreme Court" includes a Court which at any time before the commencement of the Constitution of the People's Republic of Bangladesh exercised jurisdiction as a High Court in the territory of Bangladesh.]

4. Any person who was aggrieved by any order passed under Martial Law Regulation No. 58 of 1969, or by any order or declaration passed or made under the Government of Bangladesh (Services) Order, 1972 (P.O. No. 9 of 1972), may, within sixty days from the date of commencement of this Ordinance, apply in writing to the Review Board for review of such order or declaration.

Application for review

5. On receipt of an application under section 4, the Review Board shall examine the records of the case in which the order or declaration, the review of which is applied for, was passed or made and hear the applicant, and make to the President any one of the following recommendations, namely:-

Procedure of Review Board

- (a) rejection of the application;
- (b) cancellation of the order or declaration, the review of which is applied for;
- (c) modification of the order, the review of which is applied for.

¹[5A. (1) The Review Board may, if it considers necessary for the purpose of review of any order or declaration, examine any person or require any person to produce any record, document or other material in his possession or control for its examination.

Powers of Review board

¹ Section 5A was inserted by section 4 of the Government Servants (Review of Penalties) (Amendment) Ordinance, 1975 (Ordinance No. LVIII of 1975).

(2) The Review Board shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of-

- (a) enforcing the attendance of any person for examining him; and
- (b) compelling the production of any record, document and other material.]

Order of
President

6. On receipt of the recommendations of the Review Board, the President may pass such order as he deems fit, and the order of the President shall be final.

Review
Committees and
procedure
thereof

¹**[6A.** (1) Notwithstanding anything contained in this Ordinance, as soon as may be, after the commencement of the Government Servants (Review of Penalties) (Amendment) Ordinance, 1977 (XXXVII of 1977), the Government shall constitute a Review Committee in each Ministry for the purpose of reviewing orders and declarations passed or made against persons who were or, but for such orders or declarations, would be non-gazetted officers or employees of that Ministry or of any office or Directorate under it or who were or, but for such orders or declarations, would be officers or employees of any corporation or institution under it holding a status equivalent to that of a non-gazetted Government officer or employee.

(2) A Review Committee shall consist of a Chairman and two other members to be appointed by the Government from among officers of the Ministry concerned:

Provided that the Chairman shall not be an officer below the rank of a Joint Secretary.

(3) The Review Committee shall exercise the same powers and follow the same procedure as are exercised and followed by the Review Board.

¹ Section 6A was added by section 2 of the Government Servants (Review of Penalties) (Amendment) Ordinance, 1977 (Ordinance No. XXXVII of 1977).

(4) A Review Committee shall make its recommendations to the Minister or Adviser in charge of the Ministry concerned who may, on receipt of the recommendations, pass such order as he deems fit, and his order shall be final.

(5) On the constitution of Review Committee in a Ministry,-

- (a) all applications pending before the Review Board immediately before such constitution filed by persons mentioned in sub-section (1) shall stand transferred to that Review Committee for disposal; and
 - (b) all recommendations made to the President by the Review Board in respect of the applications filed by such persons on which the President passed no orders before such constitution shall stand transferred to the Minister or Adviser in charge of that Ministry, who may pass such orders thereon as he deems fit, and his orders shall be final.]
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