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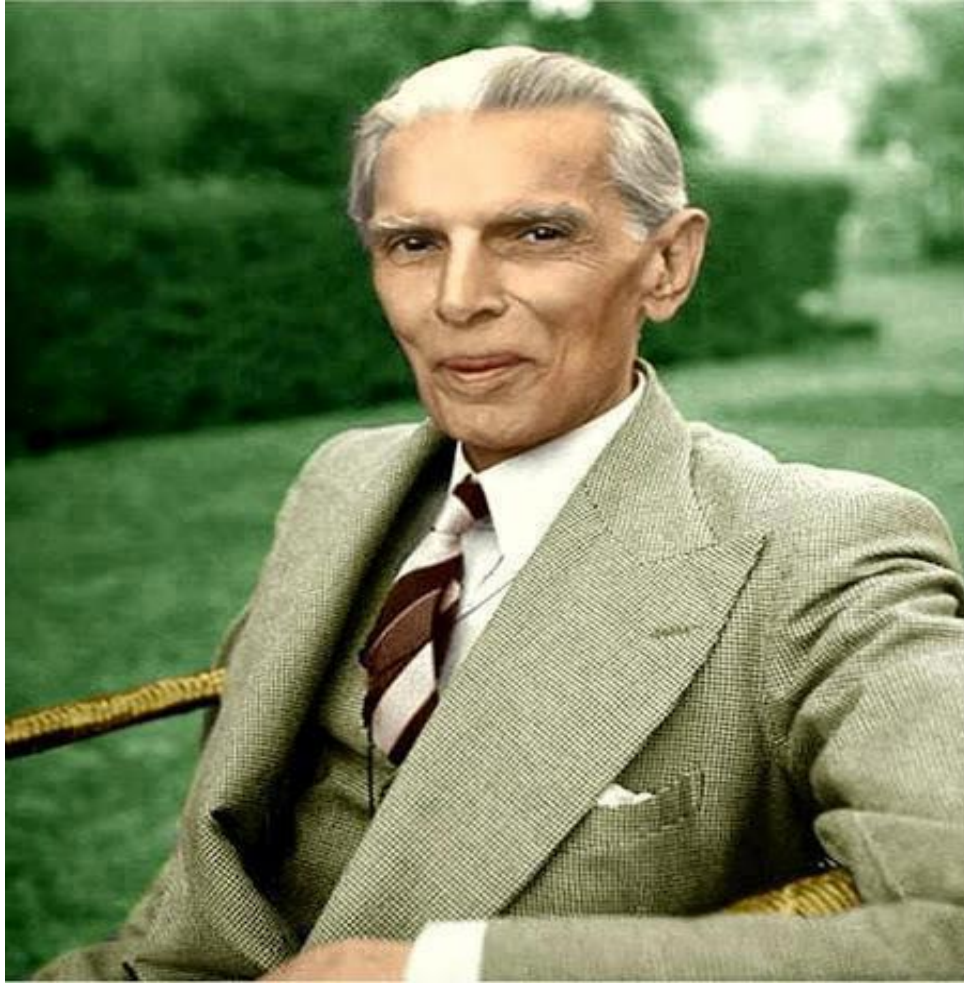
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***An Extract from the Quaid's Address to a Batch of Civil Servants in Peshawar (April, 1948)***

*If you want to raise the prestige and greatness of Pakistan you must not fall victim to any pressure, but do your duty as servants of the people and the state, fearlessly and honestly.*

*The services are the backbone of the state. Governments are formed. Governments are defeated. Prime Ministers come and go, ministers come and go, but you stay on. Therefore, there is a very great responsibility placed on your shoulders.*

**TERMS AND CONDITIONS  
OF SERVICE OF THE CIVIL SERVANTS**  
(1 - 2)

## CHAPTER 1

**TERMS AND CONDITIONS OF SERVICE OF THE CIVIL SERVANTS**

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## TERMS AND CONDITIONS OF SERVICE OF THE CIVIL SERVANTS

### Sl. No. 1

#### \*Constitutional Provisions

#### 1.1 Extracts from the Constitution of the Islamic Republic of Pakistan, 1973: Part XII Miscellaneous, Chapter I– Services.–

**Article 240**– Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined–

Appointments to service of Pakistan and conditions of service

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All Pakistan Service, by or under Act of [**\*\*Majlis-e-Shoora** (Parliament)]; and
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation.— In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of **\*\*[Majlis-e-Shoora (Parliament)]**.

**Article 241**– Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

Existing rules, etc., to continue

**Article 242**– (1) **\*\*** [**Majlis-e-Shoora (Parliament)**] in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to affairs of the Province, may, by law, provide for the establishment and constitution of a Public Service Commission.

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\* For the Constitutional Provisions in the Constitutions of Islamic Republic of Pakistan 1956 and 1962, see Annex I, II, III & IV.

\*\* Subs by PO No. 14 of 1985, Art. 2 and Sch., for 'Parliament'.

\*(1A) The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.]

(2) A Public Service Commission shall perform such functions as may be prescribed by law.

Continuance in force, and adaptation of, certain laws.

**Article 268–** (1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

(2) The laws specified in the Sixth Schedule shall not be altered, repealed or amended \*\*[expressly or impliedly,] without the previous sanction of the President [\*\*\*accorded after consultation with the Prime Minister].

(3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptation, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.

(4) The President may authorize<sup>Ⓢ</sup> the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.

(5) The powers exercisable under clause (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.

(6) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.

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\* Ins. by P.O. 14 of 1985 w.e.f. 2 March 1985.

\*\* Added by Legal Framework Order, 2002.

\*\*\* Added *ibid*.

Ⓢ For such authorization, see Gazette of Pakistan, 1973, Extraordinary, Part II, page 2001.



(7) In this Article, “existing laws” means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial validity, immediately before the commencing day.

Explanation. In this Article, “in force”, in relation to any laws, means having effect as law whether or not the law has been brought into operation.

**Article 212–** (1) Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act \* [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of---

Administrative  
Courts and  
Tribunals

- (a) matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters;
- (b) matters relating to claims arising from tortious acts of Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or
- (c) matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends \*\* [and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal \*\*\* [other than an appeal pending before the Supreme Court] shall abate on such establishment]:

\*Subs. and shall be deemed always to have been so substituted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 12, for “establish”.

\*\* Ins. and shall be deemed always to have been so inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 12.

\*\*\* Ins. and shall be deemed always to have been so inserted by the Constitution (First Amendment) Act, 1976 (62 of 1976), section 15.

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, [Majlis-e-Shoora (Parliament)]<sup>\*\*</sup> by law extends the provisions to such a Court or Tribunal.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

Safeguard  
against  
discrimination  
in services.

**Article 27–** (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that, for a period not exceeding <sup>\*\*\*</sup>[Forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex<sup>@</sup>[:]

<sup>@</sup>Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament).

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.

\* Subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for 'Parliaments'.

\*\* For such law, see the Provincial Service Tribunal (Extension of Provisions of the Constitution) Act, 1974 (32 of 1974).

\*\*\* Subs. and shall be deemed always to have been so substitutes by the constitution (16th Amendment Act, 1999 (VII of 1999) s. 2 for Twenty which was previously sub. by P.O. No. 14 of 1985. Art. 2 and Sch., for 'ten'.

<sup>@</sup> Subs. and Ins. vide 18<sup>th</sup> Constitutional amendment s.10 dated 20-04-2010.

**(Annex-I)****1.2 Extracts from the Constitution  
of the Islamic Republic of  
Pakistan, 1956****THE SERVICES OF PAKISTAN**

## CHAPTER I. – SERVICES

**179.**–(1) No person who is not a citizen of Pakistan shall be eligible to hold any office in the service of Pakistan;

Conditions of  
service of  
persons in the  
service of  
Pakistan

Provided that the President or, in relation to a Province, the Governor, may authorize the temporary employment of a person who is not a citizen of Pakistan;

Provided further that a person who is, immediately before the Constitution Day, a servant of the Crown in Pakistan shall not be disqualified from holding any office in the service of Pakistan on the ground only that he is not a citizen of Pakistan.

(2) Except as expressly provided by the Constitution, the appointment and conditions of service of persons in the service of Pakistan may be regulated by Act of the appropriate legislature.

**180.**–Except as expressly provided by the Constitution–

- (a) every person who is a member of a defence service, or of a civil service of the Federation, or of an All-Pakistan Service, or holds any post connected with defence, or a civil post in connection with the affairs of the Federation, shall hold office during the pleasure of the President, and
- (b) every person who is a member of a civil service of a Province or holds any civil post in connection with the affairs of a Province, other than a person mentioned in paragraph (a) of this Article, shall hold office during the pleasure of the Governor.

Tenure of  
office of  
persons  
employed in  
public services

**181.**–(1) No person who is a member of a civil service of the Federation or of a Province, or of an All-Pakistan Service, or holds a civil post in connection with the affairs of the Federation, or of a Province, shall be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed.

Dismissal,  
disciplinary  
matters, etc.

(2) No such person as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this clause shall not apply—

- (a) where a person is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where an authority empowered to dismiss or remove from service a person, or to reduce him in rank, is satisfied that for some reason, to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause; or

where the President or the Governor, as the case may be, is satisfied, for reasons to be recorded by him, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that person such an opportunity.

Recruitment and conditions of service

**\*182.**— Except as expressly provided by the Constitution or an Act of the appropriate legislature, appointments to the civil services of, and civil posts in the service of, Pakistan shall be made—

- (a) in the case of services of the Federation and posts in connection with the affairs of the Federation, by the President or such person as he may direct;
- (b) in the case of services of a Province and posts in connection with the affairs of a Province, by the Governor of the Province, or such person as he may direct.

(2) Except as expressly provided by the Constitution, or an Act of the appropriate legislature, the conditions of service of persons serving in a civil capacity shall, subject to the provisions of this Article, be such as may be prescribed—

- (a) in the case of persons serving in connection with the affairs of the Federal, by <sup>\*\*</sup>rules made by the President, or by some person authorized by the President to make rules for the purpose;

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\* For the Pakistan Military Lands and Cantonments Service (Class I) Probation, Training and Seniority Rules, 1956, see Gazette of Pakistan, 1956, Extraordinary, pp. 1153-1164.

\*\* For the Karachi Excise Subordinate Service Recruitment Rules, see Gaz. of P., 1956, Pt. VI, pp 67 & 168.

- (b) in the case of persons serving in connection with the affairs of a Province, by \*rules made by the Governor of the Province, or by some person authorized by the Governor to make rules for the purpose;

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily on the condition that their employment may be terminated on one month's notice or less; and nothing in this clause shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class:

Provided further that no such Act as is referred to in this clause shall contain anything inconsistent with the provisions of clause (3).

(3) The rules under clause (2) shall be so framed as to secure—

- (a) that the tenure and conditions of service of any person to whom this Article applies shall not be varied to his disadvantage; and
- (b) that every such person shall have at least one appeal against any order which—
  - (i) punishes or formally censures him; or
  - (ii) alters or interprets to his disadvantage any rule affecting his conditions of service; or
  - (iii) terminates his employment otherwise than upon his reaching the age fixed for superannuation:

Provided that when any such order is the order of the President or the Governor, the person affected shall have no right of appeal, but may apply for review of that order.

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\* Rules for the grant of anticipatory pension, see Gazette of West Pakistan, 1956, Pt. I, pp. 509-515.

All Pakistan Services.

**183.**—(1) In the Constitution “All Pakistan Services” means the services common to the Federation and the Provinces which were the All-Pakistan Services immediately before the Constitution Day.

(2) Parliament shall have exclusive power to make laws with respect to the All-Pakistan Services.

(3) Articles 182 and 188 shall apply to the All-Pakistan Services as they apply to Services of the Federation.

(4) No member of an All-Pakistan Service shall be transferred to a Province to serve in connection with the affairs of that Province, or be transferred from that Province, except by order of the President made after consultation with the Governor of that Province.

(5) While a member of an All-Pakistan Service is serving in connection with the affairs of a Province, his promotion and transfer within that Province, and the initiation of any disciplinary proceedings against him in relation to his conduct in that Province, shall take place by order of the Governor of that Province.

**(Annex – II)**

**1.3 Extracts from the Constitution of the Islamic Republic of Pakistan, 1962**

**THE SERVICES OF PAKISTAN**

**CHAPTER I. – TERMS AND CONDITIONS OF SERVICE, ETC.**

Terms and conditions of service to be regulated by law.

**174.**—Subject to this Constitution, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan may be regulated by law.

Persons in Public service to be citizens

**175.**—A person who is not a citizen of Pakistan shall not, except as provided in clause (2) of this Article, be eligible to hold any office in the service of Pakistan.

(2) A person who, immediately before the commencing day, was in the service of Pakistan shall not be disqualified from continuing in the service of Pakistan by reason only that he is not a citizen of Pakistan.

**176.**—Subject to this Constitution—

Tenure of  
office of  
persons in  
service, etc.

- (a) a person who is a member of an All-Pakistan Service, of any of the Defence Services of Pakistan or of a civil service of the Centre, or who holds a post connected with defence or a civil post in connection with the affairs of the Centre, shall hold office during the pleasure of the President; and
- (b) a person who is a member of a civil service of a Province, or who, except as a member of an All-Pakistan Service, holds a civil post in connection with the affairs of a Province, shall hold office during the pleasure of the Governor of the Province.

**177.**—(1) Subject to this Constitution, a person who is a member of an All-Pakistan Service or of a civil service of the Centre or of a Province, or who holds a civil post in connection with the affairs of the Centre or of a Province—

Removal from  
office, etc.

- (a) shall not be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate; and
- (b) subject to clause (2) of this Article, shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

## (2) Paragraph (b) of clause (1) of this Article shall not apply—

- (a) where a person is dismissed or removed from service, or reduced in rank, on the ground of conduct which has led to his conviction, entailing imprisonment, on a criminal charge; or
- (b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or that it would be prejudicial to the security of Pakistan for the person to be given such an opportunity.

Appointments to  
civil posts, etc.

**178.**—(1) Subject to this Constitution and Law –

- (a) appointments to an All-Pakistan Service or to a civil service of the Centre, or to a civil post in connection with the affairs of the Centre, shall be made by the President or a person authorized by the President in that behalf; and
- (b) appointments to a civil service of a Province, or to a civil post in connection with the affairs of a Province, shall be made by the Governor of the Province or a person authorized by the Governor in that behalf.

(2) Subject to this Constitution and law, the terms and conditions of service of persons serving in a civil capacity in the service of Pakistan (other than persons whose terms and conditions of service are specified in this Constitution) shall be as prescribed—

- (a) in the case of a person who is a member of an All-Pakistan Service or who is serving in connection with the affairs of the Centre – by rules made by the President or by a person authorized by the President in that behalf; and
- (b) in the case of a person (not being a member of an All-Pakistan Service) who is serving in connection with the affairs of a Province – by rules made by the Governor of the Province or by a person authorized by the Governor in that behalf.

(3) Rules made for the purposes of clause (2) of this Article shall be so framed as to ensure –

- (a) that the terms and conditions of service of a person (in so far as those terms and conditions relate to remuneration or age fixed for superannuation) are not varied to his disadvantage; and
- (b) that where an order is made which—
  - (i) punishes or formally censures a person;
  - (ii) alters or interprets to the disadvantage of a person any rule affecting his terms or conditions of service; or
  - (iii) terminates the employment of a person otherwise upon his reaching the age fixed for



superannuation, he shall, except where the order is made by the President or a Governor, have at least one appeal against the order and, where the order is made by the President or a Governor, he shall have the right to apply to the President or the Governor for a review of the order.

**179.**—(1) Subject to this Constitution and law, the President, in relation to the affairs of the Centre, and the Governor of a Province, in relation to the affairs of a Province, may authorize the temporary employment of persons in the service of Pakistan and may make rules for regulating such temporary employment.

Temporary  
employees

(2) The preceding Articles of this Chapter (other than Article 174) do not apply to or in relation to the temporary employment of persons in the service of Pakistan.

### (Annex – III)

#### 1.4 Extracts from the Constitution of the Islamic Republic of Pakistan, 1956

#### THE SERVICES OF PAKISTAN

##### CHAPTER I.— PUBLIC SERVICE COMMISSIONS

**184.**—(1) Subject to the provisions of this Article, there shall be a Public Service Commission for the Federation, and a Public Service Commission for each Province.

Public Service  
Commissions

(2) The Public Service Commission for the Federation, if requested so to do by the Governor of a Province, may, with the approval of the President, exercise all or any of the functions of the Public Service Commission of the Province.

(3) Where the Federal Public Service Commission is exercising the functions of a Provincial Public Service Commission in respect of any matter, references in the Constitution or in any Act to the Provincial Public Service Commission shall, unless the context otherwise requires, be construed, in relation to that matter, as references to the Federal Public Service Commission.

**185.**—In the case of the Federal Public Service Commission the President, and in the case of a Provincial Public Service Commission the Governor, may by regulations determine—

Composition  
of Public  
Service  
Commissions

- (a) the number of members of the Commission and their conditions of service; and

- (b) the number of members of the staff of the Commission and their conditions of service.

Appointment,  
etc., of  
members of  
Public Service  
Commissions

**186.**—(1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Federal Public Service Commission by the President in his discretion, and in the case of a Provincial Public Service Commission by the Governor of the Province in his discretion.

(2) Not less than one half of the members of a Public Service Commission shall be persons who have held office in the service of Pakistan for not less than fifteen years.

Explanation.—for the purposes of this Article the service of Pakistan shall be deemed to include the service of the Crown in British India, and the service of the Crown in Pakistan before the Constitution Day.

(3) The term of office of the Chairman and other members of the Federal Public Service Commission and of a Provincial Public Service Commission shall be five years.

(4) Any member of a Public Service Commission may resign his office by writing under his hand addressed, in the case of the Federal Public Service Commission to the President, and in the case of a Provincial Public Service Commission to the Governor.

(5) On ceasing to hold office—

- (a) the Chairman of the Federal Public Service Commission shall not be eligible for further employment in the service of Pakistan;
- (b) the Chairman of a Provincial Public Service Commission shall be eligible for appointment as Chairman or other member of the Federal Public Service Commission, or as Chairman of another Provincial Public Service Commission, but shall not be eligible for any other employment in the service of Pakistan; and
- (c) a member of a Public Service Commission, other than the Chairman thereof, shall be eligible for appointment as Chairman or other member of any Public Service Commission other than that on which he has already served, but shall not be eligible for any other employment in the service of Pakistan:

Provided that a person who is a member of a Public Service Commission may be appointed as Chairman of that Commission for the unexpired term of his office.

**187.**— (1) A member of a Public Service Commission shall not be removed from office except on the ground of misbehaviour or infirmity of mind or body.

Removal of the  
members of  
Public Service  
Commissions

(2) A member of the Federal Public Service Commission shall not be removed from office except in the manner applicable to a Judge of a High Court.

(3) A member of a Provincial Public Service Commission shall not be removed from office except by an order of the Governor of the Province made in a case where the Supreme Court, on reference having been made to it by the Governor, has reported that the member ought to be removed on a ground such as is mentioned in clause (1).

**188.**— (1) It shall be the duty of the Federal Public Service Commission and a Provincial Public Service Commission to conduct examinations for appointment to the services and posts connected with the affairs of the Federation, or the Province, as the case may be.

Functions of  
Public Service  
Commissions

(2) The President, in respect of services and posts in connection with the affairs of the Federation, and the Governor of a Province, in respect of services and posts in connection with the affairs of the Province, may make regulations specifying the matters in which generally or in any particular class of case, or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted; but, subject to such regulations the appropriate Public Service Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and posts, and qualifications of candidates for such services and posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers;

- (c) on all disciplinary matters affecting a person in the service of the Federal or a Provincial Government in a civil capacity, including compulsory retirement whether for disciplinary reasons or otherwise, and memorials or petitions relating to such matters;
- (d) on any claim by or in respect of a person who is serving or has served under the Federal or a Provincial Government in a civil capacity that any costs incurred by him in defending any legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duty should be paid out of the Federal Consolidated Fund or the Provincial Consolidated Fund, as the case may be;
- (e) on any proposal to withhold a special or additional pension or to reduce an ordinary pension; and
- (f) on any claim for the award of a pension or allowance in respect of injuries sustained while serving under the Federal or a Provincial Government in a civil capacity, and any question as to the amount of any such award;

and it shall be the duty of the Public Service Commission to advise on any matter so referred to them, and on any other matter which the President or the Governor, as the case may be, may refer to the Commission.

(3) Where under the Constitution or any law, rules are made for regulating the appointment or conditions of service of persons in the service of Pakistan, but not under the control of the Federal Government or a Provincial Government, such rules may provide for consultation with the appropriate Public Service Commission; and, subject to any express provision of the Constitution or of the said law, clause (2) shall apply *mutatis mutandis*.

Power to  
extend  
functions of  
Public Service  
Commissions

**189.**—An Act of Parliament may provide for the exercise of additional functions by the Federal Public Service Commission, and an Act of a Provincial Legislature may provide for the exercise of additional functions by the Provincial Public Service Commission.

**190.**—(1) It shall be the duty of the Federal Public Service Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly; and it shall be the duty of each Provincial Public Service Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

Reports of  
Public Service  
Commissions

(2) The report shall be accompanied by a memorandum setting out –

- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor;
- (b) the matters, if any, on which the Commission ought to have been consulted, but was not consulted, and the reasons therefor.

#### (Annex – IV)

### 1.5 Extracts from the Constitution of the Islamic Republic of Pakistan, 1962

#### THE SERVICES OF PAKISTAN

##### CHAPTER 2.— PUBLIC SERVICE COMMISSIONS

**180.**—There shall be a Central Public Service Commission for the Centre, and a Provincial Public Service Commission for each Province.

Public Service  
Commissions

**181.**—In the case of the Central Public Service Commission, the President, and in the case of a Provincial Public Service Commission, the Governor of the Province concerned, may by Order determine:—

Composition  
of Public  
Service  
Commissions

- (a) the number of members of the Commission; and
- (b) the number of members of the staff of the Commission and their terms and conditions of service.

**182.**—The members of the Central Public Service Commission shall be appointed by the President, and the members of a Provincial Public Service Commission shall be appointed by the Governor of the Province concerned.

Appointment,  
etc., of  
members of  
Public Service  
Commissions

(2) The terms and conditions of service of a member of the Central Public Service Commission shall be determined by Act of the Central Legislature or, until so determined, by the President, and the terms and conditions of service of a member of a Provincial Public Service Commission shall be determined by Act of the Legislature of the Province concerned or, until so determined, by the Governor of the Province.

(3) Not less than one-half of the members of a Commission shall be persons who are at the time of appointment, or who have been at some time before appointment, in the service of Pakistan.

(4) Where a person appointed as member of a Commission was, immediately before his appointment, in the service of Pakistan, his rights as a person in the service of Pakistan shall not, subject to his appointment and service as such a member, be affected.

Oath of  
Office

**183.**—(1) Before entering upon his office, a member of a Commission shall make an oath in such form set out in the First Schedule as is applicable to his office.

(2) The oath shall be made:—

- (a) in the case of a member of the Central Public Service Commission – before the Chief Justice of the Supreme Court; and
- (b) in the case of a member of a Provincial Public Service Commission – before the Chief Justice of the High Court of the Province concerned.

Term of  
Office

**184.**—(1) A member of a Commission shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

(2) A member of a Commission shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to a member of the Commission.

(3) A member of a Commission may resign his office by writing under his hand addressed:-

- (a) in the case of a Central Public Service Commission –to the President; and

- (b) in the case of a Provincial Public Service Commission—to the Governor of the Province concerned.

**185.**—(1) The functions of the Central Public Service Commission shall be :—

Functions of  
Central Public  
Service  
Commission

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the All Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre;
- (b) to advise the President on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the President; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the President, after consulting the Commission, may provide otherwise by Order, the President shall, in relation to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre, consult the Central Public Service Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts;
- (b) the principles on which appointments and promotions should be made;
- (c) the principles on which persons belonging to one service should be transferred to another;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights; and
- (e) disciplinary matters.

**186.**—(1) The functions of a Provincial Public Service Commission shall be—

Functions of  
Provincial  
Public Service  
Commission

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the Province concerned and civil posts connected with the affairs of the Province;

- (b) to advise the Governor of the Province on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the Governor; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the Governor of a Province, after consulting the Public Service Commission of the Province, may provide otherwise by Order, the Governor shall, in relation to the civil services of the Province and civil posts connected with the affairs of the Province, consult the Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts;
- (b) the principles on which appointments and promotions should be made;
- (c) the principles on which persons belonging to one service should be transferred to another;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights; and
- (e) disciplinary matters.

Reference by Province to the Central Commission

**187.**—The Governor of a Province may, with the approval of the President, refer to the Central Public Service Commission a matter relating to the services of the Province or posts connected with the affairs of the Province.

Commission to be advised when advice not acceptable.

**188.**—Where the President or a Governor does not accept the advice of a Commission, he shall inform the Commission accordingly.

Annual Report

**189.**—(1) Each Commission shall, not later than the fifteenth day of January in each year, prepare a report on its activities during the year ending on the previous thirty-first day of December and submit the report —

- (a) in the case of the Central Public Service Commission— to the President; and
- (b) in the case of the Public Service Commission of a Province—to the Governor of the Province.



(2) The report shall be accompanied by a memorandum setting out, so far as is known to the Commission—

- (a) the cases, if any, in which its advice was not accepted, and the reasons why the advice was not accepted; and
- (b) the cases where the Commission ought to have been consulted but was not consulted, and the reasons why it was not consulted.

(3) The President or the Governor, as the case may be, shall cause the report and memorandum to be laid before the National Assembly or the Provincial Assembly, as the case requires, at the first meeting of the Assembly held after the thirty-first day of January in the year in which the report was submitted.

**190.**—In this Chapter, “Commission” means the Central Public Service Commission or a Provincial Public Service Commission.

Definition

**Sl. No. 2**

**\*Civil Servants Act, 1973 (Act No. LXXI of 1973)**

*An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan.*

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, application and commencement.**— (1) This Act may be called the Civil Servants Act, 1973.

(2) It applies to all civil servants wherever they may be.

(3) It shall come into force at once.

**CHAPTER I. – PRELIMINARY**

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

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\* The Act received assent of the President on the 26<sup>th</sup> September, 1973 and was published in the Gazette of Pakistan, Extra Part I, September, 29, 1973.

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
  - (b) "civil servant" means a person who is a member of an All Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include—
    - (i) a person who is on deputation to the Federation from any Province or other authority;
    - (ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or
    - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (XXV of 1934), or the Workman's Compensation Act, 1923 (VIII of 1923);
  - (c) "initial appointment" means appointment made otherwise than by promotion or transfer;
  - (d) "pay" means the amount drawn monthly by a civil servant as pay and includes technical pay, special pay, personal pay and other emoluments declared by the prescribed authority to be pay;
  - (e) "permanent post" means a post sanctioned without limit of time;
  - (f) "prescribed" means prescribed by rules;
  - (g) "rules" means rules made or deemed to have been made under this Act;
  - (h) "selection authority" means the Federal Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made; and
  - (i) "temporary post" means a post other than a permanent post.
- (2) For the purposes of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

## CHAPTER II.— TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. **Terms and conditions.**— [(i)] The terms and conditions of a civil servant shall be as provided in this Act and the rules.

\*[(ii) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage].

4. **Tenure of office of civil servants.**— Every civil servant shall hold office during the pleasure of the President.

5. **Appointments.**— Appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with defence, shall be made in the prescribed manner by the President or by a person authorised by the President in that behalf.

6. **Probation.**— (1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise,-

- (a) if he was appointed to such service or post by initial recruitment, be, discharged; or
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. **Confirmation.**— (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

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\* Re-numbered and added *vide* Civil Servants (Amendment) Act V of 1996, s.2, dated 17-3-1996.

(2) A civil servant promoted to a post \*[ \*\* ] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. **Seniority.**—(1) For proper administration of a service, cadre or \*[post] the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or \*[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or \*[post], as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same \*[service or cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in \*[a post, service or cadre] to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher \*[post] in one batch shall, on their promotion to the higher \*[post], retain their *inter se* seniority as in the lower \*[post].

9. **Promotion.**—(1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a \*[higher] post for the time being reserved under the rules for departmental promotion in \*\*[ ] the service or cadre to which he belongs \*\*\*[:]

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\*The words "or Grade" omitted and subs vide Civil Servants (Amendment) Ordinance No.III of 1984 (w.e.f.1-7-1983).

\*\* Omitted vide Civil Servants (Amendment) Ordinance No. III of 1984, s.4, (w.e.1. 1-7-1983).

\*\*\* Subs. vide Civil Servants (Amendment) Ordinance No. XXXIII of 2001, dated 4-8-2001.

\* ["Provided that the posts of–

- (a) Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and
- (b) Secretary may, in the public interest, be filled by, promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21;

In such manner and subject to such conditions as may be prescribed.]

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotions shall be made as may be prescribed–

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

\*\*[(3) Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission].

10. **Posting and transfer.**– Every civil servant shall be liable to serve any where within or outside Pakistan, in any \*\*\*[equivalent or higher] post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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\* Added *vide* Civil Servants (Amendment) Ordinance No. XXXIII of 2001, dated 4-8-2001.

\*\* Added *vide* Civil Servants (Amendment) Ordinance No. XLIII of 2000, dated 6-7-2000.

\*\*\* Ins. *vide* Civil Servants (Amendment) Act V of 1996, s.3, dated 17-3-1996.

11. **Termination of Service.**— (1) The service of a civil servant may be terminated without notice—

- (i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one \*[service], cadre or post to another \*[service] cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such \*[service] cadre or post but he shall be reverted to his former \*[service], cadre or post as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or \*[service] the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or \*[service].

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed ad hoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

**\*\*[11-A. Absorption of civil servants rendered surplus.**—Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a Division, department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected].

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\*Subs. vide Civil Servants (Amendment) Ordinance No. III of 1984 (w.e.f. 1-7-1983).

\*\* Inserted vide Civil Servants (Amendment) Ordinance No. XX of 2001.

\*[11-B. (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Federal Public Service Commission for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Federal Public Service Commission on a reference made under sub-section (1), the appointing authority may pass such order of appointment or termination of service as may be considered by it to be just and equitable:

Provided that if it is proposed to pass order of termination of service in the light of the advice of the Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission, it shall be treated as a case of fresh appointment and seniority of such an appointee shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993].

12. **\*\*[Reversion to a lower post etc.–** (1) A civil servant appointed to a higher post on ad hoc, temporary or officiating basis shall be liable to reversion to his lower post.

(2) No civil servant shall be dismissed or removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

(3) No such civil servant as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided that this sub-section shall not apply:–

- (i) Where a civil servant is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) Where the President or any person authorised by him under the rules is satisfied, for reasons to be recorded in writing, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that civil servant such an opportunity].

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\* Added vide Civil Servants (Amendment) Ordinance No. CXXX of 2002 promulgated on 13.11.2002.

\*\* Subs. vide Civil Servants (Amendment) Act V of 1996, s.4, dated 17-3-1996.

12-A. \***[Certain persons to be liable to removal, etc.** Notwithstanding anything contained in this Act or in the terms and conditions of a civil servant appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, the President or a person authorised by him in this behalf may,—

- (a) without notice, remove such a civil servant from service or revert him to his lower post \*\*[ \* \* ] as the case may be, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct; or
- (b) in a case where the appointment or promotion of such a civil servant is found by the President or, as the case may be, the person so authorised to suffer from a deficiency in the minimum length of service prescribed for promotion or appointment to the higher grade, direct, without notice, that seniority in such case shall count from the date the civil servant completes the minimum length of service in such appointment or promotion, as the case may be].

13. \*\*\***[Retirement from service.—**(1) A civil servant shall retire from service—

- (i) on such date after he has completed @ [twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or
- (ii) where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

*Explanation:* In this Section, "competent authority" means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973].

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\* Subs. vide Civil Servants (Amendment) Ordinance No. XXXIV of 1980.

Note.- Persons whose service has been terminated under section 12-A of the Civil Servants Act, 1973 are not disqualified from future employment under Government vide Estt. Division O.M. No. 4/9/78-Rev. I, dated 22-1-1984.

\*\* The words "or Grade" omitted vide Civil Servants (Amendment) Ordinance No.III of 1984.

\*\*\* Subs. vide Civil Servants (Amendment) Ordinance No. XX of 2000, dated 1-6-2000.

@ Subs. vide Civil Servants (Amendment) Ordinance No. XXXIV of 2001, promulgated on 4-8-2001.



14. **Employment after retirement.**—(1) A retired civil servant shall not be re-employed under the Federal Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the President, such re-employment may be ordered with the approval of the President.

(2) Subject to the provisions of sub-section (1) of section 3 of the *ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966* (XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. **Conduct.**— The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

16. **Efficiency and discipline.**— A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

17. **Pay.**— A civil servant appointed to a post \*[ \* \* ] shall be entitled, in accordance with the rules, to the pay sanctioned for such post \*[ \* \* ] :

Provided that, when the appointment is made on a current charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. **Leave.**— A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

19. **Pension and Gratuity.**— (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

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\* The words "or Grade" Omitted vide Civil Servants (Amendment) Ordinance No. III of 1984, w.e.f. 1-7-1983.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

20. **Provident Fund.**— (1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interests accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the accounts or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

21. **Benevolent Fund and Group Insurance.**— All civil servants and their families shall be entitled to the benefits admissible under the Federal Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), and the rules made thereunder.

22. **Right of appeal or representation.**— (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it, to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

### CHAPTER III.--MISCELLANEOUS

23. **Saving.**— Nothing in this Act or in any rule shall be construed to limit or abridge the power of the President to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

\*[23A. **Indemnity.**— No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.

23B. **Jurisdiction barred.**— Save as provided under this Act and the Service Tribunals Act, 1973 (LXX of 1973), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules, made thereunder by the President or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder].

24. **Removal of difficulties.**— If any difficulty arises in giving effect to any of the provisions of this Act, the President may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

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\*Added *vide* Civil Servants (Amendment) Ordinance No. LXI of 2001 dated 7-11-2001.

#### CHAPTER IV.— RULES

25. **Rules.—** (1) The President or any person authorised by the President in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

26. **Repeal.—** The Civil Servants Ordinance, 1973 (XIV of 1973), is hereby repealed.

[Authority: The Act received assent of the President on the 26<sup>th</sup> September, 1973 and was published in the Gazette of Pakistan, Extra Part I, dated 29-9-1973]

#### **Sl. No. 3**

#### **The Civil Servants (Validation of Rules) Ordinance, 2001**

ORDINANCE NO. II OF 2001

AN

ORDINANCE

To validate certain rules made under the Civil Servants Act, 1973 and certain actions taken thereunder—

WHEREAS it is expedient to validate certain rules made under the Civil Servants Act, 1973 (LXXIII of 1973), for the purpose hereinafter appearing;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in

exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:–

1. **Short title and commencement.**–(1) This Ordinance may be called the Civil Servants (Validation of Rules) Ordinance, 2001.

(2) It shall come into force at once.

2. **Validation of certain rules.**–(1) The Civil Servants Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990, the Civil Servants (Seniority) Rules, 1993 and the Civil Servants (Confirmation) Rules, 1993 and all notifications amending the aforesaid Rules immediately before the commencement of the Ordinance are hereby affirmed and shall be deemed always to have been validly made.

(2) All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made thereunder by any authority which were made, taken, done or purported to have been made, taken, done, issued, or exercised immediately before the commencement of this Ordinance shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had effect accordingly.

**Sl. No. 4**

**\*Annual Confidential Reports- Part of Terms and Conditions of Service**

To be part of terms and conditions of service.– \*Annual Confidential Reports held to be part of terms and conditions of service- Masood Ahmad Khan, a Prosecuting Inspector of Police, was posted in Gujrat. The Superintendent of Police of that district recorded the remarks in dispute in the \*Annual Confidential Report for the period 15<sup>th</sup> August, 1975 to 31<sup>st</sup> December, 1975. He filed an appeal and, by its order dated 17<sup>th</sup> June, 1979, the Punjab Services Tribunal expunged these remarks. Hence this petition for special leave to appeal.

2. It has been submitted before us\*\* that an appeal lies only against a final order and that the remarks are not a final order in any case because they are meant only to give opportunity to the persons to correct themselves. We find absolutely no merit in this submission. The entries in the \*Annual Confidential Reports are a final order subject only to their expunction by a higher authority.

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\* Now PERs (Performance Evaluation Reports).

\*\* Supreme Court of Pakistan.

3. It was also submitted that an appeal lies only against an order pertaining to the terms and conditions of service and that an entry in the \*Annual Confidential Report does not fall within that category. We again do not see eye to eye with the learned counsel on this point. \*Annual Confidential Reports are very much a part of the terms and conditions of the service of an employee. There are positive instructions and rules on the basis of which these entries are made and on the basis of which they can be expunged. It is not denied that they can be made the basis for retiring a person from service. This petition has no merit and is dismissed.

**(c.f. 1981 Supreme Court Monthly Review 840)**

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\* Now Performance Evaluation Reports(PERs).

CHAPTER 2

**RECRUITMENT/APPOINTMENT/SENIORITY  
AND PROMOTION**  
(37 - 38)

## CHAPTER 2

**RECRUITMENT/APPOINTMENT/SENIORITY AND PROMOTION**

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\* Now Assistant Private Secretary.



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## RECRUITMENT, APPOINTMENT, SENIORITY AND PROMOTION

### I. RECRUITMENT

#### **Sl. No. 1**

#### **Civil Servants (Appointment, Promotion and Transfer) Rules, 1973**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:–

#### PART I – GENERAL

1. These rules may be called the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.
2. In these rules, unless there is anything repugnant in the subject or context,–
  - (a) "appointing authority", in relation to a post means the person authorized under rule 6 to make appointment to that post;
  - (b) \*["selection board" *means* a Board constituted by the Federal Government, for the purpose of selection for promotion or transfer to posts in basic pay scales 19 to 21 and equivalent, consisting of such persons as may be appointed by Government from time to time].
  - (c) "commission" means the Federal Public Service Commission;
  - (d) ["departmental promotion committee" means a Committee constituted for the purpose of making selection for promotion or transfer to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 18 and below and equivalent; and].
  - (e) \*["departmental selection committee" means a Committee constituted for the purpose of making selection for initial appointment to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 1 and above other than appointments which fall within the purview of the Federal Public Service Commission under rule 3 of the Federal Public Service Commission (Functions) Rules, 1978; and]
  - (f) \*\*[Omitted].

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\* Subs. vide Estt. Div.'s Notification S.R.O. No. 430(I)/2000, dated 26-6-2000.

\*\* Omitted clause (f) vide Estt. Div.'s Notification SRO No. 146(I)/84, dated 9-2-1984. Related to promotion to posts in BPS 18 with special pay through CSB.

3. (1) Appointments to posts shall be made by any of the following methods, namely:—

- (a) [by promotion [· · ·] in accordance with Part II of these rules;
- (b) by transfer in accordance with Part II of these rules, and
- (c) by initial appointment in accordance with Part III of these rules].

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Ministry or Division concerned in consultation with the Establishment Division.

\*\*[(3) "Notwithstanding anything contained in sub-rule(1), or the method of appointment laid down in the recruitment rules, a person who is rendered surplus as a result of the reorganization or abolition of a Division, Department, Office or permanent post in pursuance of any Government decision or as a measure of economy may be appointed to a post in the basic pay scale to which he belonged, if he possesses the qualifications, and fulfils other conditions, applicable to that post"].

\*\*\*[(4) Where a person referred to in sub-rule (3),—

- (i) possesses educational qualifications which are considered interchangeable with, or equivalent to, the qualification prescribed in the relevant recruitment rules; or
- (ii) fulfils the prescribed qualifications and the conditions for initial appointment to the post in the relevant rules except the condition relating to prescribed experience, the appointing authority may, for reasons to be recorded in writing, relax the requirement of educational qualifications or, as the case may be, the prescribed experience].

4. (1) In each Ministry, Division, Department or Office of the Federal Government, there shall be one or more Departmental Promotion Committees, and Departmental Selection Committees, the composition of which shall be determined by the Ministry or Division concerned in consultation with the Establishment Division.

(2) Each such Committee shall consist of at least three members one of whom shall be appointed Chairman.

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\* Subs. vide Establishment Division Notification S.R.O. No. 742(I)/2002, dated 28-10-2002.

\*\* Added vide Establishment Division Notification S.R.O. No. 57(1)/93, dated 25-1-1993.

\*\*\* Added vide Establishment Division Notification S.R.O. No. 961(1)/99, dated 25-8-1999.

5. Where an appointing authority for \* [posts in basic pay scales 15 and below and equivalent] does not accept the recommendation of a Departmental Selection or Departmental Promotion Committee, it shall record reasons therefor and obtain orders of the next higher authority.

\*\* [6. \*\*\*[(1)] The appointing authority specified in column (3) of the table below shall be competent to make appointment to the various posts in the basic pay scales specified in column (2) of that table.

**TABLE**

<b>S.No.</b>	<b>Basic Pay Scale of Posts</b>	<b>Appointing Authority</b>
(1)	(2)	(3)
1.	Posts in basic pay scales 20 and above or equivalent.	@Prime Minister.
2.	Posts in basic pay scales 17 to 19 or equivalent.	Secretary of the Ministry or Division concerned.
3.	Posts in basic pay scale 16 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned.
4.	Posts in basic pay scales 3 to 15 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned.
5.	Posts in basic pay scales 1 and 2 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned].

@@[Provided that appointment to posts in Basic Pay Scales 20 and above or equivalent in the President's Secretariat shall be made by the President].

@@[2) Notwithstanding anything contained in sub-rule (1), the Appointing Authority specified in column (4) of the table below shall be competent to make appointments to the posts specified in column (3) of that table in the department specified in column (2) thereof.

\* Added vide Establishment Division Notification S.R.O. No.961(I)/99, dated 25-8-1999.

\*\* Subs. vide Estt. Div.'s Notification S.R.O.No.276(I)/2000, dated 25-5-2000.

\*\*\* Renumbered vide Estt. Div.'s Notification S.R.O. No.829(I)/2000, dated 16-11-2000.

@ Subs. vide Estt. Div.'s Notification S.R.O. No.1(I)/2003, dated 1-1-2003 w.e.f. 23.11.2002.

@@ Added vide Estt. Div.'s Notification S.R.O. No.607(I)/2002, dated 10-9-2002.

@@@ Added vide Estt. Div.'s Notification S.R.O. No.829(I)/2000, dated 16-11-2000.

TABLE

Sl. #	Name of Department	Basic Pay Scale of posts	Appointing Authority
1	2	3	4
1.	Pakistan Audit Department and Officers of Inter-Departmental Cadre of Pakistan Audit & Accounts Group*	(i) 17 to 19 or equivalent. (ii) 16 or equivalent. (iii) 3 to 15 or equivalent. (iv) 1 to 2 or equivalent.	Auditor-General of Pakistan. An officer notified by the Auditor-General of Pakistan. An officer notified by the Auditor-General of Pakistan. An officer notified by the Auditor-General of Pakistan].
** [2.	Intelligence Bureau	(i) 17-19 or equivalent (ii) 1-16 or equivalent	Director-General Intelligence Bureau. Officer(s) notified by the Director General, Intelligence Bureau].
*** [3.	Controller General of Accounts	(i) BS-17 & 18 and equivalent posts in the offices specified in Section 6 of the Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001 (XXIV of 2001). (ii) BS 1-16 or equivalent posts in the offices specified in Section 6 of the Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001 (XXIV of 2001).	Controller General of Accounts  (Officer(s) notified by Controller General of Accounts.

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\* Now Pakistan Audit and Accounts Service vide Estt. Div.'s OM No. 1/17/92-CP I dated 10-12-2002.

\*\* Added vide Estt. Div.'s Notification S.R.O. No.891(I)/2000, dated 14-12-2000.

\*\*\* substituted vide S.R.O. No. 630(I)/2011, dated 13-6-2011.



## PART II — APPOINTMENTS BY PROMOTION OR TRANSFER

7. \* [Promotions and transfer to posts in basic pay scales 2 to 18 and equivalent shall be made on the recommendation of the appropriate Departmental Promotion Committee and promotions and transfer to posts in basic pay scales 19 to 21 and equivalent shall be made on the recommendation of the Selection Boards].

\*\* [7-A. (1) The Competent Authority may approve the promotion of an officer or official from the date on which the recommendation of the Central Selection Board or, as, the case may be, the Departmental Promotion Committee was made.

Notwithstanding anything in FR 17 the officer or official who expires or superannuates after the recommendations of the Central Selection Board or the Departmental Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Principal Accounting Officer or an Officer so authorized, will give a certificate to the effect that the officer or official has expired or superannuated].

8. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Central Selection Board, as the case may be.

\*\*\* [8-A. No promotion on regular basis shall be made to posts in basic pay scales @ [17] to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time].

8-B. (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(2) @@ [omitted ]

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\* Subs vide Estt. Div.'s Notification S.R.O. No. 430(I)/2000, dated 26-6-2000.

\*\* Added vide Estt. Division Notification No. S.R.O 733(1)/2005, dated 22-7-2005.

\*\*\* Subs. vide Estt. Div.'S Notification S.R.O. No.850(I)/98, dated 25-7-1998.

@ Amended vide Estt. Div.'s Notification SRO No. 835(I)/2000, dated 17-11-2000.

@@ Omitted vide Establishment Division Notification S.R.O No.269(I)/2000, dated 19-5-2000. It provided that as long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis on a higher post.

(3) In the case of a post in \*[basic pay scales 17 to 22 and equivalent], reserved under the rules to be filled by initial appointment, where the appointing authority is satisfied that no suitable officer \*[drawing pay in basic pay scale] in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for a period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Central Selection Board, as the case may be, save in the case of \*\*[post in basic pay scale 22 and equivalent]

(6) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority.

(7) Acting charge appointment shall not confer any vested right for regular promotion to the post [ ] held on acting charge basis.

9. Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in \*\*[posts in the same basic pay scale or equivalent to or identical with the posts to be filled].

### PART III – INITIAL APPOINTMENT

10. \*\*\*[Initial appointment to the All-Pakistan Services, the Civil Services of the Federation and posts in connection with the affairs of the Federation in basic pay scales 16 & above or equivalent, except those which under the Federal Public Service Commission (Functions) Rules, 1978, do not fall within the purview of the Commission, shall be made on the basis of tests and examinations to be conducted by the commission] ; and

11. \*\*\*[Initial appointments to posts in basic pay scales 1 to 15 and equivalent, shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in newspapers].

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\* Subs. vide Establishment Division Notification S.R.O. No. 146(I)/84, dated 9-2-1984.

\*\* Subs. *ibid.*

\*\*\* Subs. vide Establishment Division Notification S.R.O.No. 773(I)/2013, dated 28-07-2003.

12. A candidate for initial appointment to a post must possess the educational qualifications and experience and, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post \*[] ;

\*[Provided that unless otherwise specified in the method of appointment, qualifications and other conditions applicable to a post as laid down under sub rule (2) of rule 3, the experience prescribed for initial appointment shall be the post-qualification experience].

\*\*[12-A. Alteration in the date of birth.—The date of birth once recorded at the time of joining government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible].

13. A candidate for appointment shall be a citizen of Pakistan;

Provided that this requirement may be relaxed with the approval of the Establishment Division:

Provided further that, in the case of candidates to be appointed on temporary basis to posts in the Pakistan Missions abroad, such relaxation shall not be accorded for a period exceeding one year at a time.

14. Vacancies in the undermentioned posts shall be filled on All-Pakistan basis in accordance with the merit and provincial or regional quotas prescribed by Government from time to time:

- (i) All posts in \*\*\*[basic pay scales 16 and above and equivalent].
- (ii) Posts in \*\*\*[basic pay scales 3 to 15 and equivalent] in offices, which serve the whole of Pakistan.

@[Provided that if no suitable person holding the domicile of the Province or Region to which a vacancy has been earmarked and fulfilling the prescribed qualifications is found even after the vacancy has been advertised twice, the appointing authority may fill up the vacancy on open merit on contract in the following manner, namely:-

- (i) contract appointment shall be made initially for a period of one year, and if the post falls under the purview of the Federal Public Service Commission, the Commission shall be informed about contract appointment;

\* Omitted and added vide Est. Div.'s Notification S.R.O No. 970(I)/98, dated 9-9-1998.

\*\* Subs. vide Establishment Division Notification S.R.O. No. 520(I)/2000, dated 31-7-2000.

\*\*\* Subs. vide Establishment Division Notification S.R.O NO. 146(I)/84, dated 9-2-1984.

@ Subs. and added vide Establishment Division Notification S.R.O. No. 784(I)/2002, dated 7-11-2002.

- (ii) if nomination is not received from the Federal Public Service Commission within one year, contract appointment may in the public interest be extended for another one year; and
- (iii) the Federal Public Service Commission shall ensure that the nominations of the qualified candidates are made within a period of two years. If Federal Public Service Commission does not find a suitable candidate, it shall advise the appointing authority, for the extension in the contract].

15. Vacancies in posts in \*[basic pay scales 3 to 15 and equivalent] in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.

16. Vacancies in posts in \*[basic pay scales 1 and 2 and equivalent] shall ordinarily be filled on local basis.

17. A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after such medical examination as Government may prescribe is found not to satisfy these requirements, shall not be appointed.

#### PART-IV. — AD-HOC AND TEMPORARY APPOINTMENTS

18. \*\*[When under the Federal Public Service Commission (Functions) Rules, 1978, a post is required to be filled through the Commission, the appointing authority shall forward a requisition to the Commission on a prescribed form immediately. In exceptional cases, ad-hoc appointment may, however, be made for a period of six months or less with prior clearance of the Commission as provided in rule 19.

19. When the appointing authority considers it to be in public interest to fill a post falling within the purview of the Commission urgently pending nomination of a candidate by the Commission, it may proceed to fill it on ad-hoc basis for a period of six months or less after obtaining prior clearance of the Commission. The post shall be advertised and the same procedures as laid down for initial appointment in Part III shall be followed in making ad-hoc appointments].

20. Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled by the appointing authority otherwise that through the Commission on a purely temporary basis after advertising the vacancy.

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\* Subs. *vide* Establishment Division Notification S.R.O. No. 146(I)/84, dated 9-2-1984.

\*\* Subs. *vide* Establishment Division S.R.O. No.122(I)/2000, dated 15-3-2000.

\*20A. Appointment on deputation.- (1) A person in the service of a Provincial Government or an autonomous, semi-autonomous body or corporation or any other organization set-up, established owned, managed or controlled by the Federal Government who possesses the minimum educational qualifications, experience or comparable length of service prescribed for a post shall be eligible for appointment to the said post on deputation for a period not exceeding three years which may be extended for another period of two years on such terms and conditions as may be sanctioned by Federal Government in consultation with the lending Organization.

(2) Subject to any rule or orders on the subject issued by the Federal Government, a civil servant who fulfills the conditions and is considered suitable may be sent on deputation to an autonomous, semi-autonomous body or corporation established by law or to the Provincial Government on such terms and conditions as may be decided by the lending and borrowing organizations.

(3) In case of appointment under sub-rule (1) or sub-rule (2) pension contribution shall invariably be made by the borrowing organizations”.

\*\* “Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule.”

#### \*\*\*PART V — PROBATION

21. (1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided that, subject to the provisions of proviso to sub-section (2) of section 6 of the Civil Servants Act, 1973 in the absence of an order under sub-rule (3), the period

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\* Inserted vide Estab. Div. Notification No. 3/54/2006-R.2, dated the 3<sup>rd</sup> May, 2007.

\*\* Inserted vide Estt. Division's Notification S.R.O No.375(I)/2012 dated 16-04-2012.

\*\*\* Added vide Establishment Division Notification S.R.O. No. 968(I)/82, dated 21-9-1982.

of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed.

[Authority:— Estt. Div.'s Notification S.R.O.No.1498(I)/73, dated 20-10-1973].

### 1.1 Conditions for Appointment, Promotion and Transfer Rules for Assistant Incharge, Stenotypist, Assistant, UDC and LDC

In exercise of the powers conferred by sub-rule (2) of rule-3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the under-mentioned ministerial posts in the Ministries/ Divisions/Departments of the Federal Government:—

Sl.No.	Designation of Post	BPS
1.	Assistant Incharge	15
2.	Stenotypist (Upgraded BPS-14 w.e.f. 23 <sup>rd</sup> December,2011 vide Finance Division's O.M.No.19(55) Legal-II/2010-1055)	14
3.	Assistant	14
4.	U.D.C.	09
5.	L.D.C	07

### METHOD OF APPOINTMENT

2. The method of appointment to the posts shall be as under:-

Sl. No.	Designation and BPS of the post	Method of Appointment	
		By Promotion %	By initial appointment %
1.	Assistant Incharge (BPS 15)	100%	—
2.	Stenotypist (BPS 14)	—	100%
3.	Assistant (BPS 14)	50%	50%
4.	U.D.C. (BPS 09)	50%	50%
5.	L.D.C. (BPS 07)	10%	90%

Provided that:

- (i) if no suitable person is available/eligible for promotion to the posts of Assistant Incharge the posts shall be filled in by transfer.
- (ii) failing promotion, the posts of Assistant, U.D.C. and L.D.C. shall be filled in by initial appointment and failing that by transfer:
- (iii) failing initial appointment, the post of Stenotypist shall be filled in by appointment by transfer.

### CONDITIONS FOR PROMOTION

3. Promotion to posts in column (2) below shall be made by selection from amongst persons holding posts specified in column (3) on a regular basis and fulfill the conditions prescribed in column (4).

Sl. No.	Designation and BPS of the post	Person eligible	Conditions of eligibility
(1)	(2)	(3)	(4)
1.	Assistant Incharge(BPS 15)	Assistant (BPS-14)	03 years service as Assistant
2.	Assistant (BPS 14)	U.D.C (BPS-9)	03 years service as U.D.C
3.	U.D.C. (BPS 09)	L.D.C. (BPS-7)	03 years service as L.D.C
4.	L.D.C. (BPS 07)	Employees holding posts BPS-06 and below.	Matric with a minimum typing speed of 30 w.p.m.

### QUALIFICATION, EXPERIENCE AND AGE LIMIT FOR INITIAL APPOINTMENT

4. On the closing date for receipt of applications as fixed in the relevant advertisement, a candidate for initial appointment to a post must possess the educational qualifications and experience and must be within the age limit as mentioned against the post concerned in the Schedule to this notification:

Provided that the maximum age limit shall be relaxed in respect of the candidates specified, and to the extent indicated, in the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993, as amended from time to time.

### QUALIFICATIONS / CONDITIONS FOR APPOINTMENT BY TRANSFER

5. Appointment by transfer shall be made in accordance with the provisions of Rule-7 and 9 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

## PROBATION

6. Persons appointed by promotion or initial appointment or transfer shall be on probation in accordance with the provision of Section 6 of Civil Servants Act, 1973 read with Rule 21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

7. The Recruitment Rules of Ministerial posts notified *vide* S.R.O. No. 1077(I)/2005, dated 15-10-2005, amended from time to time, are hereby repealed.

### SCHEDULE

(See para 4)

S. No.	Designation and BPS of the post	Qualification/ Experience	Age Limit	
			Minimum	Maximum
1.	Stenotypist(BPS-14)	(i) Intermediate. (ii) Minimum speed of 80/40 w.p.m in shorthand/typing respectively. (iii) Must be computer literate	18 years	25 years
2.	Assistant (BPS-14)	Graduate	18 years	28 years
3.	U.D.C (BPS-09)	Intermediate	18 years	25 years
4.	L.D.C. (BPS-07)	(i) Matric. (ii) Minimum typing speed of 30 w.p.m	18 years	25 years

[Authority:— Estt. Div.'s SRO 139(I)/2012, dated 31<sup>st</sup> January, 2012]

### 1.2 Conditions for Appointment, Promotion and Transfer Rules for Private Secretary, Superintendent and \*Stenographer

In exercise of powers conferred by sub-rule (2) of rule-3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and Section-7 (1)(b)(i)&(ii) of FPSC Ordinance, 1977 (XLV of 1977), the following method, qualifications and other conditions are laid down for appointment to the following posts in the Ministries/Divisions/Departments of the Federal Government:—

S.No.	Designation	BPS
1.	Private Secretary	17
2.	Superintendent Grant BPS-17 w.e.f. 10 <sup>th</sup> September,2014 vide Finance Division O.M.No.1(3)/R-I/2010/2014.	16
3.	Stenographer (Upgraded BPS-16 w.e.f. 23 <sup>rd</sup> December, 2011 vide Finance Division's O.M.No.19(55) Legal-II/2010-1055 and re-designated as Assistant Private Secretary w.e.f. 28 <sup>th</sup> Feb.,2013 vide Finance Division's O.M.No.1(110)-R-I/2012-124-13).	16

\* Now Assistant Private Secretary.



### METHOD OF APPOINTMENT

2. The method of appointment to the posts shall be as under:—

Sl. No.	Designation and BPS of the post	Method of Appointment	
		By Promotion (%)	By initial appointment (%)
(1)	(2)	(3)	(4)
1.	Private Secretary (BPS-17)	100%	—
2.	Superintendent (BPS-16)	100%	—
3.	*Stenographer (BPS-16)	50%	50%

Provided that:—

- (i) if no suitable person is available/eligible for promotion to the posts of Superintendent and Private Secretary the posts shall be filled by transfer.
- (ii) failing initial appointment the posts of \*Stenographer shall be filled in by transfer.

### CONDITIONS FOR PROMOTION

3. Promotion to posts in column (2) below shall be made by selection from amongst the persons who hold the posts specified in column (3) on a regular basis and fulfill the conditions of eligibility as prescribed in column (4):—

Sl. No.	Designation and BPS of the post	Person eligible	Conditions of eligibility
(1)	(2)	(3)	(4)
1.	Private Secretary (BPS-17)	*Stenographer (BPS-16)	03 years service as *Stenographer.
2.	*Stenographer (BPS-16)	Stenotypist (BPS-14)	03 years service as Stenotypist.
3.	Superintendent (BPS-16)	Assistant Incharge (BPS-15)/ Assistant (BPS-14)	03 years service as Assistant Incharge or 05 years service as Assistant.

### QUALIFICATION, EXPERIENCE AND AGE LIMIT FOR INITIAL APPOINTMENT

4. A candidate must possess the educational qualifications and must be within the age limits as mentioned against the posts concerned in the Schedule to this Notification provided that:—

- (i) the maximum age limit shall be relaxed in respect of the candidates specified and to the extent indicated in the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993 as amended from time to time ; and

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\* Now Assistant Private Secretary.

- (ii) eligibility of candidates shall be reckoned, as on the closing date fixed for submission of applications in accordance with these Recruitment Rules and the Instructions issued by the Federal Government and the Federal Public Service Commission from time to time.

#### APPOINTMENT BY TRANSFER

5. Appointment by transfer shall be made by selection from amongst the persons holding appointment on a regular basis under the Federal Government in the same basic pay scale in which the post to be filled exists, provided that the person concerned possesses the qualifications and experience prescribed for initial appointment to the post concerned.

#### PROBATION

6. Persons appointed by initial appointment or promotion or transfer shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment. Appointment or probation shall be subject to the provisions of Section 6 of the Civil Servants Act, 1973 read with Rule 21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

7. This Notification issues with the concurrence of the FPSC vide its letter No.F.2-4/2012-RR, dated 18-04-2012 and supersedes Establishment Division's S.R.O 1077(I)/2005, dated 15-10-2005 as amended from time to time to the extent of the post of \*Stenographer and Superintendent and S.R.O 99(KE)/87, dated 22<sup>nd</sup> October, 1987.

#### SCHEDULE

(See Rule 4)

S. No.	Designation and BPS of the post	Qualification/ Experience	Age Limit	
			Minimum	Maximum
(1)	(2)	(3)	(4)	(5)
1.	*Stenographer (BPS-16)	(i) Second class or Grade "C" Bachelor's degree from a University recognized by HEC.  (ii) A minimum speed of 100/50 w.p.m in shorthand/typing respectively.  (iii) Must be computer literate.	20 Years	28 Years

[Authority :— Estt.Div's S.R.O. No.526(I)/2012 dated 18-04-2012].

\* Now Assistant Private Secretary.

### 1.3 Method and Conditions of Appointment to Posts in BPS 4 and Below

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post in BPS 4 and below in the Ministries and Divisions, Attached Departments and Sub-ordinate Offices under the Federal Government:

#### METHOD OF APPOINTMENT

2. (1) The method of appointment to the posts shall be as follows:
- |    |  |   |
|----|--|---|
| 1. | (i) Staff Car Driver ( BPS 4)<br>(ii) *Omitted           | 100% by initial appointment.  |
| 2. | (i) Despatch Rider ( BPS 4)<br>(ii) *Omitted             | 100% by initial appointment.  |
| 3. | (i) Duplicating Machine Operator (BPS 4)<br>(ii) Omitted | 50% by promotion,<br>50% by initial appointment   |
| 4. | (i) Daftry ( BPS 2)<br>(ii) ★Omitted                     | 100% by promotion   |
| 5. | (i) Qasid (BPS 2)<br>(ii) ★Omitted                       | 100% by promotion.  |
| 6. | Naib Qasid ( BPS 1)                                      | 100% by initial appointment including 10% by Farashes having 10 years satisfactory service. |
2. Provided that if no suitable person is available for promotion, the post or posts reserved for promotion shall be filled by initial appointment and failing that by transfer.
3. Vacancies in posts in BPS 1 and 2 shall ordinarily be filled on local basis.
4. Upto 50 per cent of the vacancies in posts in BPS 1 - 4 shall be reserved for ex-servicemen.

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\*Omitted *vide* SRO 1231(1)/2006.

Note: 'Qasid', literally means 'Messenger', hence Naib (Deputy/Assistant) Qasid.

### CONDITIONS FOR PROMOTION

3. Promotion to the posts in column 2 below shall be made by selection from amongst the persons who hold the posts specified, in column 3 on a regular basis and possess the qualifications and experience prescribed in column 4 :-

Sl. No.	Name & BPS of the Post	Persons eligible	Conditions of eligibility
1.	Duplicating Machine Operator ( BPS 4)	*(i) Daftry ( BS- 02) (ii) Qasid (BS-02)]	(i) 3 years service BPS 2 (ii) Knowledge of operating Duplicating Machine essential.
2.	Daftry ( BPS 2)	** Naib Qasid (BPS 1)	3 years service in BPS 1
3.	Qasid ( BPS 2)	Naib Qasid / Farash ( BPS 1)	3 years service in BPS 1

### QUALIFICATION, EXPERIENCE AND AGE LIMITS FOR INITIAL APPOINTMENT

4. (1) A candidate must possess the educational qualifications and experience and must be within the age limits as mentioned against the post concerned in the schedule to this notification.

(2) Provided that the maximum age limit shall be relaxable in accordance with the provisions of Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993.

(3) \*\*\*Omitted

(4) \*\*\*Omitted

(5) All the vacancies in posts in BPS 1 - 4 shall be advertised in the press.

### QUALIFICATION / CONDITIONS FOR TRANSFER

5. Appointment by transfer shall be made from amongst the persons holding posts under the Federal Government on a regular basis in the same Basic Pay Scale in which the post to be filled exists provided the person concerned possesses the qualifications/experience prescribed for initial appointment or promotion to the post concerned.

\* Amended vide Estt. Division's Notification S.R.O.No.1152(I)/2009 dated 31-12-2009.

\*\* Subs. Estt. Div.'s Notification SRO 1231(1)/2006, dated 7-12-2000.

\*\*\* Omitted vide Estt. Div.'s Notification SRO 719(1)/2005, dated 13-07-2006.

### PROBATION

6. Persons appointed by promotion or initial appointment or transfer shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded or if considered necessary, it may be extended for a period not exceeding one year as may be prescribed at the time of appointment. Appointment on probation shall be subject to the provisions of section 6 of Civil Servants Act, 1973, read with rule 21 of the Civil Servants (Appointment, Promotion and Transfer), Rules, 1973.

7. The other provisions specifically applicable to the employees holding posts in BPS 1 to 4 are given in the Appendix to this Notification.

8. These rules shall not apply to those Government Organisations who have their own recruitment rules in respect of the posts included in this Notification. However, the terms and conditions specifically applicable to the said employees as given in the Appendix to these rules shall also be applicable to them.

9. This Notification issues with the concurrence of the Establishment Division (R-Wing) as contained in U.O No. F.9/4/90-R-5 dated 29th October, 1990.

#### SCHEDULE

( See para 4 )

S. No.	Designation and BPS of the post	Qualification and Experience	Max age limit
1.	Staff Car Driver ( BPS 4)	(i) Primary Pass (ii) Valid driving license holder and well versed in the traffic rules.	30 years
2.	Despatch Rider ( BPS 4)	(i) Primary Pass. (ii) Valid driving license holder and well versed in the traffic rules.	30 years
3.	Duplicating Machine Operator	(i) Primary Pass. (ii) Knowledge of operating duplicating machine essential.	25 years
4.	Daftry ( BPS 2)	Primary Pass.	25 years
5.	Qasid ( BPS 2)	Primary Pass.	25 years
6.	Naib Qasid ( BPS 1)	Primary Pass.	25 years

Note – 1. The candidates should be put through an elementary test in reading and writing and an interview by the Departmental Selection Committee, Marks should be awarded in ratio of 40% for the test and 60% for interview.

Note – 2. In case of technical appointment such as Drivers, Despatch Riders, Duplicating Machine Operators *etc.* marks may be awarded in the ratio of 60% for practical and reading and writing test and 40% for interview.

Note – 3. In case of Drivers/Despatch Riders, in addition to the routine medical examination, the report shall also cover drug addicts. Drivers/Despatch Riders shall be required to undergo such medical test every year to ensure safe driving. However, if considered necessary, the Drivers/Despatch Riders may be required to undergo the said medical examination during any period of the year in addition to their annual medical examination.

Note – 4 \*Omitted

Note – 5 The minimum academic qualification for initial appointments to BPS 1 posts (other than the post of Naib Qasid) shall be primary pass and the maximum age limit shall be 25 years.

[Authority:– Estt. Div.'s S.R.O 1302(1)/90, dated 15th December, 1990].

#### **1.4 Grant of BPS-17 to the Superintendent (BPS-16) in the Federal Government Ministries/Divisions/Attached Departments/Subordinate Offices.**

Prime Minister has been pleased to accord approval to the grant of higher time scale to the Superintendents (BPS-16) in the Federal Government Ministries/Divisions/Attached Departments/Subordinate Offices with immediate effect as under:—

- (a) One time grant of BPS-17 to all Superintendents working in BPS-16 irrespective of their length of service.
- (b) In future three(03) years satisfactory service as Superintendent BPS-16 may be prescribed for grant of BPS-17 to them.

2. The grant of higher time scale will be subject to the following terms and conditions:—

- (i) The recruitment rules, nomenclature/tier of the posts and seniority of the Superintendents shall remain intact.
- (ii) The grant of higher time scale will be subject to fitness of candidate and recommendations of the relevant DPC.
- (iii) On grant of higher time scale pay will be fixed at the next above stage in BPS-17 and no pre-mature increment is admissible.
- (iv) On grant of higher time scale there shall be no change in the entitlement/admissibility of rental ceiling/House Rent Allowance/Medical Allowance.

[Authority:– Finance Division (Reg. Wing) O.M. No.1(3) R-I/2010/2014 dated 10-9-2014].

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\*Omitted vide Estt. Div.'s Notification SRO 1231(1)/2006, dated 7-12-2006.

**Sl. No. 2****Framing of Recruitment Rules**

The methods of appointment of Federal civil posts are regulated under the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 framed under Section 25 of the Civil Servants Act, 1973. As these rules provide the basic framework for appointment to Federal civil posts, instructions were issued vide Establishment Division O.M.No. 9/1/73-D.V., dated 29.11.73 laying down a simplified format for notifying recruitment rules since the earlier pattern of detailed recruitment rules for various posts/cadres was no longer considered necessary. The system has its advantages but over the years, the framing of recruitment rules has become an increasingly mechanical exercise and is now reduced to simply inserting uniform standards (of educational requirements, experience, age limits, etc) for equivalent posts in various departments. As a result, the recruitment rules are no more viewed as important and essential instruments of career planning nor do they properly reflect the job requirements particularly in technical posts/cadres. This trend should be reversed and recruitment rules for various posts/cadres should be framed with greater care to serve, on the one hand, as instruments of career planning for the officials concerned and on the other, be tailored around the job requirements particularly in technical cadres.

2. It is, therefore, requested that, while framing recruitment rules, due consideration should be given to job descriptions for laying down the qualifications/experience for posts and the composition of cadre for prescribing percentage, for direct recruitment and promotions. Efforts should be made to safeguard both the department's interest in raising a fully-qualified and experienced cadre and the career interests of its members whose promotions are governed under the provisions of recruitment rules.

3. Establishment Division has also noticed that some Divisions/Departments have framed recruitment rules for isolated posts or very small cadres (comprising 3-4 posts) like telephone operators, lady health visitors, teachers of departmental schools, etc. This is not a satisfactory arrangement because such isolated posts or tiny cadres do not offer adequate prospects of promotion to the incumbents. In such cases, it would be advisable to fill the posts by having officials on deputation from departments which have large cadres operating in the relevant field, such as T&T Department\* in the case of telephone operators, Federal/Provincial Health/Education Departments in the case of lady health visitors and teachers, etc. The Divisions/Departments are, therefore, advised not to frame separate recruitment rules for their isolated posts or very small cadres where officials with requisite skills are available in other federal/provincial departments. The posts of the type under reference may be filled by deputation on tenure basis.

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\* T&T Department "was converted into Pakistan Telecommunication Corporation Ltd. (PTCL) which has been privatized as Pakistan Telecommunication Company Ltd. (PTCL) by the Government of Pakistan. However, there is now National Telecommunication Corporation (NTC) for the telecommunication needs of government." [Erstwhile] Telephone and Telegraph Department.

4. As a matter of general policy, a person below the age of 18 years cannot be employed as a government servant. Other than this limitation, prescribing minimum age limits for each post is not only unnecessary but leaves the possibility of denying opportunity to some otherwise qualified and capable candidates on a mere technicality. It has, therefore, been decided that, while framing recruitment rules, no conditions regarding minimum age be mentioned. In the existing cases, Ministries/Divisions may consider the matter and take steps to amend the rules, wherever necessary.

[Authority:- Estt. Div.'s O.M. No. 9/1/73-R.5, dated 22-8-1984].

### **2.1 Bar Against Making Recruitment Without Framing Recruitment Rules for Civil Posts**

Instances have come to the notice of the Establishment Division that appointments to certain posts have been made by the Ministries/ Divisions without framing recruitment rules for these posts. Not only does this practice cause hardship to the individuals themselves but also creates administrative difficulties at the time of their promotion/ recruitment. It has, therefore, been decided that:-

- (i) Appointments (by promotion, transfer or direct recruitment) to the posts for which recruitment rules do not exist or have not been finalized in consultation with Establishment Division/ FPSC, may not be made in the absence of recruitment rules; and the practice to place the requisitions with FPSC, through the Establishment Division, allowed vide this Division d.o. letter No.9/2/74-DV, dated 15th February, 1975 may be stopped forthwith.
- (ii) Recruitment rules for all posts sanctioned with the concurrence of the competent authority, if not in existence, should be framed/ finalized within three months of the issue of this circular.
- (iii) In future, the proposals regarding recruitment rules referred to this Division after the expiry of three months of the creation of posts, will not be entertained by the Establishment Division.

2. In order to simplify the procedure of framing recruitment rules, it has further been arrived at that the decisions contained in para 1 above should be implemented according to the procedure indicated below:-

Every new proposal forwarded to the Establishment Division regarding recruitment rules, should contain the following information/ documents:-

- (i) Number of post(s) to be filled and the number of the feeding post(s), if any.



- (ii) Job-description of the post(s).
- (iii) Where a post is to be filled by promotion, the recruitment rules of the feeding posts(s) (if any) may also be furnished.
- (iv) Copy of the sanction regarding creation/continuance of post(s), duly endorsed by the Finance Division.
- (v) Organizational Chart of the establishment where the post(s) in question exist.

3. All the instructions, issued by the Establishment Division on the subject from time to time, may be deemed to have been superseded to the extent they are inconsistent with the instructions contained in this Office Memorandum.

*[Authority:- Estt. Div.'s O.M. No.11/1/81-R.5, dated 20-8-1981].*

## **2.2 Amendment in the Recruitment Rules of Civil Posts**

In pursuance of sub-rule(2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 recruitment rules of civil posts are made by Ministries/Divisions in consultation with the Establishment Division. Where the recruitment rules provide for filling a post through promotion, the following standard proviso is laid down in Rule-2 (Method of Appointment): -

**“Provided that if no suitable person is available for promotion, the post or posts reserved for promotion shall be filled by initial appointment and failing that by transfer.”**

2. Sometimes it may be necessary, in the public interest, to fill promotion posts through temporary transfer / posting of a highly qualified civil servant or by deputation of a highly qualified employee of a public sector corporation. In order to make an enabling provision for this purpose in the recruitment rules, the Chief Executive has been pleased to approve that the following proviso shall be added below the above cited proviso in the recruitment rules of all civil posts:-

**“Provided further that if no suitable person is available for promotion to a post, it may be filled, in the public interest, by temporary transfer/ posting of a civil servant, or by deputation of an employee of a public sector corporation, in consultation with his appointing authority”**

3. Similar proviso may be incorporated in recruitment rules that may be made by Ministries/Divisions in future.

[Authority:– Estab. Div.'s OM No. 9/2/2002-R.5, dated 28th October, 2002]

### **2.3 Framing of Recruitment Rules – Making Ad-Hoc Appointments**

It has been observed that the Ministries/Divisions resort to making ad-hoc appointments either in the absence of recruitment rules or during the course of finalization of these rules. It has also been observed that the finalization of recruitment rules take considerable time and the F.P.S.C. do not entertain requisitions for regular appointments or proposals for first extension in ad-hoc appointments unless the rules have been notified. This leads to avoidable administrative complications besides causing financial hardship to the ad-hoc appointees. Ministries/Divisions are, therefore, advised to invariably draft their recruitment rules in the light of model rules already circulated and follow up their finalization/notification on top priority basis so that the time-lag is reduced to the barest minimum. Wherever necessary, Ministries/ Divisions may hold joint meetings with the Establishment Division/FPSC so as to eliminate delay in the finalization of the recruitment rules.

[Authority:– Estt. Division's O.M.No.2/7/85-CP.5 dated 10-6-1987].

### **2.4 Consultation with F.P.S.C. in Respect of Recruitment Rules**

*F.P.S.C. not to be consulted in respect of posts in BPS 15 and below.*– It has been brought to the notice of this Division by the FPSC that the Commission are receiving references in respect of recruitment rules for posts in BPS 15 and below from various Ministries/Divisions.

2. In this connection attention is invited to para-3 of this Division O.M. of even No. dated 27th August, 1978 wherein it has been mentioned that the Commission will advise the President on matters relating to qualifications for and methods of appointment to, the services and posts recruitment to which is required to be made through the Commission.

3. The Ministries/Divisions are, therefore, advised that the recruitment rules for posts in BPS 15 and below (which do not fall within the purview of the FPSC) may not be referred to the Commission.

[Authority:– Estt. Division's O.M.No.11/2/78-DV., dated 19-2-1979].

## 2.5 Framing of Recruitment Rules : Consultation With FPSC

Recruitment rules for various posts are required to be framed by the Ministries/Divisions concerned in consultation with the Establishment Division in pursuance of rule 3(2) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Concurrence of the Federal Public Service Commission is also required with regard to qualifications for, and methods of recruitment to posts in BPS 16 and above, in the light of Section 7(b) Federal Public Service Commission Ordinance, 1977 read with FPSC (Functions) Rules, 1978.

2. The question of finding ways to cut down the inordinate delay often involved in the finalization of the recruitment rules due to protracted correspondence between the Ministry/Division concerned, the Federal Public Service Commission and the Establishment Division has been receiving the attention of the Establishment Division for some time past. It has now been decided on the recommendation of the Committee for Decentralization of Powers recently appointed by the President to appoint a standing committee comprising one representative of the Ministry/Division concerned and one representative of the Establishment Division to finalize the recruitment rules by discussion whenever their finalization is delayed due to difference of opinion between the Ministry or Division concerned and the Establishment Division or between any of the above two and the Federal Public Service Commission will also be invited to the meeting of the Committee where there is a difference of opinion with F.P.S.C.

[Authority.– Estt. Division's O.M.No.7/6/87-R.5, dated 10-7-1988].

## 2.6 Standardisation of Pay Scales and Recruitment Rules for Librarians Working in the Federal Government Organizations

Since long, the question for standardisation and rationalization of pay scales, qualifications and experience for Librarians working in the Federal Government organizations has been under consideration of the government. The President has now been pleased to approve the proposal contained in paragraph-3 of Education Division's Summary bearing u.o.No.F.6-13/84-AD(Lib), dated 2-1-1984 and approval conveyed vide Establishment Division U.O.No.8/50/83-R.I., dated 21-8-1985. The contents of paragraph-3 of the Summary approved by the President are reproduced below:-

Group	Name of Post	Basic Pay Scale	Qualifications/Experience required	Type of Govt. Library
I.	Chief Librarian/ Director General	20	At least Second Class Master's Degree in Library Science/ Information Sciences with 17 years professional-cum-administrative experience in BPS 17 and above.	1. National Library 2. Federal Department of

Group	Name of Post	Basic Pay Scale	Qualifications/Experience required	Type of Govt. Library
			Experience relaxable by one year for those holding Degree from a foreign university.  OR Ph.D. in Library Science with 15 years experience in the relevant field.	Libraries.
II.	Principal Librarian/ Director	19	At least Second Class Master's Degree in Library Science/ Information Sciences plus 13 years professional experience in BPS 17 and above. Experience relaxable by one year for those holding degree from a foreign university.  OR Ph.D in relevant subject plus 10 years post qualifications experience in the relevant field.	1. National Library 2. Federal Department of Libraries. 3. Other Libraries with 150,000 or more volumes
III.	Senior Librarian/ Senior Documentation Officer/Senior Bibliographer/ Senior Editor, National Bibliography/ Deputy Director.	18	At least Second Class Master's Degree in Library Science/ Information Sciences/ Documenta- tion plus 6 years post qualification experience in the relevant field. Experience relaxable by one year for those holding Degree from a Foreign University.	1. National Library 2. Federal Department of Libraries. 3. Other Libraries with 50,000 or more volumes.
IV.	Librarian/ Bibliographer/ Planning Officer/ Editor, National Bibliography/ Documentation Officer/Research Officer/Assistant Director.	17	At least Second Class Master's Degree in Library Science/ Information Sciences.  OR Graduate with Diploma in Library Science from a University or Bachelor of Library Science, plus 5 years post qualifications professional experience in BPS-16 otherwise 8 years if not in BPS-16.  OR Second Class Master's Degree in relevant subject with Diploma in Library Science or Bachelor of Library Science.	1. National Library. 2. Federal Department of Libraries. 3. Other Libraries with 15,000 to 50,000 volumes.
V.	Assistant Librarian/ Junior Librarian/ Assistant Editor/ Assistant Research	16	At least Second Class Bachelor's Degree with Diploma in Library Science or Bachelor of Library Science preferably with experience.	1. National Library. 2. Federal Department of Libraries.

Group	Name of Post	Basic Pay Scale	Qualifications/Experience required	Type of Govt. Library
	Officer/Assistant Documentation Officer/Deputy Assistant Director			3. Other Libraries upto 15,000 volumes.
VI.	Sub-Librarian	15	Graduate with Diploma in Library Science from a University or Bachelor of Library Science. OR Graduate with Certificate in Library Science from Institutions recognized and notified by the Ministry of Education plus two years experience.	1. National Library. 2. All other government libraries.
VII.	Library Assistant/ Technical Assistant/ Reference Assistant/ Documentation Asstt/ Cataloguer/ Classifier	(1) BPS 12  (2) BPS 10  (3) BPS 9	Graduate with Certificate in Library Science from Institutions recognized and notified by the Ministry of Education.  Intermediate with Certificate in Library Science from Institutions recognized and notified by the Ministry of Education.  Matric with Certificate in Library Science from Institutions recognized and notified by the Ministry of Education.	1. All government libraries.

2. All Ministries/Divisions/Departments are, therefore, advised to initiate action to upgrade/re-designate the existing professional/technical posts of Librarians and to amend their relevant recruitment rules so as to bring the same in conformity with above provisions of the approved Summary. It may, however, be clarified that the upgradation of post implies abolition of the existing post and creation of a new post in a higher grade\*. Upgradation of a post does not mean automatic upgradation of its incumbent. Appointment to the upgraded post will have to be made in the manner prescribed for the post under the existing rules. If a post is upgraded with immediate effect, the incumbent would be left without any post (in his pay scale) until he is approved for appointment to higher grade\*. In view of this position, Ministries/Divisions are requested that, while sanctioning upgradation of the existing posts, it should be clearly provided in the sanction letter that upgradation of the posts would take effect from the date the post is actually filled by a person in the higher grade\*. This would ensure that until the existing incumbent is formally appointed to the higher \*grade, the post and the incumbent would continue to be in lower grade\*.

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\* BPS. Besides, appointment is made to posts, not BPS as in Civil Servants Act, 1973, read with Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

3. If the incumbents working against the posts which have been upgraded do not possess the requisite qualifications/ experience of the upgraded post they will continue to work in their present grade\* and they will be allowed to improve their qualifications within a period of 5 years, failing which their grade\* would be a dying cadre.

4. The incumbents of posts under Group-VII carrying BPS 13 - 14 will continue to draw their pay in their present scales as personal to them, so long they hold the post and that would be a dying cadre.

5. This issues with the approval of Finance Division and Establishment Division vide No.F.2(59)R.2/83, dated 21-11-1985 and No.8/50/83-R.I dated 14-11-1985 respectively.

*[Authority.– Education Division O.M.No.F.6-13/84-AD(Lib), dated 26-12-1985].*

**2.7 Recruitment Rules for the Posts of Private Secretary (BPS 17) to the Secretaries/ Additional Secretaries and Other Officers in BPS 21/22 Provided with the Services of P.S in the Federal Government**

A copy of the Gazette Notification No.SRO 99(KE)/87, dated 22nd October, 1987 on the subject (**Annex**) is given for information of all the Ministries/Divisions.

2. It may be noted that only those officers in BPS 22/21, other than the Federal Secretaries/Additional Secretaries, are entitled to a Private Secretary who have either been specifically allowed ex-officio secretariat status or have been allowed, with the approval of Establishment and Finance Divisions, to have a Private Secretary (BPS 17) on their personal staff.

*[Authority.– Estt. Div.'s O.M. No.9/2/74-R.6(Pt.2), dated 21-1-1988].*

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\* BPS. Besides, appointment is made to posts, not BPS as in Civil Servants Act, 1973, read with Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

**(ANNEX)**

## NOTIFICATION

Rawalpindi, the 22nd October, 1987

**S.R.O.99 (KE)/87:**

In pursuance of sub-rule(2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Private Secretary (BPS 17) to the Secretary/Additional Secretary and other officers in BPS 22/21 in the Federal Government:-

2. **Method of Appointment.**— Appointment to the post shall be made by promotion on the basis of selection by the DPC of the Ministry/Division/ Department concerned and with the approval of the appointing authority, from amongst the regularly appointed \*Stenographers of the Ministry/ Division/Department concerned:

Provided that failing promotion, the post of Private Secretary shall be filled by transfer in accordance with para 4 below.

3. **Conditions for Promotion.**— Promotion to the post in column 1 below shall be made by selection from amongst the persons who hold the post specified in column 2 on a regular basis and possess qualifications and experience prescribed in column 3;

Name of the Post	Persons eligible	Conditions of eligibility
Private Secretary (BPS 17)	Regularly appointed *Stenographer including those in the selection grade.	Seven years satisfactory service as *Stenographer including service in selection grade.

4. **Qualifications/Conditions for Transfer.**— If no suitable person is available for promotion to the post in the Ministry/ Division/ Department concerned, the vacancy shall be filled in by appointment from amongst the regular \*Stenographers, employed in other Ministries/ Divisions/Departments who fulfil the conditions for promotion to the post as laid down in para 3 above, in consultation with the Establishment Division.

5. **Probation.**— Persons appointed by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded or if considered necessary, it may be extended for a period not exceeding one year as may be prescribed at the time of appointment. Appointment on probation shall be subject to the provisions of section 6 of the Civil Servants Act, 1973 and rule 21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

6. This supersedes Establishment Division's Notification No.S.R.O.118 (K)/66, dated 8th February, 1966.

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\*Now Assistant Private Secretary.

## **2.8 Recruitment to the Posts of Private Secretaries to the Federal Ministers and Ministers of State**

In supersession of the Cabinet Division's O.M.No.112/2/80-Min.I, dated 10th November, 1980 and No.112/18/81-Min.I, dated 13th March, 1982, it is stated that the Federal Ministers and Ministers of State shall appoint their Private Secretaries from the normal source (not from outside), provided it does not involve out of turn/accelerated promotion for the Private Secretary, as follows:-

Federal Ministers:

A BPS 16, 17, 18 officer or a Deputy Secretary in his own pay and allowances with a special pay.

Ministers of State:

A BPS 16, 17, 18 officer in his own pay and allowances with a special pay or a government servant in lower pay scale in his own pay and allowances with a special pay.

2. Finance Division's O.M.No.F.1(1)-Imp/83, dated the 18th August, 1983 and No. F.26(1)R-1/80(ii), dated 30th June, 1981 and No.F.1(1)-Imp/83-Pt(iii), dated 15th September, 1983 are modified to the above extent in respect of rates of special pays admissible to the Private Secretaries to the Ministers.

3. This issues with the concurrence of Establishment and the Finance Division conveyed vide their O.M.No.12/1/88-OMG-I, dated 7th April, 1988, and No.F.2(55)R.3/88-615, dated 1st August, 1988 respectively.

[Authority:— Cabinet Division O.M.No.112/6/87-Min.I, dated 20-11-1988.]

## **2.9 Framing of Recruitment Rules of Project Posts**

The Establishment Division keep on receiving references on the following points from Ministries/Divisions for advice:-

- (i) Whether project posts fall within the purview of the FPSC?
  - (ii) Whether the recruitment rules of project posts require approval by the Commission in terms of FPSC Ordinance, 1977?
2. The position is clarified in the succeeding paragraphs.
  3. The term "project posts" has not been used in the Civil Servants Act, 1973 and the rules made thereunder. The Civil Servants Act, 1973 uses the



expression 'civil posts in connection with the affairs of the Federation'. Thus the formulation of the question referred to in para 1 is flawed. Projects are executed by the Ministries/Divisions/ Attached Departments/Subordinate Offices, as well as autonomous bodies. If a project is executed by a government department, i.e. Division/Attached Department or Subordinate Office, project posts shall fall in the category of civil posts in connection with the affairs of Federation and fall within the purview of the FPSC in terms of section 7 of the FPSC Ordinance, 1977 and recruitment rules for these posts require the approval of the Commission. Where a project is being executed by an autonomous body, project posts would be outside the purview of the Commission.

[Authority:– Estt. Div.'s O.M.No. 7/8/2000-R.6, dated 27.07.2002].

**2.10 Detailed Recruitment Rules Not Necessary:  
only Method of Appointment, Qualifications,  
Experience etc. to be Notified**

Reference Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. It is stated that in view of these rules, it is no longer necessary to frame detailed recruitment rules on the pattern of model recruitment rules. It would suffice if only matters specified in sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 *i.e.* method of appointment, qualifications/experience etc., are laid down in a notification (specimen at **Annex**).

2. The Ministries/Divisions are therefore advised to take action accordingly in respect of the posts under them for which recruitment rules have not been framed so far and inform all concerned under them.

[Authority:– Estt. Division's O.M.No.9/1/73-DV., dated 29-11-1973].

**ANNEX**

(See para 1, 2.10)

GOVERNMENT OF PAKISTAN \_\_\_\_\_  
MINISTRY OF \_\_\_\_\_  
\_\_\_\_\_(DIVISION)

**NOTIFICATION**

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the posts of \_\_\_\_\_ (Designation and Basic Pay Scale of the posts under the Ministry/Division \_\_\_\_\_).

**METHOD OF APPOINTMENT**

2. Specify method of appointment to the posts *i.e.* whether by promotion or direct recruitment. Where posts are required to be filled partly by promotion and partly by direct recruitment, the percentage for promotion/direct recruitment may also be mentioned.

For example:

<b>S. No.</b>	<b>Designation and BPS of the Post</b>	<b>By Promotion</b>	<b>By Initial Appointment</b>
(1)	(2)	(3)	(4)
1.	Name of Post	%	%

\*Provided that if no suitable person is available for promotion, the post or posts reserved for promotion shall be filled by initial appointment and failing that by transfer.

\*Provided further that if no suitable person is available for promotion to a post, it may be filled, in the public interest, by temporary transfer/ posting of a civil servant, or by deputation of an employee of a public sector corporation in consultation with his appointing authority.

### **CONDITIONS FOR PROMOTION**

3. Promotion to posts in column 1 below shall be made by selection from amongst the persons who hold the posts specified in column 2 on a regular basis and possess the qualifications and experience prescribed in column 3.

Name of the post	Persons eligible	Condition of eligibility
1	2	3

### **QUALIFICATIONS/CONDITIONS FOR TRANSFER**

4. Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in the same grade\*\* in which the post to be filled exists, provided the person concerned possesses the qualifications/experience prescribed for direct recruitment or promotion to the post concerned.

### **QUALIFICATIONS, EXPERIENCE AND AGE LIMITS FOR DIRECT RECRUITMENT**

5. A candidate must possess the educational qualifications and experience and must be within the age limits as mentioned against the post concerned in the schedule to this notification. \*\*\*[Unless otherwise provided, the experience prescribed for initial appointment will be the post qualification]:

Provided that the maximum age limits will be relaxed by 3 years in the case of candidates belonging to Scheduled Castes, Budhist Community, recognized

\* Added in pursuance of Estt. Div.'s OM No. 9/2/2002-R.5, dated 28-10-2002.

\*\* BPS.

\*\*\* Added vide Estt. Div.'s Notification No. F.9/3/92-R.5, dated 31-10-1992.

tribes of the Tribal Areas, Azad Kashmir and Gilgit-Baltistan (Districts of Gilgit, Skardu and Diamir), in accordance with the instructions issued by the Establishment Division:

Provided further that for government servants who have completed at least 2 years service, maximum age limit may be relaxed by not more than 10 years upto the age of 55 years.

### PROBATION

\*[6.(1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year, as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided that, subject to the provisions of proviso to sub-section(2) of section 6 of the Civil Servants Act, 1973 in the absence of an order under sub-rule (3), the period of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed].

7. This notification issues with the concurrence of the Establishment Division.

### SCHEDULE

(See para 5)

S. No.	Designation and grade of the post	Qualifications and experience	Age Limit	
			Maximum	Minimum

Deputy Secretary

\* Subs, vide Estt. Division's Notification No. S.R.O. 968(1)/82, dated 21-9-1982.

### **2.11 Bar Against Revising Qualifications Prescribed for the Posts in the Recruitment Rules**

The Federal Public Service Commission have brought to notice that the Ministries/Divisions, while placing requisitions for recruitment to posts under them, deviate from the qualifications and other conditions prescribed for the posts in the recruitment rules. In some cases, requests were received by the Commission for modification of the qualifications after the posts had been advertised.

2. Ministries/Divisions are requested to ensure that qualifications and other conditions prescribed for various posts in the recruitment rules are strictly adhered to. If for any reasons these qualifications and conditions are required to be modified, the revised qualifications should be settled in consultation with the Establishment Division before requisitions are placed with the Commission. Once a requisition has been placed for recruitment and the post has been advertised by the Commission, the qualifications etc., should not be revised.

*[Authority:— Estt. Division's O.M.No.9/3/73-D.V., dated 26-11-1973].*

### **2.12 Procedure for Creation of Posts of Officer on Special Duty (O.S.D.) and Making Appointments Thereto**

A question had arisen whether a procedure should be laid down for creation of posts of O.S.D. and making appointments to such posts. The posts of O.S.D. may be created for the following reasons:-

- (1) Government servants (member of a regularly constituted service\* or otherwise permanent) waiting for posting orders.
- \*\* (2) Deputation of a government servant (member of a regularly constituted service\* or otherwise deputed) for duty or course of instruction or training in Pakistan or training abroad, for a period exceeding two months, in accordance with the instructions contained in the Ministry of Finance O.M.No.3005-EG/52, dated 7-5-1952. **(Annex)**
- (3) For doing work of a special nature, e.g. examination and/or implementation of reports of Commissions/ Committees etc.
- (4) For overcoming technical difficulties.

2. In all such cases, concurrence of the Ministry of Finance/ Financial Adviser concerned will be necessary before the posts are created.

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\* or 'group'.

\*\* Amended vide Estt. Division O.M.No.11/3/79-DV, dated 11-10-1979.

3. As to the question of appointment to such posts, the matter has been considered in consultation with the Federal Public Service Commission and it has been decided that Establishment Division and the Commission need not be consulted in regard to appointment to the posts created for the reasons stated at para (1) and (2) above.

4. In regard to posts created for the reasons stated at para 1 (3) and (4) above, it has been decided that such posts may be filled by suitable officers either by transfer or by promotion or by direct recruitment on the recommendation of the authority concerned.

5. It has also been decided that the Establishment Division should be consulted before the Ministry of Finance are approached for creating a post of O.S.D. for the reasons stated at (4) above.

6. Apart from the cases as mentioned above, there may be instances in which a temporary government servant holding the post of O.S.D. may be sent for duty/training abroad. It has been decided that in such cases if the temporary government servant is holding the post with the approval of the Federal Public Service Commission or the Selection Board, no consultation will be necessary either with the Commission or the Establishment Division in the case of deputation for duty, but in the case of deputation for training the Establishment Division should be consulted. In the case of officers appointed without consultation with the Commission or Selection Board, the Establishment Division and the Commission both should be consulted before any such officer is deputed for duty or training abroad.

[*Authority*:— Estt. Division's O.M. No.5(l)/8/67-DV, dated 19-9-1968].

#### **ANNEX**

(See para 1(2))

#### **[Copy of Finance Division O.M.No. 3005-EG.I/52, dated 7-5-1952.]**

Officiating Arrangements in Vacancies Caused by Deputation of Officers Abroad.

There has been some confusion in the past in regard to the necessity or otherwise for creation of posts for making officiating arrangements in vacancies caused by the deputation of officers abroad. The matter has been examined and the following instructions are issued for the guidance of Ministries/Divisions etc:-

- (1) *When the officer hands over charges of his post.*— The officer concerned is placed on Special Duty and is entirely detached from the duties of the post which he ordinarily holds. A post of Officer on Special Duty would have to be created in the Ministry sponsoring his deputation and the vacancy created in his own Ministry can be filled up in the normal course.

- (2) *When the officer does not hand over charge of his post.*- The officer is not detached from the duties of his post and it is not necessary to create a temporary post. In case, however, it becomes necessary to make arrangements for the disposal of the work relating to the post due to the absence of its incumbent, a new post in a lower grade may be created with the sanction of the authority competent to create such lower post for the period of the officer's absence on duty.

2. The instructions contained in this Ministry's Office Memorandum No.4561-EB.I/ 1/51, dated the 12th July, 1951, are hereby cancelled.

**Sl. No. 3**

**Provincial/Regional Quotas for Recruitment to the Civil Posts under the Federal Government**

Provincial and Regional quotas prescribed in 1973 for direct recruitment to civil posts under the Federal Government vide Establishment Division's OM No. 8/9/72-TRV, dated 31.8.1973 have been reviewed and it has been decided by the Federal Government that with immediate effect the following merit, and provincial/regional quotas shall be observed in filling vacancies reserved for direct recruitment to posts under the Federal Government which are filled on All-Pakistan basis:-

- Merit quota	7.5%
- Punjab (including Federal Area of Islamabad)	50%
- Sindh	19%
→ The share of Sindh will be further	
- sub-allocated in the following ratio:	
- Urban areas namely Karachi, Hyderabad and Sukkur,	40% of 19% or 7.6%
- Rural areas i.e. rest of Sindh excluding Karachi, Hyderabad and Sukkur	60% of 19% or 11.4%
- K.P.K	11.5%
- Balochistan	6%
- Gilgit Baltistan/FATA	4%
- Azad Kashmir	2%

[Authority:- Estt. Div.'s OM No. 4/10/2006-R-2, dated 12th February, 2007]

### **3.1 Observance of Provincial/ Regional Quota by Making Contract Appointments**

Refer to the subject cited above and to state that a number of references have been received in the Establishment Division seeking clarification on the point, whether Provincial/Regional Quota are applicable to contract appointments.

2. The matter has been considered in the Establishment Division and it is clarified that as the contract appointments are initial appointments within the meaning of Section 2(1) (c) of the Civil Servants Act, 1973, the instructions relating to Provincial Regional Quota are applicable to such appointments

3. Ministries/Divisions are requested to bring the above instructions into the notice of attached department/autonomous bodies/semi-autonomous bodies/corporations etc. under their administrative control.

*[Authority:- Establishment Division's O.M. No.2/38/2002-CP-I dated 15-08-2002].*

### **3.2 Reservation of 10% Quota for Employment of Women Across-the-Board in Federal Government Services**

It has been decided by the Federal Government to reserve with immediate effect, 10% quota for employment of women to all posts across-the-board in Federal Government Services including CSS to be filled by direct recruitment, in addition to their participation in the open merit.

2. This reservation will count as part of overall provincial allocation as contained in the Establishment Division's OM No. 4/10/2006-R-2, dated 12-2-2007 and will be calculated against the quota of the province of origin of women candidates concerned.

3. The above reservation will not apply to:-

- (i) the percentage of vacancies reserved for recruitment on the basis of merit;
- (ii) recruitment made by promotion or transfer in accordance with the relevant rules;
- (iii) short term vacancies likely to last for less than six months; and
- (iv) isolated posts in which vacancies occur only occasionally.

4. The vacancies reserved for women for which qualified women candidates are not available shall be carried forward and filled by women.

5. These orders shall also apply to initial appointments in all autonomous/semi-autonomous bodies/corporations etc. which are administratively controlled by the Federal Government.

6. Ministries/Divisions are requested to kindly bring the above instructions to the notice of all concerned for information and compliance while making future recruitment.

7. The instructions contained in Establishment Division's OM No. 4/2/89-R-2, dated 26.9.1989 and 3/17/2005-R-2, dated 26.9.2006 stand modified to the above extent.

*[Authority:- Establishment Division's OM No. 4/15/2006-R-2, dated 22nd May, 2007].*

### **3.3 Reservation of 10% Quota for Women in the Central Superior Services**

Reference this Division's O.M No. 4/2/89-R-2, dated 26-9-1989 whereunder instructions for reservation of 5% of all vacancies in posts in the Federal Government offices to be filled by direct recruitment for women have been issued. The said instructions lay down that the reservation will count as a part of overall provincial allocation as contained in the Establishment Division's O.M No. 8/9/72-TRV, dated 31-8-1973 and will be calculated against the quota of the Province of origin of the woman candidate concerned and will not apply to:

- (a) Vacancies reserved for recruitment on the basis of merit;
- (b) Recruitment made by promotion or transfer in accordance with the relevant rules;
- (c) Short term vacancies likely to last for less than six months;
- (d) Isolated posts in which vacancies occur only occasionally; and
- (e) Vacancies reserved for women, for which qualified candidates are not available; these vacancies shall be treated as unreserved and filled on merit.

2. It has been decided by the Federal Government that henceforth a 10% quota for fresh recruitment through Central Superior Services \*(CSS), be reserved for women in addition to their existing eligibility to compete against the laid down provincial/regional quotas for recruitment to civil posts under the Federal Government. This additional 10% reservation will count as a part of overall existing provincial/regional quotas as contained in this Division's O.M No. 8/9/72-TRV, dated 31-8-1973.

3. Allocation of seats to various occupational groups filled in through the CSS\* examination shall, in future, be worked out and filled accordingly.

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\* Note: Occupational Groups/Services appointment to which is made through the Combined Competitive Examination conducted by the FPSC.



4. The Ministries/Divisions, are requested to kindly bring the above instructions to the notice of all concerned for information and compliance.

[Authority:– Estab. Div.'s OM No. 3/17/2005-R-2, dated 26th September, 2006]

### **3.4 Provincial / Regional Quotas for Recruitment to the Civil Posts under the Federal Government**

The provincial/regional quotas prescribed in 1973 for direct recruitment to civil posts under the Federal Government vide Establishment Division's O.M No. 8/9/72-TRV, dated 31-8-1973 have been revised *vide* Establishment Division's O.M No. 4/10/2006-R-2, dated 12-2-2007. A question has arisen as to the date from which the revised provincial/regional quotas direct recruitment to civil posts will apply. The matter has been considered in consultation with the FPSC and it has been decided that where the process of recruitment had been finalized and approval of the competent authority obtained prior to 12-2-2007, the provisions or quota prescribed earlier shall apply and appointment letters issued accordingly. In all other cases the quota prescribed *vide* Establishment Division's O.M No. 4/10/2006-R-2, dated 12-2-2007 shall apply.

2. Ministries/Divisions are requested to bring the above instructions to the notice; or Attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous Bodies/ Corporations etc. under their administrative control for compliance.

[Authority:– Estab. Div.'s OM No. 4/10/2006-R-2, dated 1st August, 2007]

### **3.5 Reservation of 05% Quota for Employment of Minorities (Non-Muslims) Across-the-Board in Federal Government Services/Jobs**

It has been decided by the Federal Government to reserve, with immediate effect, 05% quota for employment of Minorities (Non-Muslims), as defined in Article 260(3)(b) of the Constitution of the Islamic Republic of Pakistan 1973, to all posts across the board in the Federal Government Services/jobs to be filled by direct recruitment including CSS, in addition to their participation in the open merit.

2. This reservation will have the same parameters as were prescribed for reservation of quota for women vide Establishment Division's O.M.No.4/15/2006-R.2 dated 22-05-2007 and will count as part of overall provincial allocation as contained in the Establishment Division's O.M. No.4/10/2006 R-2, dated 12-02-2007 and will be calculated against the quota of the province of origin of the Minority (Non-Muslim) candidate concerned.

3. The above reservation will not apply to:-

- i) the percentage of vacancies reserved for recruitment on the basis of merit;

- ii) Recruitment made by promotion or transfer in accordance with the relevant rules.
  - iii) Short terms vacancies likely to last for less than six months; and
  - iv) Isolated posts in which vacancies occur only occasionally;
4. The vacancies reserved for Minorities (Non-Muslims) for which qualified candidates are not available shall be carried forward and filled by Minority (Non-Muslim) candidates.
5. These orders shall also apply to initial appointments in all attached departments / autonomous / semi-autonomous bodies / corporations/Public corporations and Companies etc. Administratively controlled by the Federal Government.
6. Ministries/Divisions are requested to kindly bring the above instructions to the notice of all concerned for information and compliance while making future recruitment.
7. For removal of any difficulty the interpretation of the Establishment Division shall be final.

*[Authority:- Estt.Div.'s O.M.No.4/15/94-R-2 dated 26-05-2009]*

### **3.6 Quota for Posts in Islamabad Capital Territory Administration and Autonomous/Semi Autonomous Bodies**

Rules-15 and 16 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, provide as under:-

- "Rule-15. Vacancies in posts in BPS 3 to 15 and equivalent in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.
- Rule-16. Vacancies in posts in BPS 1 and 2 and equivalent shall ordinarily be filled on local basis."

2. Recruitment to posts upto BPS 15 in all the offices of the I.C.T.\* administration and other Federal Government offices whose functional jurisdiction is restricted to the Islamabad Capital Territory, is required to be made on regional/local basis in accordance with the above quoted rules.

3. Attention is also invited to the Estt. Division's O.M. No. 8/9/72-TRV/R.2, dated 29-09-1973 under which the provincial/regional quotas have been made applicable to appointments in or equivalent to BPS 17 and above in all Autonomous/Semi-Autonomous Bodies under the administrative control of the

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\* Islamabad Capital Territory.

Federal Government. As such, recruitment to posts upto BPS 16 in autonomous/semi-autonomous bodies located in Islamabad is outside the provincial/regional quotas.

4. All Ministries/Divisions and Heads of Departments are requested that the above rules/instructions may please be observed strictly while making recruitment to the posts upto BPS 15 in offices/organizations under their control.

*[Authority.– Estt. Division's O.M. No.8/9/72-TRV/R.2, dated 25-2-1990].*

### **3.7 Adherence to Quota for GB & FATA**

Reference Establishment Division's O.M. No. 8/9/72-TRV, dated the 31st August, 1973. It is stated that a combined quota of 4% had been fixed for the Gilgit Baltistan and FATA for recruitment to federal civil services/ posts filled by direct recruitment on an all-Pakistan basis. It is requested that while making recruitment to civil posts under the Federal Government and to posts/vacancies equivalent to BPS 17 and above in corporations/ autonomous bodies, set up or controlled by the Federal Government, the aforesaid quota may kindly be strictly adhered to.

*[Authority.– Estt. Division's O.M. No.4/3/80-R.II dated 8-5-1986].*

### **3.8 Employment of Balochis and Sindhis in Federal Government Organizations at Karachi**

Rules 15 and 16 of the Civil Servants (Appointments, Promotion & Transfer) Rules, 1973 lay down that -

“Rule-15. Vacancies in posts in BPS 3 to 15 and equivalent in Offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.

Rule-16 Vacancies in posts in BPS 1 and 2 and equivalent shall ordinarily be filled on local basis.”

2. Recruitment to posts in BPS 3 to 15 in the offices like Coast Guards and other Federal Government offices, which serve only a particular province or region, shall be made in Sindh & Balochistan by providing employment to locals in accordance with the provisions of Rule 15 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973. Vacancies in posts in BPS 1 to 2 and equivalent shall be filled on local basis as provided in Rule 16 of the rules *ibid*.

3. Ministries/Divisions are also requested to bring the above instructions to the notice of their Attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous Bodies/Corporations/Authorities under their administrative control for strict compliance.

*[Authority.– Estt. Div.'s OM No. 4/1/2004-R.2, dated 11th February, 2005]*

### 3.9 Regulation of Provincial/Regional Quotas

Reference Establishment Division's O.M. No. 8/9/72-TRV, dated August 31, 1973 provincial/regional quotas in respect of posts filled in a particular year are to be worked out to 1000th fraction. A province/region, having larger fraction in accordance with the prescribed quotas, is allocated the vacant post for recruitment whereas the province/region not allocated the post due to smaller fraction, gets those fractions carried forward and added to its share in the subsequent year. The procedure for calculating and carrying forward the share of province/region, is indicated in **Annex**.

2. Ministries/Divisions/Departments etc. are requested to regulate the Provincial/Regional allocations in respect of posts in grade-17 and above filled by direct recruitment after August 31, 1973. A copy of the up-dated statement should invariably be forwarded alongwith summaries sent to the Establishment Division for seeking approval of the competent authority for initial appointment to posts in grade 17 and above.

*[Authority:- Estt. Division's O.M. No.9/7/80-A.III, dated 23-9-1980].*

## ANNEX

Province/ Region	Quota (%)	No. of Vacancies	Share	Last Year's C/F Balance	Total	Vacancies to be allotted	Balance to be carried forward
1	2	3	4	5	6	7	8
<b>1<sup>ST</sup> YEAR:</b>							
Merit	7.5%	3	0.225	-	+0.225	-	+0.225
Punjab	50%	3	1.500	-	+1.500	2	- 0.500
<b>Sindh</b>	<b>19%</b>	<b>3</b>	<b>0.570</b>	-	<b>+0.570</b>	<b>1</b>	<b>-0.430</b>
Sindh (U)	7.6% of 19%	3	0.228	-	+0.228	-	+0.228
Sindh(R)	11.4% of 19%	3	0.342	-	+0.342	1	-0.658
K.P.K	11.5%	3	0.345	-	+0.345	-	+ 0.345
Balochistan	6%	3	0.180	-	+0.180	-	+0.180
GB/FATA	4%	3	0.120	-	+0.120	-	+0.120
AJ&K	2%	3	0.060	-	+0.060	-	+0.060
<b>2<sup>ND</sup> YEAR:</b>							
Merit	7.5%	5	0.375	0.225	0.600	1	-0.400
Punjab	50%	5	2.500	- 0.500	2.000	2	-
<b>Sindh</b>	<b>19%</b>	<b>5</b>	<b>0.950</b>	<b>-0.430</b>	<b>0.520</b>	<b>1</b>	<b>-0.480</b>
Sindh (U)	7.6% of 19%	5	0.380	+ 0.228	0.608	1	- 0.392
Sindh(R)	11.4% of 19%	5	0.570	- 0.658	-0.088	-	- 0.088
K.P.K	11.5%	5	0.575	+ 0.345	+0.920	1	-0.080
Balochistan	6%	5	0.300	+0.180	0.480	-	+0.480
GB/FATA	4%	5	0.200	+ 0.120	0.320	-	+0.320
AJ&K	2%	2	0.040	+ 0.160	+0.200	-	+0.200
<b>3<sup>RD</sup> YEAR:</b>							
Merit	7.5%	2	0.150	- 0.400	-0.250	-	- 0.250
Punjab	50%	2	1.000		1.000	1	-
<b>Sindh</b>	<b>19%</b>	<b>2</b>	<b>0.380</b>	<b>-0.480</b>	<b>-0.100</b>	<b>-</b>	<b>-0.100</b>
Sindh (U)	7.6% of 19%	2	0.152	- 0.392	- 0.240	-	- 0.240
Sindh(R)	11.4% of 19%	2	0.228	-0.088	+0.140	-	+0.140
K.P.K	11.5%	2	0.230	-0.080	+0.150	-	+0.150
Balochistan	6%	2	0.120	+0.480	+0.600	1	-0.400
GB/FATA	4%	2	0.080	+0.320	+0.400	-	+ 0.400
AJ&K	2%	2	0.040	+ 0.160	+0.200	-	+0.200

### **3.10 Clarifications Regarding Application of Revised Provincial/ Regional Quotas**

Reference.-Establishment Division O.M.No.F. 8/9/72-TRV, dated the 31st August, 1973.

2. The following clarifications are issued:-
  - (1) Posts in each grade should be considered separately for purposes of allocation of the prescribed merit and provincial/ regional quotas.
  - (2) The provincial/regional quotas do not apply to posts filled by promotion. These are applicable to direct, including lateral entry, appointments.
  - (3) Vacancies which cannot be filled by candidates belonging to the province or region to which the vacancy is allocated should be carried over and re-advertised at a later date.
  - (4) Posts in the Ministry/Division should be allocated separately from posts in Attached Departments and Subordinate Offices. In other words, the allocation should be made separately for each department, office or institution.
  - (5) Provincial/regional quotas do not apply to posts filled by transfer of government servants to posts in equivalent grades whether on deputation or on secondment as in the case of military officers.

*[Authority:- Estt. Div.'s O.M. No.8/15/73-TRV, dated 28-11-1973].*

### **3.11 Isolated Posts - Application of Provincial/Regional Quotas**

Refer to the Establishment Division's O.M.No.8/1/77-W.C., dated 18-04-1977 on the above subject and to say that it is laid down in that office Memorandum that an isolated post should be filled on the basis of merit. The matter has been considered again and it has been held that observance of merit and provincial quota in filling vacancies on all-Pakistan basis is a statutory requirement vide Rule 14 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. It is not, therefore, permissible to fill in an isolated post on merit only. Such a post will also have to be filled in, in accordance with the Rule-14 and the instructions explaining the procedure to be adopted in allocating vacancies to the merit and provincial quotas vide Establishment Division's O.M.No.9/7/80-A.III., dated the 23<sup>rd</sup> September, 1980.

*[Authority:- Establishment Division's O.M.No.8/1/77-W.C./R.2 dated 3<sup>rd</sup> October,1981].*

### **3.12 Recruitment to Civil Posts in the Administration of Gilgit Baltistan**

Except appointment in grade 17 in Revenue and Police, recruitment to civil posts in Gilgit Baltistan shall, in future, be made only from amongst the local population of those areas provided they possess the requisite academic qualifications. Persons other than the local residents of Gilgit Baltistan shall not be entitled to apply for appointment to such posts.

2. However, technical posts requiring specialization may be filled, with the prior approval of the Establishment Division from amongst non-residents provided that local candidates with the requisite technical qualifications are not available.

3. The Gilgit Baltistan shall continue to be excluded in respect of the posts in these areas from the purview of the provincial/regional quotas fixed by the government. The Establishment Division's O.M.No.F. 8/9/72-TRV dated the 31st August, 1973 whereby Gilgit Baltistan have been allocated quota for recruitment to civil posts under the Federal Government, shall apply to All Pakistan posts only.

4. This supersedes the Establishment Division's O.M. No. 8/9/72-TRV/R.II dated 25th June, 1978.

*[Authority:- Estt Division's O.M.No.4/83-R.2, dated 24-7-1983].*

### **3.13 Allocation to Balochistan – Measures to Improve the Representation**

Reference.-Government of Balochistan, S&GAD, letter No. SO.II-LIV(20)/S&GAD-71(II), dated 18th June, 1978, (**Annex**).

2. All Ministries/Divisions, Attached Departments, Subordinate Offices and Autonomous Bodies under your administrative control may kindly be directed to ensure that the quota fixed for Balochistan vide Establishment Division O.M.No. F.8/9/72-TRV, dated 31st August, 1973 is duly followed by them in making direct recruitment and that vacancies allocated to Balochistan are filled by candidates domiciled in that province. If candidates with the required qualifications/experience are not available for vacancies other than those required to be filled through Federal Public Service Commission, or if such vacancies have been lying unfilled for want of candidates from Balochistan, full particulars of the vacancy or vacancies in grade in which they exist, the qualifications/ experience prescribed for the post and age requirements etc., may be communicated to the Government of Balochistan for recommending suitable candidates. In the case of

these vacancies which are required to be filled through FPSC and for which the FPSC have failed or fail to make any nominations, the FPSC may be requested to intimate the vacancies to the Government of Balochistan for recommending suitable candidates to them.

3. This D.O. letter may kindly be given wide publicity in the Divisions, Departments, Offices and Autonomous Bodies under your administrative control.

[Authority:— Estt. Secretary's DO letter No.4/3/78-R.II, dated 7-8-1978].

### ANNEX

**[Copy of Government of Balochistan, Services and General Administration Department letter No. S.O. II-LIV (20)/S&GAD-71 (II), dated the 18th June, 1978]**

I am directed to refer to the Cabinet Secretariat (Establishment Division) Office Memoranda No. F. 8/9(A) 72-TRV dated 18th October, 1973 and F. 8/9/72-TRV, dated 31st August, 1973 and to say that in view of the serious problem of unemployed graduates in Balochistan, the MLA Zone 'D' has desired that the attention of the Federal Government may be invited to implementing, in full, the provisions of the above mentioned memoranda. The problem is being tackled at the provincial level within the financial constraints. However, the Federal Government including Corporations and Autonomous Bodies under its control could contribute a great deal in meeting this problem by implementing the quota fixed for this province.

2. I further request that this government would appreciate if the Government of Pakistan, Ministries/Divisions including the corporations and autonomous bodies are directed to take immediate steps in this direction. They may also kindly be advised to intimate to the Government of Balochistan, the share of posts at various level for Balochistanis in accordance with the prescribed regional quota, the actual occupancy position and the difference.

#### **3.14 Direction to Ensure Implementation of Balochistan Quota**

All the Ministries/Divisions and Attached Departments and Autonomous Bodies under their administrative control are once again requested to kindly ensure the implementation of \*6% quota fixed for Balochistan while making direct recruitment. In this connection reference is also invited to Establishment Division's instructions on the subject issued from time to time.

[Authority:— Estt. Div.'s DO letter No.4/4/80-R.2, dated 31-10-1985].

\* Amended vide Estt.Div.'s O.M.No.4/10/2006 R.2 dated 12-02-2007.



### 3.15 Provincial/Regional Quotas for Recruitment to Posts in Autonomous/ Semi-Autonomous Bodies/Corporations/Public Sector Companies etc. Owned and Managed by the Federal Government

From the information received in the Establishment Division from the Ministries/ Divisions regarding observance of provincial/regional quota, it has been observed that certain Autonomous Bodies/ Corporations etc. are not adhering to regional quotas as laid down in Establishment Divisions' instructions referred to in paras 2 and 3 below.

\*2. The Establishment Division's OM No. 8/9/72-TRV, dated 31-8-1973 prescribes the following quota for vacancies reserved for direct recruitment to be filled on all Pakistan basis in the Ministries/ Divisions/Departments/Autonomous Semi-Autonomous Bodies/ Corporations etc.

– Merit	7.5%
– Punjab (including ICT. Islamabad)	50%
– Sindh	19%
– Sindh (R)	11.4% of 19%
– Sindh (Urban)	7.6% of 19 %
– KPK	11.5%
– Balochistan	6%
– GB/FATA	4%
– Azad Kashmir	2%
	100%

3. The instructions regarding merit and provincial/regional quota issued *vide* Establishment Division's OM dated 31-8-1973 were made applicable to senior appointments *viz.* appointments in or equivalent to grade-17 and above in all Autonomous Semi-Autonomous Bodies which are administratively controlled by the Federal Government *vide* this Division's OM NO. 8/9/72-TRV, dated 29.9.1973. The provincial/regional quotas as applicable in the federal services, in BPS 3 and above was also made applicable to the autonomous/semi-autonomous bodies/ corporations *vide* Establishment Division's OM No. 8/5/92-R,7, dated 2-2-1992.

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\* Revised *vide* Estt.Division's O.M.No.4/10/2006 R.2 dated 12-02-2007.

4. Ministries/Divisions are advised to monitor the situation and ensure that all Autonomous Bodies/Corporations under their administrative control observe provincial/regional quotas. Violation of these instructions will render the appointments made as irregular and liable to termination in accordance with the relevant law rules on the subject.

*[Authority:– Estt. Div.'s O.M No. 4/6/2004-R.2, dated 4th May, 2005]*

### **3.16 Advertisement of Federal Government Posts in the Regional/Provincial Press**

The Prime Minister has been pleased to direct that advertisements for recruitment to Federal Government posts should be published in the regional/provincial newspapers also in addition to the national press.

2. All Ministries/Divisions are, therefore, requested to take necessary action accordingly and also to issue instructions to the organizations under their control for taking similar steps in this regard.

*[Authority:– Estt. Division's O.M. No. 46/2/85-R-5 dated 10-10-1985].*

### **3.17 Publicity of Federal Posts in FATA**

Reference the instructions contained in Establishment Division Office Memorandum No. 8/9/72-TRV, dated the 31st August, 1973 wherein a combined quota of 4% had been fixed for the Gilgit Baltistan and Federally Administered Tribal Areas (FATA) for recruitment to federal civil services/posts filled by direct recruitment on an all-Pakistan basis.

2. During a recent meeting with the President of Pakistan, a delegation of Senators and MNAs from the Federally Administrated Tribunal Areas (FATA) , complained that the advertisements for recruitment against federal civil services/posts reserved for FATA were not being given due publicity in FATA.

3. Ministries/Divisions are requested to bring the above instructions to the notice of all Attached Departments/Subordinate Offices/Autonomous/Semi-autonomous Bodies/Corporations etc., under their administrative control for compliance.

*[Authority:– Estab. Div.'s O.M No. 3/59/2003-R.2, dated 24th October, 2003]*

### **3.18 Compulsory Employment of Disabled Persons**

Establishments\* to employ disabled persons.- Not less than one per cent of the total number of persons employed by an \*establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work.

2. The disabled persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts.

3. When calculating the percentage of the posts in an establishment for the purposes of employment of disabled persons, the fraction of 0.5 and above shall count as a whole number.

[Authority:- Disabled Persons (Employment and Rehabilitation) Ordinance, 1981]

### **3.19 Strict Observance of 2% Quota for Employment of Disabled Persons in Federal Government Services/Jobs**

Refer to Establishment Division's O.M. of even number dated 15<sup>th</sup> October, 1998.

2. In pursuance of the Prime Minister order the Federal Government have issued instructions *vide* Establishment Division's O.M. under reference, regarding reservation of 2% quota for employment of disable persons to the posts in BPS-15 and below in Federal Government jobs to be filled by direct recruitment in addition to their participation in the open merit, it has, however, been observed that some Ministries/Departments are not being yet providing for the reservation of 2% quota in jobs for disable persons in their advertisement.

3. In view of the above, it is requested to kindly ensure implementation of this very important decision of the government.

[Authority:- Establishment Division's D.O.No.34/3/86-R-5 dated 10-02-2015].

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\*"Establishment" means a government establishment, a commercial establishment or an industrial establishment, in which the number of workers employed at any time during a year is not less than one hundred.

**Sl. No. 4****Upgradation of Posts and Procedure for Filling-up of Upgraded Posts**

Establishment Division has been receiving proposals for upgradation of posts with immediate effect and also for upgradation of their incumbents. It is clarified that upgradation of a post implies the abolition of the existing post and creation of a new post in the higher grade. Upgradation of a post does not mean automatic upgradation of its incumbent. Appointment to the upgraded post will have to be made in the manner prescribed for that post. If a post is upgraded with immediate effect, the incumbent would be left without any post (in his grade) until he is approved for appointment to higher grade.

2. In view of the position explained above, all Ministries/Divisions are requested that while sanctioning upgradation of the existing posts, it should be clearly provided in the sanction letter that upgradation of the post would take effect from the date the post is filled by a person in the higher grade. This would ensure that until the existing incumbent is formally appointed to higher grade, the post and the incumbent would continue in lower grade.

*[Authority:— Estt. Division O.M.No.8/10/83-R.I, dated 6-3-1983].*

**4.1 Upgradation of Posts**

In continuation of Establishment Division's O.M. No. 8/130/91-R.I, dated 3<sup>rd</sup> December, 1991, it is stated that the President under sub-para 'F' of para 3 of the Presidential directive No. 57/1/CMLA, dated 2<sup>nd</sup> August 1979 had, inter-alia, frozen upgradation of posts till further orders. Prior to this, the upgradation of posts used to be made with the approval of the Finance Division and Establishment Division. However, after the directive, all the cases of upgradation of posts are submitted to the Prime Minister for approval, in relaxation of the above Presidential directive with the concurrence of Finance Division and Establishment Division.

2. It has come to the notice of the government that Ministries/ Divisions/Departments *etc.* are upgrading the posts without the approval of the competent authority *i.e.* the Prime Minister and concurrence of the Finance Division (Regulations Wing) and Establishment Division. Similarly, the appointments against the upgraded posts are being made by the Ministries/Divisions/Departments *etc.* without going through the prescribed selection process or approval of the competent authority. It may be pointed out that the upgradation of posts does not mean automatic upgradation of the incumbents. The appointment against the upgraded post will have to be made in the manner prescribed in the recruitment rules for that post and with the approval of the competent authority. Therefore, upgradations of posts made by the Ministries/ Divisions/Departments *etc.* and appointment of their incumbents

against such posts without going through the prescribed selection process or approval of the competent authority are irregular.

3. In view of the above, Ministries/Divisions are requested not to make any upgradation without the concurrence of Finance Division (Regulations Wing) and Establishment Division and the approval of the Prime Minister. The upgradation of posts, made by the Ministries/ Divisions without this process, may be submitted for regularization *etc.* in the prescribed procedure and for approval of the competent authority. The above position may also be brought to the notice of all Departments/Autonomous/Semi-Autonomous Bodies/Corporations *etc.* under the administrative control of the Ministries/Divisions.

[Authority:– Estt. Div.'s OM No. 8/130/91-R.I, dated 12th May, 1992]

#### **4.2 Policy for Upgradation/Re-designation of Posts**

On a summary submitted recently to the<sup>\*</sup> Chief Executive, he has been pleased to approve the policy for upgradation/re-designation of posts as indicated in the proceeding paragraphs.

2. Henceforth, the upgradation of posts shall be considered in the following cases only:

- (a) When it is considered necessary to up-grade certain posts in order to rationalize the administrative structure of a Ministry/ Division or a Department to make it more effective or to bring about uniformity of pay scales of similar posts in different organizations.
- (b) Where the duties and responsibilities attached to a post have considerably increased.
- (c) Where pay scale of a post is considered grossly incommensurate with the qualifications and experience prescribed for appointment to that post.
- (d) Up-gradation of a post on personal basis may not be allowed except if any officer, already holding on regular basis a higher grade post, is posted against a post, carrying lower grade, due to exigencies of service.

3. Subject to the observance of the parameters referred to in sub-paras (a) – (d) above, the future proposals for the up-gradation/re-designation of posts shall be processed as under:-

---

\* Now Prime Minister.

- (i) The cases for up-gradation/re-designation of the posts in BPS 1 to 19 will be decided by the Finance Division in consultation with the Establishment Division. However, the decision about the proposed up-gradation/re-designation of posts in BPS 1 to 19 will be taken at the level of Secretary, Finance Division and the Secretary Establishment Division.
- (ii) Cases of up-gradation/re-designation of posts in BPS 20 and above will be submitted to the Chief Executive for approval but after seeking the concurrence of Finance Division and the Establishment Division.

4. \*\* [When the competent authority approves the up-gradation of a post in the situations mentioned in sub-paras (a), (b) and (c) of para 2, appointed to the up-graded post should be made in accordance with the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and the specific rules which regulate appointment to the post.]

5. The above instructions may please be noted by the Ministries/ Divisions for strict compliance.

6. \*\*[ ]

[Authority:- Estt. Div.'s O.M.No.F.8/36/2000-R.I, dated 20.1.2001].

### 4.3 Upgradation of Clerical/Auditors Posts

The President has been pleased to approve the up-gradation of the following Clerical/Auditors posts as detailed below w.e.f. 01-07-2007:—

S. No.	Name of the Post	Existing BPS	Up-graded BPS
1.	Lower Division Clerk (LDC/Junior Clerk)	BPS-5	BPS-7
2.	Junior Auditor	BPS-5	BPS-7
3.	Upper Division Clerk (UDC/Senior Clerk)	BPS-7	BPS-9
4.	Assistant/Head Clerk	BPS-11	BPS-14
5.	Senior Auditor	BPS-11	BPS-14

The incumbents of the up-graded posts will also stand up-graded and their pay will be fixed at the stage next above their basic pay in their lower pay scales.

\*Now Prime Minister.

\*\* Subs. and deleted *vide* Estt. Div.'s O.M.No.F.8/36/2000-R.I, dated 3-2-2001.

2. The President has also been pleased to approve that employees from BPS-1 to BPS-4 would move one scale up in the pay scales w.e.f. 1<sup>st</sup> July, 2007.

3. The Establishment Division will amend the recruitment rules of the ministerial posts, whereas amendments in the recruitment rules of other posts listed at para 1 above shall be made by the concerned Ministries/Divisions/Departments in consultation with the Establishment Division.

4. As a special dispensation, the annual increment falling due on 1<sup>st</sup> December, 2007 shall be admissible to the above mentioned employees in the upgraded pay scales.

[Authority:- Finance Division's O.M.No.F.6(4)R.I/2006 dated 29-06-2007].

#### **4.4 Appointment to Upgraded Posts**

Refer to the Establishment Division's O.M. No.8/36/2000-R-I dated 20-01-2001 containing policy of upgradaiton/re-designation of posts and to state as under:—

- i) The instructions contained in Establishment Division's O.M.No. 8/36/2000-R-I dated 20-01-2001 as amended on 03-02-2001 provide that when the competent authority approves the up-gradation of a post on regular basis, appointment to the upgraded post should be made in accordance with the provisions of the Civil Servants(Appointment, Promotion and Transfer) Rules,1973, and the specific rules which regulate appointment to the post.
- ii) The instructions contained in Establishment Division's O.M.No. 8/10/83-R-I dated 06-03-1983 and O.M. No.8/130/91-R-I dated 12-05-1992 provide that up-gradation of a post does not mean automatic up-gradation of its incumbent. Appointment to upgraded post will have to be made in the manner prescribed for that post. If a post is upgraded with immediate effect, the incumbent would be left without any post (in his grade) until he is approved for appointment to higher grade. Therefore, upgradation of posts made by the Ministries/Divisions/ Departments *etc.* and appointments of their incumbents against such posts without going through the prescribed selection process or approval of the competent authority, are irregular.

2. It would be highly appreciated if the above mentioned instructions are complied with in letter and spirit in order to avoid administrative complications and future litigation.

[Authority:- Estt.Div's D.O.No.8/36/2000.R-I dated 31-12-2008]

#### 4.5 Upgradation of the posts of Stenotypist, \*Stenographer and Private Secretary

Consequent upon approval of the Prime Minister of Pakistan, the posts of Private Secretaries, \*Stenographers and Stenotypists have been upgraded with immediate effect, subject to fulfillment of the conditions mentioned against each.

Sr. #	Name of the Post	Existing BS	Upgraded BS	Condition
1	Private Secretary	17	-	Will continue to remain in BS-17 and will be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in BS-18 will further be granted BS-19 after putting in 12 years service in BS-17 and above taking benefit of Establishment Division's OM No. 1/9/80-R-II dated 2-6-1983. However, on grant of BS-19 nomenclature of the post will be Senior Private Secretary.  The existing Private Secretaries in BS-17 will be granted BS-18 on one time basis, irrespective of their length of service in BS-17.
2	*Stenographer	15	16	With enhancement of qualification for initial appointment from intermediate to Graduation.
3	Stenotypist	12	14	With enhancement of qualification for initial appointment from Matriculation to Intermediate.

The incumbents of the upgraded posts will also stand upgraded and their pay will be fixed at the stage next above their basic pay in their lower pay scale.

2. The Establishment Division will amend the recruitment rules of the above said posts, accordingly.

[Authority:- Finance. Div.'s O.M.No.F.19(55)Legal-II/2010-1055 , dated 23-12-2011].

#### 4.6 Re-designation of the post of Stenographer (BS-16) as Assistant Private Secretary (BS-16)

In exercise of the power conferred by sub-rule(2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following amendment shall be made in the Recruitment Rules of Establishment Division

---

\* Stenographer re-designated as Assistant Private Secretary.



notified vide SRO. 526(I)/2012, dated 18<sup>th</sup> April 2012, namely:—

In the aforesaid Recruitment Rules,—

The brackets/words/figures “Stenographer (BPS-16)”, where occurring shall be substituted with the brackets/words/figures “Assistant Private Secretary BPS-16”.

2. This Notification issued with the approval of Establishment Division vide O.M No. 7/6/2002-R-6 (Pt-I), dated 09-4-2013 and FPSC vide letter No. F. 12-04-2012-RR dated 23<sup>rd</sup> July, 2013.

[Authority:- Estt. Division's S.R.O. 785(I)/2013, dated 23-07-2013]

#### **4.7 Upgradation of posts alongwith incumbents in the Pakistan Military Accounts Department (PMAD)**

In observance of Finance Division Islamabad O.M No. F.9(9)- R-I/2008/-09, dated 3<sup>rd</sup> April 2010, and Supreme Court of Pakistan Order dated 15th April, 2010, Secretary, Ministry of Defence has been pleased to upgrade following posts alongwith incumbents in Pakistan Military Accounts Department in terms of authority vested with him vide Schedule-3 Serial No. 15 Rules of Business 1973, without prejudice to the Nomenclature or office work /authority of these employees, with effect from 03-04-2010:-

Sr.#	Name of the Post	Existing Scale	Upgraded Scale
1	Accounts Officer	BS-17	BS-18
2	Assistant Accounts Officer	BS-16	BS-17
3	Senior Auditor/ Assistant Supervisor	BS-14/15	BS-16
4	Junior Auditor	BS-7	BS-11

[Authority:- Defence Division's Notification No.1/8/D-7(MAG)/2010 , dated 12-05-2010].

#### **Sl. No. 5**

##### **Physical Fitness**

Please consult Fundamental \*Rules 10 and 10-A and Supplementary Rules\*\* 3, 4 & 4-A of the Compilation of Fundamental & Supplementary Rules, Vol.I, regarding determination of physical fitness of government servants on first appointment and during service.

\* FR 10, 10-A: Medical Certificate of health on appointment to government service; appearance before a medical authority for medical examination.

\*\* SR 3, 4, 4-A: Medical Certificate of fitness for government service to be signed by a medical officer; exemptions from producing medical certificate to specified classes of government servants or nature of appointment e.g. temporary/short term or re-employment.

### **5.1 Verification of Antecedents on First Appointment**

*Revised procedure for vetting of government employees.*— In supersession of all previous instructions on the subject, it has now been decided, in consultation with the Intelligence Bureau, to introduce a simplified and less time-consuming procedure for the verification of antecedents of employees at the time of their first appointment in government service.

2. According to the revised procedure, all Federal Government Ministries/Divisions/Departments, including Federal Public Service Commission, will make simultaneous references for security clearance of fresh employees to the following agencies:-

- (a) Intelligence Bureau, Government of Pakistan.
- (b) District Police.
- (c) Special Branch of Provincial Police concerned.

3. The Intelligence Bureau has undertaken to give a political record check of the candidates direct to the departments concerned within a maximum period of one month. In case a report from the Intelligence Bureau is not received within one month, the department concerned will allow the selected candidates to join their posts on production of character certificates from two government officers not below BPS-17. It will, however, be understood that the appointees will remain on probation for a period of six months or till the receipt of their vetting report. During the probationary period, the new appointees will not be entrusted with sensitive duties/assignments.

4. The District Police and the Special Branch concerned will be required to give clearance in respect of the character and antecedents of fresh/entrants in government service within a maximum period of two months. These agencies will return the verification rolls, after conducting local enquiries, direct to the department concerned and not through the Intelligence Bureau except in cases where the conduct of the candidate has come to adverse notice and this aspect is considered relevant to his appointment in government service.

*[Authority.— Cabinet Division's letter No. 12(3)/76-MW(S), dated 31-5-1977].*

[Note.- The prescribed form for verification of character and antecedents of candidates selected for appointment under the Federal Government is Form S. 190.

**(ANNEX)**

(See Sl. No. 5.1)

**Form S.190(Revised)**

PHOTO
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GOVERNMENT OF.....  
 Federal Public Service Commission  
 Ministry/Division/Office

Verification Roll for candidates for appointment under the Government to be filled in by the candidate in his own handwriting.

- 
1. The name of the post in which the candidate to be appointed.....

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  2. Full name (in block letters) with surname and aliases if any Mr./Miss/Mrs.....

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  3. Previous name (if any) and reasons for change.....

---

  4. Father's name in full with occupation and income (if any).....

---

  5. Date and place of birth of the candidate give full address.....

---

  6. Description
    - a.
      - (1) Height.....
      - (2) Build i.e., heavy/medium/light.....
      - (3) Frame i.e., large/medium/thin.....
      - (4) Complexion.....
      - (5) Colour of hair.....
      - (6) Colour of eyes.....
      - (7) Visible marks of identification.....
    - b.
      - (1) Religion by birth.....
      - (2) Present Religion.....

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  7. Residential address (with telephone number if any)
    - a. Present.....
    - b. Permanent.....

8. Nationality:

a. Pakistan National by birth/migration/naturalization

b. If naturalized/migrated:

(1) Previous nationality and address.....

(2) Date of migration.....

(3) Citizenship/Naturalization Certificate Particulars i.e No. date and place of issue etc.....

c. National Identity Card No., date and place of issue.

9. Local and other addresses during the last 10 years where the candidate has stayed for more than six months.

Address	From	To

10. Educational qualifications showing places of education from the age of 10 years.

Name and place of school and college etc.	From	To	Major field of study	Certificate/ diploma degree obtained

Note.- A certificate of good character from the Head of Educational Institution last attended by the candidate (to be attached).

11. Knowledge of language:

Can understand	Can speak	Can write
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12. Special training, any field.....

13. Any distinctions obtained in literary, sports or miscellaneous fields:

14. a. Are you capable of sustained physical and mental activity?  
.....
- b. Have you had any serious illness or any operation in the past three years?
- c. How many days you lost from work in the past three years?

15. Has there been any case of mental/nervous illness in your close relatives?  
.....

16. a. Do you take alcohol?
- b. Do you gamble?

17. a. Government offices or firms, with full description and addresses where the candidate previously worked, and the reasons for leaving:

Offices/ Firms	Designation and Pay	From	To	Reasons for leaving

- b. Present occupation if any:

Offices/ Firms	Designation and Pay	From	To	Reasons for leaving

Note.- Certificate of performance from the Head of the Institution last served by the applicant (to be attached).

18. Offices/firms with full descriptions and addresses where the candidate previously applied without success:

Office/Firm	When applied for appointment	Job for which applied

19. Particulars of wife (or husband as the case may be) of the candidate:

- a. Full name with father's name.....
  - b. Nationality .....
  - c. Religion.....
  - d. Date of birth.....
  - e. Place of birth.....
  - f. Occupation, if any.....
  - g. Income, if any.....
-

20. Particulars of children:

Name	Sex	Date of Birth	Recent Address
a. ....			
b. ....			
c. ....			
d. ....			

21. Particulars of children or dependents educated or receiving education:

a.	b.	c.	d.	e.
a. Name of Child				
b. Relationship				
c. Name of institution				
d. City/country				
e. Period of education abroad				
f. How financed				

22. Full particulars of the candidate's near relations, who are in Government service in Pakistan and elsewhere, specifying the posts held, and where posted.

Name of relations	Relationship	Post held	Place of duty

23. Particulars of near relatives/dependents abroad:

Name with Relationship	Nationality	Occupation	Place of Resident
a. ....			
b. ....			
c. ....			
d. ....			
e. ....			
f. ....			
g. ....			
h. ....			

24. (a) Assets:

Immovable	Value	Mode of acquiring
.....	.....	.....
.....	.....	.....
.....	.....	.....

(b) Movable of more than Rs. 10,000/-

.....  
 .....  
 Total value.....

25. Membership of Clubs, Political Parties and Associations (Past and Present)  
 (Name of Organization with date of joining and leaving):

Name of Club, Party	From	To
a. ....		
b. ....		
c. ....		
d. ....		
e. ....		

26. Details of Travels Abroad (including travels for education or training):

- a. Passport particulars, if any.....  
 including No., date and place of issue.....
- b. Countries for which valid.....
- c. Issuing authority.....
- d. Period of validity.....

27. Names with addresses of at least two references in Pakistan who can testify to the candidate's character and antecedents:

Name	Address
.....	.....
.....	.....
.....	.....

28. Name and address of your close friends:

Name	Address
.....	.....
.....	.....
.....	.....



29. Whether arrested, prosecuted, convicted, restricted or externed in any case, political or otherwise, if so full particulars including dates should be furnished.....

30. Finger prints:


Place----- Date----- Signature-----

- a. I..... candidate for appointment to.....hereby certify and solemnly affirm that my answers to the above questions are correct to the best of my knowledge and belief.
- b. I fully understand that if the above statement is false in any material respect, or omits any material information my appointment is liable to be rejected/terminated and shall render me to legal and disciplinary action including dismissal if I am already in Government service.

Signature.....  
Place.....  
Date.....

To be filled in by the Superintendent of Police, etc. concerned at the request of Ministry/Division/office/Federal Public Service Commission.

Remarks by:

Superintendent of Police Place-----

Date-----

D.I.G. Special Branch Place-----

Date-----

Director Intelligence Bureau Place-----

Date-----



## **5.2 Appointment to Higher Posts Without Observing Due Process**

In the Establishment Division O.M.No.2/25/69-C.I., dated July 31, 1979, instructions were issued that appointments of officers of lower grades\* to posts in higher grades without observing the prescribed process must cease. It was also laid down that if it was necessary to do so due to exigencies of services the post should be down-graded with the approval of the Establishment Division.

2. In January, \*\*1981, Rule 8-A and 8-B were inserted in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 *vide* Establishment Division Notification No.S.R.O.41(I)/81, dated 12th January, 1981. Rule 8-A lays down that no promotion on regular basis shall be made in grades\* 19 to 21 unless the officer has completed the prescribed length of service. Rule 8-B provides for acting charge appointment in case the most senior civil servant otherwise eligible for promotion does not possess the specified length of service, or in the case of a grade\* 17 post and above, reserved under the rules for initial appointment, no suitable officer of the grade\* in which the post exists is available. For vacancies of less than 6 months, or in other cases not covered by Rule 8-B, current charge arrangement can be made in accordance with the Establishment Division O.M.No.1/21/76-AR.I/R.II., dated 18th June, 1980, as amended from time to time. With the issue of the instructions relating to acting charge appointments and current charge arrangements, there should be no difficulty in filling vacancies.

3. The Ministries/Divisions and Departments are once again requested to ensure that all appointments to higher posts, whether on regular basis or on acting charge/current charge basis, should henceforth be made strictly in accordance with the rules, and after observing the prescribed procedure and that on no account should a person be appointed to a higher post otherwise than in accordance with the rules, or without observing the prescribed procedure.

[Authority.– Estt. Division's O.M.No. 5(1)/81-D.II-R/4, dated 12-12-1981].

## **5.3 Appointment to Higher Posts Other Than in Accordance With Rules and Procedure**

It has been observed with regret that despite repeated instructions issued by the Establishment Division regarding appointment of government servants against higher posts other than in accordance with rules and prescribed procedure, Ministries/Divisions and Departments of the Federal Government and the Provincial Governments (in the case of officers belonging to Occupational

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\* BPS.

\*\*Ref. Sl.No.1, Chapter II, Estacode, 1989.

\*Groups controlled by the Establishment Division) continue to make appointments to higher posts occasionally in disregard of the above instructions. Officers appointed to higher posts without going through the prescribed selection process and approval of the competent authority claim pay and allowances of the higher posts on the basis of judgments of the Federal Service Tribunal and the Supreme Court of Pakistan in a number of such cases. This places the government in an awkward position as pay and allowances of the higher posts have to be allowed to individuals who have not been regularly promoted and who are sometimes not even qualified or eligible for promotion. It also causes heart-burning and resentment among their seniors who were serving elsewhere or were bypassed at the time of making such irregular appointments.

2. While such irregular appointments are claimed to be made in public interest and under unavoidable circumstances it has once again to be emphasized that appointments to higher posts in disregard of the prescribed rules and procedure should be avoided under all circumstances. Various provisions already exist in the rules for making appointments, on acting charge, current charge and additional charge basis, to tide over temporary difficulties. It is, therefore, again reiterated that in future appointments against higher posts should only be made either on a regular basis in the prescribed manner, or on acting charge or current charge basis in accordance with the provisions of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and relevant instructions issued by the government from time to time.

3. Disregard of the above instructions would be viewed seriously and may result in bringing the matter to the notice of the Prime Minister.

*[Authority.— Estt. Div.'s O.M.No.14/4/86-R.I., dated 2-5-1988].*

#### **5.4 Requirement of Attested/Photo Copies of Supporting Documents From Employment Seekers**

At the time of inviting applications for initial appointment through advertisements Ministries/Divisions/Departments etc. require the applicants to submit attested photo copies of Degrees/Testimonials/Experience Certificates/NIC/Domicile, and photograph etc. In the prevailing environment in the country, a job seeker has to apply for a number of posts before he/she succeeds in getting employment. The expenditure and effort involved in the entire process can be well imagined. Similarly, it is difficult for the employer to scrutinize and verify such a large number of documents. Keeping in view the hardships of the job seekers and difficulties of employers, the Prime Minister has been pleased to approve that the following simplified system be followed in general by the Ministries/Divisions unless it is necessary for better selection to call for more detailed documentation at the initial stage of the selection process:-

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\* Add "and Service".

- (i) At the stage of calling the applications, only personal data on a plain paper may suffice to short list the candidates on the basis of suitability.
  - (ii) Those called for interview may be asked to bring along the original documents.
  - (iii) Those selected may be required to submit certified copies of the documents for record.
- (2) Ministries/Divisions are requested to bring the above instructions into the notice of Attached Departments/Subordinate Offices/Autonomous Bodies/Corporations under their administrative control also for compliance.

*[Authority:— Estt. Div.'s OM No. 10/51/2004-R-2, dated 2nd March, 2005]*

### **5.5 Checking the Genuineness of Educational Certificates/Qualifications etc.**

Instances have come to the notice of the Federal Government wherein forged educational certificates have been submitted by certain persons seeking employment under government. It is, therefore, necessary to check thoroughly the genuineness of certificates where the bonafides of persons employed after the 15th August, 1947 are in doubt. One method of checking is to make a reference to the universities which issued the certificates. If this method does not prove successful, cross examination (and other suitable methods which may be possible according to the merits of the case) of the individuals concerned by the appointing authorities themselves may be resorted to. The candidates concerned may also be required to produce two certificates from Gazetted officers in support of their claim to educational qualifications.

2. There may also be cases where the certificates produced are genuine but there is a reasonable doubt that they do not relate to the persons producing them. In such cases, the matter will have to be referred to the District Police authorities for investigation and report.

3. In so far as the competitive examinations conducted by the Federal Public Service Commission are concerned, the original age and educational certificates submitted by the candidates with their applications are fully checked, and necessary enquiries made in all doubtful cases. But, as regards recruitment by selection, the candidates are not generally required to submit their original certificates with their applications. Only attested copies are called for. In these cases, it is essential for the appointing authorities to verify the claims of the candidates as regards age and educational qualifications in the same manner in which their antecedents are verified before appointment. If it is found that a forged certificate has been produced or that the individual, producing a certificate, is not the one to whom it was issued, suitable disciplinary action must be taken against the person concerned, including

dismissal from government service, (if the persons are in government service) and a ban on future employment. In specific cases the matter should be reported to the Police for criminal prosecution.

4. Generally, candidates for recruitment made by selection are required to send passport size copies of their photographs with their applications. But this is not compulsory. It is considered desirable to ask all candidates to submit such photographs with their applications.

*[Authority:— Estt. Div.'s Letter No. F.40/650-S.E.I. dated 21-6-1950 to all Provincial Governments].*

Endorsement:-

Copy to all Ministries/Divisions with the request that the genuineness of educational certificates produced by persons in the ministerial service of the Federal Secretariat and its Attached Departments, who have been declared fit for retention in government service in pursuance of the instructions contained in the Establishment Division O.M. No. 33/1/48-Ests. (ME), dated the 15th March, 1948 should also be checked and, in case of doubt, verified in accordance with the procedure laid down above.

**5.6 Recognition of Defence/Staff Colleges  
Qualifications as Equivalent to University  
Degree for Government Employment**

Where some posts were advertised by the Establishment Division in the past, the minimum requirement for which was a university degree, some senior officers of the armed forces, who wanted to apply for these posts, did not hold a university degree but they had qualified in various service courses e.g. National Defence College Course, Imperial Defence College Course (now called Royal College of Defence Studies Course), Army War Course, Joint Services Staff College Course, Staff College Course etc.

2. In view of the above position, a proposal made by the Services to the effect that Staff College qualifications may be recognized as equivalent to a university degree for government employment, was considered by the Defence Council, in its meeting held on 11th August, 1973. The President was pleased to approve the proposal to recognize Staff College and other higher defence institutions qualifications given to officers of the Pakistan Armed Forces (Army, Navy and Air Force) as equivalent to the university degree for government employment. The President, however, was further pleased to direct that this recognition would, in no way, encourage the serving officers of the Pakistan Armed Forces (Army, Navy and Air Force) to apply for employment in the civil services, except for their rehabilitation after retirement. The above decision of the Defence Council is conveyed for information and guidance.

*[Authority:— Defence Division's O.M. No.111/73/D-A, dated 14-6-1974].*

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\* National Defence University (NDU).

**Sl. No. 6****Determination of Domicile**

Reference Establishment Division's O.M. No. 2/2/67-D.V., dated the 26th August, 1968. It has been observed that the instructions contained therein for determining the domicile of candidates while making appointment to posts are not being complied with faithfully in some cases. These instructions clearly provide that a candidate belonging to Pakistan by origin should be considered for appointment on the basis of domicile of his father. Similarly, a migrant candidate should be considered only against the quota of the province/region where his parents are domiciled and where they have resided for at least three years. In case the parents of a migrant candidate have not migrated to Pakistan, he should be considered for appointment on the basis of his own domicile. All the Ministries/Divisions are requested that, while making ad-hoc appointments against the posts required to be filled through FPSC, they should carefully examine the domicile of the candidates in the light of the above instructions. This may also kindly be brought to the notice of all the departments/organizations under their administrative control for strict compliance.

*[Authority:- Estt. Division's O.M.No.2/2/77-W.C/R.2 dated 13-10-1987].*

**6.1 Determination of Domicile for the Purpose of Appointments Against Provincial/Regional Quotas**

According to the decisions contained in the Establishment Division Office Memorandum No.25/113/ 54-SE I, dated the 4th January, 1956 and Office Memorandum No. 1/12/56-R, dated the 14th February, 1958, while a candidate belonging to Pakistan by origin can claim appointment only against the quota of the province/ region to which the father of such a candidate belongs, the candidates who have migrated to Pakistan have different options for claiming appointment against provincial/regional quotas. The matter has, therefore, been reconsidered with a view to rationalizing the policy regarding determination of domicile of the candidates for government service, and the following revised orders are issued, in partial modification of the existing instructions:-

- (i) There should be no change in the policy regarding the persons belonging to Pakistan by origin, i.e., they should continue to be considered for appointment only against the quota of the province/region to which the father of such a candidate belongs.
- (ii) A migrant candidate, whether residing in Pakistan or abroad, should be considered for appointment only against the quota of the province/region where his parents are domiciled and where they have resided for at least 3 years. However, the condition of 3 years' residence should be deemed to be fulfilled if the parents are officially domiciled in a particular province/region but have been living in some other areas for a number of years due to exigencies

of service. For this purpose, the candidate will be required to produce a domicile certificate from a competent authority that his parents are domiciled in the province/region concerned.

- (iii) In case the parents of a migrant candidate have not been considered for appointment against the quota of the province/region where he himself is domiciled and has resided or has been educated for a continuous period of three years immediately before applying for appointment and consideration against the quota of a province/ region.

2. The decisions above may please be brought to the notice of all concerned for guidance in future.

*[Authority:— Estt. Div.'s O.M. No.2/2/67-DV, dated 26-8-1968].*

### (ANNEX I)

(See 6.1 para 1)

#### **[Copy of Estt. Div.'s O.M.No.25/113/54-SEI, dated the 4th January, 1956].**

Provincial Quotas on the Basis of Domicile Certificates: The recruitment policy of government, according to which recruitment to the \*Central Services is made, is based on a system of Provincial quotas. These quotas were meant for candidates who belonged by origin to the provinces of Pakistan, or who, on migration from Indian provinces had permanently settled down in one of the Pakistan Provinces. However, by means of domicile certificates, a large number of candidates who had come over from India but had not permanently settled in any Pakistan Province were able to enter the \*Central Services, thus shutting out candidates belonging by origin to Pakistan provinces from their due share in the administration of the country. What these candidates did was to file declarations before District Magistrates, to the effect that they had renounced their previous domicile and that they had resided for over a year in such provinces as (East Bengal), Sindh and the \*\*N.W.F.P., where competitive conditions were comparatively easier. Having obtained such certificates of domicile on the strength of these declarations, the veracity of which could seldom be properly checked, these candidates would leave that particular province and have no further connection with it. They would then prepare themselves for examinations in areas where educational facilities were better but, by virtue of their domicile certificates, they demanded to be considered for appointment against the quota of one of the above provinces in which they claimed to be domiciled, provided, of course, that they had qualified in the examinations. In actual fact, the Domicile Certificate merely made a refugee candidate eligible for appearing in an

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\* 'Federal Services/Groups'.

\*\* Now Khyber Pakhtunkhwa.



examination for appointment to a post in Pakistan and did not confer any right on him to be appointed against the quota of a particular province.

2. In order to ensure that government's recruitment policy is properly carried out and that no candidate enters the \*Central Services against the quota of a province who does not belong to that province either by origin or through settling down permanently there, government consider it necessary to provide a check against the entry into the Central\* Services of candidates who claim to be considered against provincial quotas on spurious grounds. It has, therefore, been decided that, in the case of candidates who qualify for appointment to the \*Central Services, but who do not belong, by origin, to any Pakistan province, they should be admitted against the quota of the province in which they claim to have settled permanently, provided there is proof of three years' residence/ education in the province against whose quota they claim to be considered. This can be established in most cases from educational certificates which the candidates will file with their application. In other cases, where a candidate has been educated in a province for a shorter period although he claims to have resided there for 3 years, other evidence must be produced by the candidate to support his claim. In the case, however, of a refugee candidate studying abroad, or in some parts of Pakistan other than the province against whose quota he claims to be considered, the condition of three years' residence in that Province should be deemed to be satisfied, if the parents of such a candidate have resided in the Province in question for three years.

3. The decision outlined in the preceding paragraph does not mean that refugee candidates, who fail to prove their claim that they belong to a particular area, are shut out from appointments to the \*Central Services. As Ministries are aware, the recruitment policy provides a 20% merit quota and a refugee candidate, who does not satisfy the above requirements, can take his chance in that quota. Finally, it may be added that, in the case of a candidate whose father belongs by birth or by origin to a Pakistan province, it is immaterial where he has received his education or has resided. Such a candidate will be considered, for appointment against the quota of vacancies reserved for that province without any check.

4. The above decision will not be affected by the coming into existence of one province in West Pakistan as no change in the existing recruitment policy is contemplated. The recruitment policy in respect of services and posts under the \*\*Central Government will continue to operate in those areas which constitute the previous Provinces and which will now be expressed in terms of districts comprising those areas.

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\* Federal Services/Groups'.

\*\* Federal.

**(ANNEX II)**

(See 6.1, para 1)

**[Copy of Establishment Division Office Memorandum No. 1/12/56-R, dated the 14th February, 1958].**

Attention is invited to the Establishment Division Office Memorandum No. 25/113/54-SEI, dated the 4th January, 1956 (**Annex I**) in which instructions were issued that in the case of a refugee candidate studying abroad or in some parts of Pakistan other than the province against whose quota he claims to be considered, the conditions of three years' residence in that province should be deemed to be satisfied, if the parents of such a candidate have resided in the province in question for three years. It, therefore, follows by implication that in the case of those candidates, whose parents have acquired the domicile in a province/zone, but who, due to the exigencies of service, have been serving outside that province/zone, for a number of years, the conditions of 3 years residence for that province (for the candidate) will be deemed to have been fulfilled for the purpose of being considered against the quota of that province/zone.

**6.2 Married Female Candidates -  
Determination of Domicile**

According to the decisions contained in the Establishment Division Office Memorandum No. 2/2/67-DV, dated the 26th August, 1968, the domicile of a candidate is to be determined on the basis of the domicile of his or her parents and if the parents of a migrant candidate have not migrated to Pakistan, on the basis of his or her own residence and education in the province in which he or she is domiciled. A question has arisen whether a female married candidate can be considered to have the same domicile as that of her husband. The matter has been considered and it has been decided that the domicile of a married female candidate may be accepted to be the same as that of her husband for the purposes of direct recruitment.

*[Authority:— Estt. Division's O.M.No.F.8/5/75-WC, dated 12-8-1975].*

**6.3 Candidates Not Required to Show  
Place of Birth of their Fathers for  
Purposes of Domicile**

As the Ministries/ Divisions are aware, the government observes provincial/regional quotas in filling vacancies reserved for direct recruitment to posts under the Federal Government. It has been brought to the notice of the government that candidates for appointment to federal posts are sometimes required to state the place of birth of their father. This information is not relevant to the determination of domicile of a candidate. The government have, therefore, decided that, in future, no candidate will be asked to state the place of birth of his father. However, the requirement of stating the domicile of father and other particulars like name, address etc., will continue to be observed as before.

2. The Ministries/Divisions are requested to give wide publicity to these instructions.

*[Authority:– Estt. Div.'s O.M.No.2/5/77/WC/R-IX, dated 11-1-1978].*

#### **6.4 Change of Domicile After Entry into Government Service**

A question has arisen whether a person who entered (into) government service on the basis of domicile of a particular province/ region of Pakistan can subsequently change his domicile during his service. As a citizen of Pakistan, a government servant can change his domicile according to the law and the rules made thereunder. It has, however, been decided that the domicile of a government servant as declared by him and accepted by government at the time of entry into government service should be treated as final throughout his service career and no subsequent change in his domicile should be recognized for the purpose of terms and conditions of his service including his allocation and liability to transfer.

*[Authority:– Estt. Div.'s O.M. No.1/14/71-TRV, dated 20-9-1971].*

#### **Sl. No. 7**

#### **Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993**

In pursuance of Rule 12 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the President is pleased to make the following rules, namely:–

#### **PART I – GENERAL**

1. These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993.
2. They shall come into force with immediate effect:

Provided that nothing in these rules shall apply to the appointment to the posts in BPS 17 to be filled through C.S.S. Competitive Examination.

#### **PART II – GENERAL RELAXATION**

3. Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column (2) below to the extent mentioned against each under column (3):–

Sl. No.	Category of candidates	Age relaxation admissible
(i)	a) Candidates belonging to Scheduled Castes, Buddhist Community, recognized tribes of the Tribal Areas, Azad Kashmir and Gilgit Baltistan for all posts under the Federal Government.	3 years.
	b) Candidates belonging to Sindh(R) and Balochistan for posts in BPS 15 and below under the Federal Government.	3 years.
(ii)	Released or Retired Officers personnel of the Armed Forces of Pakistan.	*[15] years or the number of years actually served in the Armed Forces of Pakistan, whichever is less.
(iii)	Government servants who have completed 2 years continuous Government service on the closing date for receipt of applications.	10 years, upto the age of 55 years.
(iv)	Disabled persons for appointment to posts in BPS 15 and below.	10 years
(v) **	Widow, son or daughter of a deceased civil servant who dies during service	05 years

(4) Where a candidate is entitled to age relaxation under more than one categories specified in rule 3, he shall be allowed relaxation in age only in one category.

\*\*\*[4A. (1) Subject to sub-rule (2) the maximum age limit prescribed for initial appointment under any rules for the time being in force shall be relaxed by a period of five years;

(2) The relaxation in upper age limit shall be over and above the relaxation of age admissible to candidates specified in rule 3 or in any other rules for the time being in force].

@[4B. Notwithstanding the provisions contained in these rules or any other rules for the time being in force, the President or the Prime Minister may, on extreme compassionate grounds, grant age relaxation to an individual candidate for a period not exceeding three years over and above the relaxation in upper age limit already admissible, if any].

\*Amended *vide* Estt. Div.'s Notification SRO No.576(I)/2000 dated 17-08-2000.

\*\* Added *vide* Estt. Div.'s Notification SRO No.1056(I)/2007, dated 24-10-2007.

\*\*\* Subs. *vide* Estt. Div.'s Notification S.R.O No.586(I)/99 dated 18-05-1999.

@ Added *vide* Estt. Div.'s Notification No.9/2/91-R.5 dated 23-01-1995.

\*[4C. Notwithstanding anything contained in these rules, or any other rules for the time being in force, one-time relaxation in the upper age limit shall be admissible to the persons appointed to the posts, on ad-hoc basis, from the 1st October, 1981, to the 31st December, 1995, to the extent they are overage for initial appointment to the posts, held by them, as and when advertised by the Federal Public Service Commission].

\*\* [4D. Notwithstanding anything contained in these rules or any other rules for the time being in force, the President or the Prime Minister\*\*\* may grant age relaxation to the widow, son or daughter of a deceased civil servant who dies during service for such period as may be considered appropriate].

(5) **Repeal.**— All existing rules, orders and instructions relating to age relaxation issued from time to time are hereby repealed.

[*Authority*:— Estt. Div.'s Notification No.S.R.O 1079(1)/93, dated 4-11-1993].

### **7.1 Clarification Regarding General Relaxation of 5 Years in Upper Age Limit Prescribed in Recruitment Rules**

Refer to the Establishment Division's O.M. No.9/2/91-R-5 dated 28<sup>th</sup> November,2000 on the above cited subject directing the Ministries/Divisions/ Departments that whenever vacancies are advertised by them, it should be clearly highlighted in the advertisement that a general relaxation of five (5) years in upper age limit **SHALL** be admissible to all the candidates and to state that the Senate Standing Committee on Cabinet Secretariat, Inter Provincial Coordination and Special Initiatives, in its meeting held on 11-06-2010, observed that Departments, while advertising various posts had fixed the age limit as 25 years. The Ministries/Divisions did not mention in their advertisements that the candidates shall be entitled to 5 years relaxation in age over and above the age limit prescribed in the Recruitment Rules. The Committee took serious view of this on part of the Departments due to which injustice could have been caused to the people.

2. In light of the recommendations of the Senate Standing Committee, the Ministries/Divisions/Departments are advised that henceforth, the concession of 5 years general relaxation in upper age limit shall be clubbed with the maximum age limit of the post in their advertisements. In case usual upper age limit of posts in various Basic Pay Scales is as in column(2) below, the maximum

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\* Added *vide* Estt. Division Notification No. S.R.O. 798(I)/98, dated 10-7-1998.

\*\* Added *vide* Estt. Division Notification No. S.R.O. 294(I)/2002, dated 31-5-2002.

\*\*\* The words 'Chief Executive' subs. with the words 'Prime Minister' *vide* Estt. Div.'s Notification SRO 1056(I)/2007, dated 24-10-2007.

age limit shall be as in column (4) below:-

Basic Pay Scale	Age Limit	General Age Relaxation	Maximum Age Limit
(1)	(2)	(3)	(4)
1-15	25 years	+ 5 years	30 years
16	28 years	+ 5 years	33 years
17	30 years	+ 5 years	35 years
18	35 years	+ 5 years	40 years
19	40 years	+ 5 years	45 years
20	45 years	+ 5 years	50 years
21	50 years	+ 5 years	55 years

3. The Ministries/Divisions are further advised that the following relaxation age limit available to the category of candidates specified below (to the extent mention each) should be clearly mentioned in their advertisements for vacant posts:—

Sl. No.	Category of candidates	Age relaxation admissible
(i)	a) Candidates belonging to Scheduled Castes, Buddhist Community, recognized tribes of the Tribal Areas, Azad Kashmir and Gilgit Baltistan for all posts under the Federal Government. b) Candidates belonging to Sindh(R) and Balochistan for posts in BPS 15 and below under the Federal Government.	3 years.  3 years.
(ii)	Released or Retired Officers/ personnel of the Armed Forces of Pakistan.	15 years or the number of years actually served in the Armed Forces of Pakistan, whichever is less.
(iii)	Government servants and contract employees who have completed 2 years continuous Government service on the closing date for receipt of applications.	10 years, upto the age of 55 years.
(iv)	Disabled persons for appointment to posts in BPS 15 and below.	10 years
(v)	Widow, son or daughter of a deceased civil servant who dies during service	05 years
Note: Where a candidate is entitled to age relaxation under more than one categories specified above, he shall be allowed relaxation in age only in one category.		

4. In addition to above, the President/Prime Minister may, on extreme compassionate grounds, grant age relaxation to an individual candidate for a period not exceeding three years.

5. Further, where the Ministries/Divisions/Departments have recently advertised various posts and the candidates have appeared in written test but their interviews are yet to be held i.e. their selection process is not over, the said posts may be re-advertised for additional applications with clear rule position about age limit and age relaxations as at paras 2 and 3 above.

6. It may be added that the upper age limit relaxations mentioned at paras 2 and 3 above have been provided in the Initial Appointment to Civil Posts (Relaxation of Upper age Limit) Rules, 1993 which are not applicable for recruitment to posts to be filled through Annual Competitive (CSS) Examination conducted by the FPSC.

7. For recruitment to BS-17 posts to be filled through the Annual Competitive (CSS) Examination, the upper age limit is presently 28 years which is relaxable by 2 years for Government Servants, Armed Forces Personnel and other specified categories of candidates.

8. The Ministries/Divisions are requested to strictly observe the above mentioned instructions and also bring the same to the notice of the Departments/Organizations under their administrative control for strict compliance.

*[Authority:- Establishment Division's O.M No.9/2/91-R-5 dated 24-06-2010.]*

## **7.2 Relaxation in Upper Age Limit to Persons Employed in Government Department on Contract Basis**

Sub rule (iii) of rule 3 of Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993, notified vide SRO 1079(I)/93 dated 4th November, 1993 provides \*[15] years relaxation upto 55 years in the upper age limit prescribed in the recruitment rules for Government Servants who have completed 02 years continuous government service on the closing date for receipt of applications.

2. A question has arisen whether the above mentioned relaxation in upper age limit is also available to those persons who are employed on contract basis in government departments? The matter has been examined and it is clarified that the above mentioned relaxation in upper age limit is admissible to "government servants". The persons employed in a government department, (as distinct from a body corporate established by or under an Act of Parliament) on contract basis are "government servants," and are eligible for and entitled to

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\*Substituted vide Establishment Division's Notification SRO No. 576(1)/2000, dated 17.8.2000.

relaxation in upper age limit under sub rule (iii) of rule 3 of the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993, subject to fulfilling the other conditions laid down in the said rules.

[Authority.— Establishment Division's O.M.No.9/2/90-R.5, dated 11-9-2000].

**Sl.No. 8**

**Recruitment Policy for the Federal Services/Autonomous Bodies/Corporations-2014**

Refer to Establishment Division's O.M.No.4/1/93-R-I dated 25-09-2014 regarding lifting of ban on recruitment under the Federal Government and to state that Ministries/Divisions/Attached Departments/Subordinate Offices/Autonomous Bodies/Semi-Autonomous Bodies/Corporations/Companies/Authorities *etc.* are required to follow the recruitment policy as under:—

- (i) Recruitment to posts in BPS-16 and above shall continue to be made through the Federal Public Service Commission as hitherto.
- (ii) Initial appointment to posts which are required to be made on All Pakistan basis shall be made under rule-14 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.
- (iii) Initial appointment to posts in BPS-3 to BPS-15 and equivalent in offices which are required to serve only in a particular Province/Region shall be filled by appointment of persons domiciled in the Province/Region concerned under rule-15 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.
- (iv) Vacancies in posts in BPS-1 and BPS-2 and equivalent shall ordinarily be filled on local basis under rule-16 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.
- (v) Initial appointment shall be made strictly in accordance with the provisions contained in the Recruitment Rules of the post concerned. In the absence of Recruitment Rules, Ministries / Divisions/Attached Departments / Subordinate Offices/ Autonomous Bodies/Semi-Autonomous Bodies/Corporations/Companies/ Authorities *etc.* are first required to frame the Recruitment Rules and lay down the eligibility conditions for such appointments. No recruitment shall be made in the absence of approved Recruitment Rules.
- (vi) NOC from the Surplus Pool of Establishment Division shall continue to be obtained for all recruitment.



- (vii) The vacancies in each Ministry/Division/Department/Autonomous Body/Corporation, as per the Provincial/Regional quota *etc.*, shall be advertised through widely published National/Provincial/Regional newspapers.
- (viii) Minimum of 15 days time limit may be given for receipt of applications.
- (ix) Applicants may be required to apply on a prescribed format without being asked for copies of educational qualification *etc.* However, at the time of written test/interview, the candidates may be asked to bring with them original certificates/documents for satisfaction of the authority.
- (x) Regional/Provincial quota, Women quota, Minorities (Non-Muslim) quota and Disabled Persons quota, or any other quota prescribed from time to time, should expressly and clearly be indicated against the vacant post(s) advertised.
- (xi) Required qualification and age limit as provided in the recruitment Rules, including general age relaxation, should also be clearly laid down in the advertisement.
- (xii) Vacancies in posts should be filled only against the approved sanctioned strength of the said category.
- (xiii) Ministries/Divisions/Departments/Attached Departments/Sub-ordinate Offices/Autonomous Bodies/Semi-Autonomous Bodies/ Corporations/Authorities *etc.* are required to finalize the recruitment within 60 days from the date of advertisement.
- (xiv) Deficiency in the existing Provincial/Regional representation, if any, in the Federal Services including Autonomous/Semi-Autonomous Bodies may be adjusted.
- (xv) Administrative Ministries/Divisions shall ensure merit and transparency in the recruitment process at all levels.
- (xvi) The candidates using or attempting to use any extraneous influence at any level shall be liable to be disqualified.
- (xvii) Draft advertisements to be published for recruitment may be submitted to Establishment Division for routing of same to Ministry of Information, Broadcasting and National Heritage. No direct advertisements would be placed by any organization.

[Authority:- Establishment Division's O.M.No.F.53/1/2008-SP dated 22<sup>nd</sup> October, 2014]

### **8.1 Mechanism to Ensure Merit Based Recruitment in the Ministries/Divisions/Sub-ordinate Offices/Autonomous/Semi-Autonomous Bodies/Corporations/Companies/Authorities**

Refer to Establishment Division's O.M of even number dated 22<sup>nd</sup> October,2014 regarding recruitment policy for the Federal Services, Autonomous Bodies/Corporations and to say that the Federal Government is pleased to devise following mechanism, to ensure transparency and merit based recruitment in the Ministries/ Divisions/Attached Departments/Autonomous/Semi-Autonomous Bodies/Corporations/Authorities:-

#### **a) Initial Screening/Short Listing**

The initial screening of the applicants would be conducted by the centralized screening test to be carried out by a Testing Agency which would be hired by the Administrative Ministry/Division in consultation with the Establishment Division. Top 05 (Five) candidates would be short listed for interview for each post to be filled through fresh recruitment.

#### **b) Interview**

The short listed applicants, as a result of screening test, would be interviewed after verification of academic/professional credentials and testimonial. The Departmental Selection Committee (DSC) constituted vide Rule 2(e) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 would adjudge the applicant on the following criteria for selection:-

- Score in the test would have 70% weightage
- The rest of 30% weightage would be allocated by the members of the DSC as under:-

1.	Chairman	40%
2.	Two Members	30% each

Further the DSC would assess the applicants as under:-

1)	Relevant qualification/experience	30%
2)	Knowledge/Skill relevancy	40% and
3)	Personality/Interpersonal Communication skills	30%

#### **c) Type of Test**

While considering suitability for particular jobs, objective type tests will be organized through testing agency with prior permission of the Establishment Division.

**d) Autonomous Bodies/Corporations/Companies/Authorities**

The present system of recruitment to MP Scales and Management Grades M1 to M3 or equivalent will continue. However, for recruitment to other Executive as well as non-Executive grades equitable with government BPS, the selection criteria given above be adopted.

2. In order to oversee and monitor the implementation of above mentioned mechanism of recruitment in the Ministries/Divisions/ Departments/ Sub-ordinate Offices/Autonomous/Semi-Autonomous Bodies/Corporations/ Companies/Authorities, the following monitoring committee shall be constituted in the Establishment Division:-

a)	Additional Secretary (BS-21) or equivalent	Chairman
b)	JS(BS-20) or equivalent	Member
c)	DS (BS-19) or equivalent	Member
d)	SO (BS-17) or equivalent	Member/Secretary

[Authority:- Establishment Division's O.M. No.F.53/1/2008-SP dated 16-01-2015].

**8.2 Procedure for Making Recruitment from Abroad**

The question of the procedure which should be adopted when it becomes necessary to resort to recruitment from abroad to civil posts under the \*Central Government has been engaging the attention of the Establishment Division for some time. It has now been decided by the Government of Pakistan that recruitment from abroad should be made in the manner indicated in the following paragraphs.

2. If a Ministry considers that it is necessary to make recruitment to civil posts from abroad, it should make a reference to the Federal Public Service Commission, asking them to agree to such recruitment and if they agree, to proceed without delay to take all the steps necessary to make such recruitment. The Federal Public Service Commission will themselves advertise the post or posts abroad and make necessary arrangements for the candidates to be interviewed by Special Selection Committee. Thereafter, the Federal Public Service Commission will make recommendations for the filling of the post or posts in question. In no case should the Ministry itself take steps to advertise the post.

3. There may, however, be exceptional cases in which the Ministries concerned are of the view that recruitment from abroad through the Federal Public Service Commission will prove infructuous, e.g., in the case of appointments to highly technical posts or other posts of considerable importance in connection with which persons of high standing abroad are not likely to respond

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\* 'Federal'.

to advertisements and appear for interviews. In such cases, which should be very rare, the prior approval of the Prime Minister will be necessary for recruitment to be made by the Ministry concerned without the assistance of the Federal Public Service Commission. The procedure to be adopted in such cases will be that the matter should be referred to the Establishment Division so that the orders of the Prime Minister can be obtained. Such reference to the Establishment Division should be made only after the Federal Public Service Commission have first agreed to recruitment to the post in question being made from abroad, and it should be accompanied by a Summary for the Prime Minister, explaining why it is necessary for recruitment to be made otherwise than through the Federal Public Service Commission and showing what steps the Ministry have in mind for filling the post or posts in question.

*[Authority:— Estt. Division's O.M.No.11/18/49-SE-II, dated 17-1-1951].*

### **Sl. No. 9**

#### **Advertisement for Ad-Hoc Appointments**

Attention is invited to Establishment Division's Notification No. 1498(I)/73, dated 20th October, 1973 regarding Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

2. In accordance with Part IV dealing with ad-hoc and temporary appointments, rule 19 lays down that the post shall be advertised and the same procedure as laid down for the initial appointment in Part III shall be followed for making ad-hoc appointments.

3. A number of cases have come to notice where ad-hoc appointments have been made from amongst departmental candidates or from other applicants without an advertisement having been made in the press.

4. This is irregular in future, no proposal for ad-hoc appointments will be entertained unless the post has been duly advertised. The summary of the case submitted to the Establishment Division should invariably state that the post has been advertised and the clipping of the advertisement should be enclosed with the summary.

*[Authority:— Estt. Division's O.M. No. 2/23/78-D.III, dated 17-4-1978].*

#### **9.1 Ad-Hoc Appointees to be Clearly Told of the Conditions of Their Appointments**

It has been noticed that various Ministries/Divisions etc. while advertising posts, falling within the purview of the FPSC, for purposes of making ad-hoc appointments thereto, do not take into account the fact that the appointees on the basis of such advertisements, being replaceable by the FPSC nominees, should

be clearly told of this condition of their appointments. This omission on the part of various Ministries/ Divisions, etc. may give rise to complications later on.

2. It is, therefore, requested that, while advertising for ad-hoc appointments to such posts, the Ministries/Divisions etc. should categorically state that the candidates appointed on the basis of such advertisements will be replaceable by the FPSC nominees. The condition may also be communicated to the candidates in the letters/notifications of such appointments so that no appointee claims regular appointment subsequently on the basis of advertisement or appointment letters/notifications.

3. It may also be ensured that requisition for such posts should invariably be sent to the Commission within two months of the filling up of such posts on ad-hoc basis.

*[Authority:- Estt. Division's O.M.No.2/6/74-F.IV, dated 14-6-1974].*

## **9.2 Proposals for Continuance of Ad-Hoc Appointments**

It has been observed that placing of requisitions on the Federal Public Service Commission in respect of posts required to be filled through the Commission are delayed by the Ministries/Divisions without any justification and ad-hoc appointments made on such posts are continued for long periods.

2. In this connection, attention is invited to Rule 18 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, which requires that a requisition in the prescribed form shall be forwarded to the Federal Public Service Commission immediately when it is decided to fill the post in question or, if that is not practicable and the post is filled on ad-hoc basis, within two months of the filling of the post.

3. It is, therefore, reiterated that while making ad-hoc appointments against posts falling within the purview of the Federal Public Service Commission, a requisition should be placed on the Commission immediately and in any case not later than two months from the date of filling the post on ad-hoc basis. All proposals relating to ad-hoc appointments and their further continuance should, in future be accompanied by a copy of the requisition sent to the Commission as far as possible, otherwise the Establishment Division may not consider such proposals.

*[Authority:- Estt. Division's O.M.No.2/9/76-D-III, dated 4-6-1976].*

## **9.3 Ad-Hoc Appointments and Approval for Extension**

Reference Establishment Division's Office Memorandum No. 2/9/76-D.III, dated 14<sup>th</sup> March, 1981. It is stated that the instructions contained therein for

making appointment to posts on ad-hoc basis and seeking extensions thereto are not being complied with faithfully. These instructions clearly provide for making ad-hoc appointment for a period not exceeding six months with the approval of competent authority as laid down under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, as amended. The first extension beyond the initial period of ad-hoc appointment is required to be given after obtaining approval of the FPSC. As such, the approval of the competent authority for this extension is not required. Subsequent extensions for periods not exceeding six months in the ad-hoc appointment shall not require concurrence of the FPSC but approval of competent authority shall, in any case, be obtained. All the Ministries/Divisions are requested to bring these instructions to the notice of all the departments/organizations under their administrative control for compliance.

[Authority:-- Estt. Division's O.M.No. 10/8/86-R.2, dated 15-12-1986].

#### **9.4 Ad-Hoc Appointment – Relaxation in Age Limit**

Reference Establishment Division O.M. of even number dated 22<sup>nd</sup> January, 2000 wherein the period of ad-hoc appointments was extended upto 30.6.2000 or till the availability of FPSC nominees, whichever is earlier, and to say that recent amendments in the FPSC (Functions) Rules, 1978 notified vide SRO/123(1)/2000 dated 15.3.2000 and the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 notified vide SRO No.122(1)/2000 dated 15.3.2000 do not contain any provision for extension of ad-hoc appointment. No ad-hoc appointment can, therefore, be allowed to be extended beyond the period notified under the aforesaid O.M. of 22<sup>nd</sup> January, 2000.

2. In order to provide ad-hoc appointees, whose period of ad-hoc appointment stood terminated after the last extension on aforesaid date, an opportunity to appear before the FPSC in line with the policy decision circulated vide para 1(11) of Establishment Division letter No.2/3/94-CP.5, dated 21<sup>st</sup> October, 1997, the upper age limit fixed in the relevant recruitment rules of a post may be refixed/enhanced in consultation with the Establishment Division and the FPSC, if such persons are found to be average to apply to the FPSC even after availing 15 years age relaxation admissible under SRO No.1079(1)/93 dated 4-11-1993 and SRO No. 586(1)/99 dated 18-5-1999.

[Authority:-- Establishment Division's O.M.No.2/3/94-CP.5, dated 8.9.2000].

#### **9.5 Submission of Summaries Regarding Ad-Hoc Appointments**

In the appendix to the Establishment Division d.o. letter No. 4/20/74-A.IV, dated the 29th June 1976 detailed procedure governing the submission of cases of ad-hoc appointments has been outlined. It has, however, been noticed that proposals for ad-hoc appointments, which have considerably increased of late, are not submitted in accordance with the instructions laid down therein. Ad-hoc

appointments are to be made only in cases of extreme urgency. But non-adherence to the prescribed procedure leads to delay in their finalization. It is, therefore, reiterated that—

- (i) the device of ad-hoc appointment should be resorted to only in cases of genuine urgency;
- (ii) the post should be widely advertised/circulated;
- (iii) regional/provincial quotas should be strictly observed; and
- (iv) particulars of all the applicants should be sent alongwith detailed reasons why the person recommended has been selected.

2. Cases where the above procedure has not been followed will have to be returned to the Ministries un-disposed of.

*[Authority:— Estt. Division's d.o. letter No.4/20/74-A.IV, dated 9-4-1977].*

### **9.6 Seniority of Ad-Hoc Appointees for Purposes of Reversion or Termination of Services on Availability of Regular Appointees**

No rules or instructions regarding determination of the seniority of ad-hoc appointees have so far been issued. This is due to the fact that ad-hoc service does not reckon for purposes of seniority when the ad-hoc appointment is later on converted to regular appointment. Instructions have also been issued in Establishment Division's O.M. No. 3/29/70-D- III, dated the 7th January, 1971 that ad-hoc appointees should not be promoted to a higher grade\*. The question of determination of the seniority of the ad-hoc appointees for purposes of promotion, therefore, does not arise. However, sometimes the question which does arise is as to which one of the several ad-hoc appointees should be reverted when the F.P.S.C. qualified candidates become available. It has been decided that reversion should be made in the reverse order of ad-hoc appointment. However, when the date of ad-hoc appointment of more than one officer is one and the same, the reversion should be made in the reverse order of the seniority in the lower grade if available, otherwise the younger in age should revert first. Reversion for the purposes of this O.M. includes termination of service where the ad-hoc appointee was recruited directly from outside.

*[Authority.- Estt. Division's O.M.No.1(8)/72-D.II, dated 4-5-1972].*

### **(ANNEX)**

**[Extract from Establishment Division O.M.No.3/29/70- D.III, dated the 7th January, 1971].**

The following further instructions are issued for regulation of ad-hoc appointments:-

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\* BPS/Post.

- (i) Persons appointed on ad-hoc basis should possess the required qualifications and experience prescribed for posts;
- (ii) Persons appointed on ad-hoc basis should not be promoted to higher posts.

**9.7 Recruitment of Ad-Hoc Appointments  
Made Between October, 1981 to  
December, 1990**

The issue of regularization of ad-hoc appointments made between October, 1981 to December, 1990 has remained under active consideration of the government from time to time. The Prime Minister was pleased to appoint a special Committee under the chairmanship of Secretary Law, Justice and Parliamentary Affairs.

2. The Committee after an indepth discussion of the issue in the light of Supreme Court's judgement in case No. 104 of 1992 recommended the following course of action as the most appropriate manner in which the Honourable Court's judgement is implemented while ensuring simultaneously that the human aspect of the problem gets taken care of to the maximum possible extent:

- (i) Cases of ad-hoc appointees who were fully qualified and recruited after properly following the prescribed procedures including invitation of applications through advertisement and observance of provincial quotas. It was agreed that such cases may be referred to the FPSC for confirmation.
- (ii) In cases where the prescribed procedures in terms of qualifications, observance of provincial quotas and invitation of applications through advertisement *etc.* were not observed while making the recruitment, it will be necessary for such appointees to appear alongwith fresh candidates before the FPSC for selection. To enable such ad-hoc appointees to appear before the FPSC as they may have crossed the prescribed maximum age limit for a particular post, it was agreed that appropriate age relaxation may be allowed through an amendment in the relevant SRO\*.

3. The recommendations of the Committee have been approved by the Prime Minister.

4. The FPSC may process the cases of ad-hoc appointees for regularization of their appointments accordingly.

[Authority:- Estt. Division's d.o. letter No.2/3/94-CP.5, dated 29-6-1994].

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\* Ref. Estt. Div.'s Notification No. SRO 1079(1)/93, dated 4-11-1993.



**Sl. No. 10****Civil Servants (Confirmation) Rules, 1993**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. **Short title, Commencement and application.**— (1) These Rules, may be called the Civil Servants (Confirmation) Rules, 1993.

(2) They shall come into force at once.

(3) They shall apply to all civil servants.

2. **Definitions.**— In these Rules, unless there is anything repugnant in the subject or context,

(a) "Foreign Service" means service in which a civil servant receives his pay with the sanction of Government from any source other than the Federal Consolidated Fund; and

(b) "lien" means the title of a civil servant to hold substantively a post on which he has been confirmed.

3. **General Principles of confirmation.**— (1) A civil servant initially appointed to a post, on probation including a civil servant promoted or appointed to a post on transfer, shall on satisfactory completion of his probation, be eligible for confirmation in that post:

Provided that the confirmation shall be made only against a permanent post:

Provided further that two or more civil servants shall not be confirmed in the same post and at the same time or in a post on which another civil servant holds a lien:

Provided also that a civil servant shall not be confirmed on two or more posts at the same time.

(2) A civil servant shall be considered for confirmation strictly in order of his seniority.

(3) No confirmation shall be made against the post vacated on dismissal, removal or compulsory retirement of a civil servant until his appeal against such dismissal or, as the case may be, removal or retirement is finally decided.

4. The confirmation shall be made on the recommendations of the Confirmation Committee constituted for the purpose and with the approval of the authorities specified below:-

<b>Posts</b>	<b>Composition of the Committees</b>	<b>Confirming authorities</b>	<b>Remarks</b>
1	2	3	4
Posts in BPS 20 and above	Secretary of the Administrative Ministry or an authority controlling the Service/Cadre/Post as Chairman, Additional Secretary or a Joint Secretary where there is no Additional Secretary in the Ministry concerned, and Adtl. Secretary Estt. Division as Members. If posts are in an Attached Department or Subordinate Office, the Head of the Attached Department or Head of Office, who controls the particular Service/Cadre/Post may be appointed as Co-opted Member.	Prime Minister	
Posts in BPS 17 to 19	Additional Secretary or Joint Secretary where there is no Additional Secretary in the Administrative Ministry controlling the Service/Cadre/ Post as Chairman, and a Joint Secretary and a Senior Deputy Secretary of the Ministry concerned as Members. If posts are in an Attached Department or a Subordinate Office, the head of the Attached Department or Head of Office who controls the particular Service/ Cadre/Post may be appointed as Co-opted Member.	Secretary of the Administrative Ministry/Division who controls the particular Service/ Cadre/Post.	
<b>FOR POST IN BPS 3 TO 16</b>			
Posts in BPS 11 to 16	An Officer holding the post in BPS 20 as Chairman and two officers holding the post in BPS 19 as Members.	Secretary of the Ministry/ Division concerned or Head of Department provided he is holding the post in BPS 20 or above.	The Administrative Ministry will constitute separate committees for posts in the Ministries/Divisions and Attached Departments/ Subordinate Offices.
Posts in BPS 10 and below:	An Officer in BPS 19 as Chairman and two Officers in BPS 18 as Members.		
<b>FOR POSTS IN BPS 1 TO 2</b>			
		Dy. Secretary of the Ministry/ Division concerned or Head of Deptt. or Head of Office provided he is holding the post in BPS 19 or above.	

\*[Provided that in case no post of Joint Secretary or Deputy Secretary exists or the number of such officers is less than the required number in the administrative Ministry or Division for the constitution of the Confirmation Committee, other officers of BPS 20 and BPS 19 in the concerned Ministry or Division may be included in the Committee:

Provided further that in case there is no post in BPS 20 and BPS 19, officer of one-step below status in the concerned Ministry or Division may be included in the Confirmation Committee with the approval of Establishment Division].

5. **Acquiring of lien.**- (1) On confirmation in a permanent post, a civil servant shall acquire a lien in that post and shall retain it during the period when he—

- (a) holds a temporary post other than a post in a service or cadre against which he was originally appointed;
- (b) holds a post on deputation with a foreign government, an international organisation, a multinational corporation or any other organisation outside Pakistan;
- (c) holds a post in Foreign Service in Pakistan\*\*;
- (d) is on leave;
- (e) is called for duty in the Armed Forces as reservist of Armed Forces of Pakistan;
- (f) is under suspension; and
- (g) is on joining time on transfer to another post.

(2) A civil servant acquiring lien as referred in sub-rule (1), shall cease to hold lien acquired previously on any other post.

6. **Termination of lien.**- (1) The lien of a civil servant who is reduced in rank or reverted to a lower post as a consequence of action taken against him under the Government Servants (Efficiency and Discipline) Rules, 1973, shall be terminated against the post from which he is reduced in rank or, as the case may be, reverted to a lower post:

Provided that such civil servant shall acquire a lien against the lower post.

(2) A civil servant shall cease to hold lien against a post if he takes up an appointment on selection in an autonomous body under the control of Federal Government, Provincial Government, local authority or private organisation.

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\* Added by SRO No. 104(I)/97, dated 4.2.1997.

\*\*Implies deputation.

(3) Notwithstanding the consent of a civil servant, his lien on a post under the Federal Government shall not be terminated until he acquires lien on any other post.

(4) A confirmed civil servant who, of his own accord, joins some other service, post or cadre on regular basis shall have, after being selected through a regular selection process, the right of reversion to the previous post against which he shall hold lien only during the period of his probation on his new service, post or cadre.

7. **Repeal.**—All existing orders and instructions relating to confirmation of civil servants issued from time to time are hereby repealed.

*[Authority:— Estt. Div.'s Notification No. S.R.O. 285(1)/93, dated 15-4-1993].*

## II. APPOINTMENT

### **Sl. No. 11**

#### **Appointments/Promotions or Transfers to Posts in BPS 18 with Special Pay**

*Clarification.*— The proviso to rule 7 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 requiring that posts in BPS 18 which carry a special pay would also be referred to the Central Selection Board, if proposed to be filled by promotion or transfer, has since been deleted *vide* Establishment Division's Notification No. S.R.O. 146(l)/84, dated 9<sup>th</sup> February, 1984. It is clarified that all cases in which a post in Basic Pay Scale 18 carrying some special pay is filled by promotion, will be placed before the appropriate departmental promotion committee. Where a post in Pay Scale 18, carrying a special pay does not fall in the promotion ladder, it would be filled by departmental heads through normal posting and transfer.

[*Authority:*— Estt. Division's O.M.No.3/6/84-R.2 dated 3-7-1984].

#### **11.1 Re-appointment to \*Grade 17 or Above Posts**

It appears that some doubt still exists in some quarters about the procedure to be followed in the following cases:-

- (a) In case of re-appointment to a post in \*Grade 17 or above of an officer whose "first appointment" to a post in \*Grade 17 or above was made with the approval of the President/ Prime Minister.
- (b) In case of appointment to hold full charge of a post in \*Grade 17 or above, of an officer who had already been holding current charge of the post.

2. The approval of the President/Prime Minister is not necessary for re-appointment of an officer to a post in \*Grade 17 or above whose earlier appointment to that post was made with the approval of the President/ Prime Minister and who was subsequently reverted from that post due to no fault of his own. However, where reversion was made as a result of some disciplinary action, fresh approval of the President/Prime Minister would be necessary, if the officer is subsequently re-promoted to a post in \*Grade 17 or above.

3. When an officer is appointed to hold current charge of a post in \*Grade 17 or above with the approval of the President/ Prime Minister, similar approval of the President/Prime Minister is required when the same officer is appointed to hold full charge of the post.

[*Authority:*— Estt. Division's O.M.No.10/2/64-D.I, dated 13-8-1964, as amended *vide* O.M. No.3/20/70-D.III, dated 16-9-1970].

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\* BPS.

### **11.2 Re-appointment to Posts and Selection Board**

In continuation of the instructions issued in the Establishment Division Office Memorandum No. 3/20/70-D III, dated the 16th September, 1970 it has been decided that if the re-appointment of an officer to a post in \*Grade 17 and above took place after more than one year of the reversion from that post, the case should be placed before the Central Selection Board for determining the continued fitness of the officer to hold a post in \*Grade 17 or above. After the approval of the Central Selection Board, it would not be necessary to refer the case to the President/ Prime Minister again.

*[Authority:- Estt. Division's O.M.No.3/20/70-D.III, dated 16-9-1971].*

### **11.3 Appointment of Secretaries to Government**

Appointment of Secretaries/Acting Secretaries to the Government are made on the recommendation of the Ministers concerned with the approval of the President. There are, however, standing instructions on the subject as contained in the Establishment Division Office Memorandum No. 33 (3)/54-SEI, dated the 29th September, 1954.

2. In terms of the Office Memorandum mentioned above, before any appointment of Secretary/Acting Secretary is decided upon, the Establishment Division should be required to submit a factual note about possible candidates, covering such matters as service, eligibility, tenure, etc., together with their Character Rolls. In practice, however, Ministers tend to make these appointments without consulting the Establishment Division. The President has, therefore, been pleased to observe that it is very necessary to follow the procedure laid down in this respect. I am, therefore, to request you kindly to bring this point to the notice of your Minister.

*[Authority:- Estt. Secretary's d.o. letter No.26(10)/63-AI, dated 31-8-1963].*

### **11.4 Manner of Submission of Cases to the Establishment Minister**

The summaries for the Establishment Minister\*\* received from the Ministries/Divisions are found deficient in many respects and do not always contain all the relevant information which has, therefore, to be obtained formally or informally resulting in delays and loss of time. It is, therefore, requested that Summaries for the Establishment Minister\*\* or papers for Central Selection Board seeking approval to an appointment by promotion, direct recruitment, transfer or re-employment, etc. may kindly be prepared in the following manner:-

- (i) The subject should be stated in concise and self-explanatory manner.

\* BPS.

\*\* Cases are, at present, submitted by the Establishment Division to the Prime Minister.

- (ii) The Summary should begin by indicating the number of vacancies and how they have arisen.
- (iii) It should then state how these vacancies have to be filled in under the relevant recruitment rules i.e. whether they are to be filled directly, by promotion or by transfer etc. If they are to be filled directly the regional/ provincial quota to which they belong may be specifically indicated.
- (iv) In any case, the qualifications and conditions of eligibility for appointment prescribed in the recruitment rules should be stated either in the Summary or in the **Annex** thereto. If necessary, a copy of the recruitment rules may be enclosed.
- (v) The Summary must also indicate the action taken to fill the vacancy viz. whether the post has been notified to F.P.S.C. or directly advertised for ad-hoc appointment etc. and whether F.P.S.C./ Departmental Selection Committee have recommended any candidate. In the case of promotions, the fact that D.P.C. or the C.S.B., as the case may be, has approved the promotion should be stated alongwith the minutes.
- (vi) Full information as to qualifications, experience etc. of candidates recommended for appointment/ promotion/ transfer should be given alongwith clear indication of their place in the seniority list. The candidate's domicile should be precisely stated. Where proposed promotion would involve supersession, detailed justification thereto may be given alongwith names etc. of all the eligible candidates and their C.Rs in order of seniority including those who are proposed to be passed over. Otherwise a clear certificate may be given that no supersession is involved.

2. It is requested that the Summaries may please be typed in double space on Summary paper and henceforth two copies of each Summary (alongwith enclosures) should be invariably sent to the Establishment Division so that the original is returned with the orders of the Establishment Minister and the duplicate retained in the Establishment Division for record.

3. In case the Summaries are not received in the above mentioned manner, the same may have to be returned causing delay in according necessary approval.

[Authority:- Estt. Secretary's d.o., letter No.4/20/74-A IV, dated 11-12-1974].

### **11.5 Check List of Information/ Material in Cases to be submitted to the Establishment Minister**

In order to facilitate proper submission of summaries by the Ministries/Divisions, a complete check list of information/material to be incorporated in or attached to the summaries in respect of cases requiring the approval of the Establishment Minister\* is enclosed as **Appendix**. It is requested that in future it may kindly be ensured that this information/ material is invariably incorporated in/or furnished with the summaries. Otherwise the summaries will not be processed in this Division and will be returned to the Ministries/Divisions.

*[Authority:-- Special Secretary (Estt.) d.o. letter No.4/20/74-A.IV, dated 29-6-1976].*

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\* Cases submitted to the Prime Minister or other appointing authority, as the case may be.



**APPENDIX****CHECK LIST FOR SUBMISSION OF SUMMARIES FOR  
THE ESTABLISHMENT MINISTER****A. GENERAL INSTRUCTIONS:**

- (i) The summary is to be typed in double space.
- (ii) Two copies of each summary (alongwith enclosures) are to be sent to the Establishment Division.
- (iii) The summary should contain specific recommendation of the Minister incharge about the proposal made in it.
- (iv) The number of vacancies and how they have arisen.
- (v) A copy of the recruitment rules approved by the Establishment Division. Otherwise, a copy of the draft recruitment rules or method of recruitment, qualifications and experience determined for the post(s) in consultation with the Establishment Division.
- (vi) Number of sanctioned posts; their distribution into promotion, direct recruitment and transfer quotas. Complete list of officers holding promotion posts. List of officers holding merit quota posts and regional distribution of posts reserved for direct recruitment alongwith the names and domicile of the incumbents holding these posts.

**B. APPOINTMENTS BY PROMOTION:**

- (i) A copy of the minutes of the meeting of the Departmental Promotion Committee.
- (ii) An authenticated copy of the seniority list.
- (iii) Full justification for supersession, if any.
- (iv) Up-to-date C.R. dossiers of the officers recommended for promotion or supersession.
- (v) An abstract of the performance evaluation reports for the last five years in respect of officers recommended for promotion, supersession or to be ignored being on deputation etc. in the proforma as per **Annex I**, "C" and "D" entries to be written in red ink.
- (vi) An abstract of the major personal traits for the last five years of officers recommended for promotion or supersession vide proforma as per **Annex II**, "C" and "D" entries to be written in red ink.

- (vii) If an officer recommended for promotion is on deputation with an organization under the Federal or Provincial Governments or autonomous/semi-autonomous organization, foreign government or an international organization, it may be clearly stated if the deputation is in the interest of public service or not.
- (viii) If the officer recommended for promotion is on deputation from another organization a copy of the written consent of that organization to his promotion is to be furnished to the Establishment Division.
- (ix) A certificate that the officers recommended for promotion in a particular BPS possess the required length of service in the lower BPS as laid down in the Establishment Division O.M. No. 1/9/80-R. 2 dated 2nd June, 1983.
- (x) In case of promotion to BPS19 and above, a copy of the minutes of the meeting of the Central Selection Board together with C.R. dossiers of the officers recommended for promotion.

C. AD-HOC APPOINTMENTS:

- (i) Regional quotas to which the vacancies fall.
- (ii) Whether the posts were advertised in the press? If so, a copy of such advertisement to be attached.
- (iii) Whether the vacancies have been notified to the FPSC for making regular recruitment against them? If so, a copy of the requisition placed with the FPSC is to be attached.
- (iv) Full particulars of the candidates tested/interviewed together with their assessment by the Selection Committee.
- (v) A copy of the minutes of the meeting of the Selection Committee.
- (vi) Bio-data of the candidates recommended.
- (vii) Up-to-date C. R. dossier of the candidate being recommended for ad-hoc appointment, if he or she has served in an organization under the Federal or Provincial Government.
- (viii) In case of extension in the period of ad-hoc appointment of an officer confidential report on his performance for previous period(s) should be attached.

D. APPOINTMENT THROUGH THE FPSC:

- (i) Nomination letter from the FPSC.

- (ii) Advertisement issued by the FPSC.
- (iii) Regional quota to which the vacancy is allocable.
- (iv) Up-to-date \*PER dossier of the candidate selected by the FPSC, if he or she is/was in Government service.
- (v) Bio-data of the selected candidates or their applications addressed to the FPSC.

E. APPOINTMENT BY TRANSFER:

- (i) A certificate that the candidate recommended is holding equivalent post on regular basis in his parent organization.
- (ii) Up-to-date \*PER dossier of the officer recommended for transfer.
- (iii) Whether the transfer is permissible under the recruitment rules?
- (iv) Minutes of the meeting of the DPC/Selection Committee.

F. APPOINTMENT BY RE-EMPLOYMENT:

- (i) A copy of the minutes of the meeting of the Central Selection Board.
- (ii) Bio-data of the candidate recommended for re-employment including age and educational qualifications.
- (iii) Up-to-date \*PER dossier of the officer recommended for re-employment.

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\* Annual Confidential Report re-categorized as Annual Restricted Report; hence ARR.

**ANNEX I**  
**(See B(v))**

COMPARATIVE PERFORMANCE EVALUATION ANALYSIS IN RESPECT OF OFFICERS  
BEING CONSIDERED FOR PROMOTION TO BPS(S)

Name of Officers with Designation	Overall Grading					Fitness for Promotion					Rating of Personal traits	Summary of Part II of the P.E.R Form					Adverse entry in	Remarks
	1971	1972	1973	1974	1975	1971	1972	1973	1974	1975		1971	1972	1973	1974	1975		
1. Mr. X.Y.Z. Deputy Director	Average	Below Average	Average	Good	Good	Not Yet fit	Not Yet fit	Pre-mature	Fit	Fit	A I B C D	14 1	10 5	2 1	5 10	10 5	1972	
2. Mr. _____											A I B C D							
3. Mr. _____											A I B C D							
4. Mr. _____											A I B C D							
5. Mr. _____											A I B C D							

**ANNEX II**  
**(See B(vi) )**

**COMPARATIVE ANALYSIS OF MAJOR PERSONAL TRAITS IN RESPECT OF BEING  
CONSIDERED FOR PROMOTION TO BPS**

Name of Officers with designation	Year	Judgement and sense of proportion					Initiative and Drive					Ability to plan, organize and supervise work					Capacity to guide and train subordinate					Integrity: (a) Intellectual (b) Moral					Remarks	
		A1	A	B	C	D	A1	A	B	C	D	A1	A	B	C	D	A1	A	B	C	D	A1	A	B	C	D		
1. Mr. X.Y.Z. Deputy Director	1971	-	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	(b)	(a)	-	-	
	1972	-	✓	-	-	-	-	-	-	✓	-	-	-	-	✓	-	-	-	-	✓	-	-	-	a.c	-	-		
	1973	-	✓	-	-	-	-	-	✓	-	-	-	-	-	✓	-	-	-	-	✓	-	-	-	-	-	-		
	1974	✓	-	-	-	-	-	-	✓	-	-	✓	✓	-	-	-	✓	-	-	-	-	-	-	-	-	-		
	1975	✓	-	-	-	-	-	-	✓	-	-	-	-	✓	-	-	✓	-	-	-	-	-	-	-	-	-		
2. Mr.	1971																											
	1972																											
	1973																											
	1974																											
	1975																											
3. Mr.	1971																											
	1972																											
	1973																											
	1974																											
	1975																											
4. Mr.	1971																											
	1972																											
	1973																											
	1974																											
	1975																											

**11.6 Mode of Notifying Appointments,  
Promotions etc., after Introduction  
of the Scheme of Basic Pay Scales**

Reference is invited to the Finance Division O.M. No.1(l)-Imp/83, dated 18th August, 1983 laying down a scheme of basic pay scales and fringe benefits for the civil employees of the Federal Government as shown in the schedule to that O.M. It is laid down in the aforesaid O.M. that basic scales shall not be regarded as 'grades' and shall not be referred to as 'grades' in official communications and that the officials shall henceforth be appointed/promoted to posts and not in grades.

2. In pursuance of the aforesaid decisions, necessary amendments to the Civil Servants Act, 1973 and the rules made thereunder have been carried out replacing reference to 'grades' by corresponding basic pay scales.

3. It is requested that in future all the notifications and orders relating to initial appointment, appointment by promotion or by transfer and other appointment like ad-hoc appointments should invariably mention appointments to posts and not to grades. A few specimen of the draft notifications are also enclosed for guidance. This form normally be used.

[Authority:- Estt. Division's O.M. No. 3/11/83-R.2(Pt) dated 15-4-1984].

**Draft 1 Promotion**

No.....

GOVERNMENT OF PAKISTAN  
**MINISTRY OF .....**  
..... **Division**

Islamabad, the .....

**NOTIFICATION**

Mr..... is promoted .....to the post of ..... \*promoted on officiating basis ..... and is posted as..... in the Ministry/Division/Office of..... until further orders.

Deputy Secretary  
to the Government of Pakistan

To

The Manager,  
Printing Corporation of Pakistan Press (PCP),  
Islamabad.

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\*To be used in cases of promotion in temporary vacancies like leave or deputation vacancies. Nature of the vacancy and the duration of promotion should be specified in the notification.

**Draft-2 Initial Appointment**

TO BE PUBLISHED IN PART-II OF THE GAZETTE OF  
PAKISTAN

No.....

GOVERNMENT OF PAKISTAN

**MINISTRY OF.....**

**..... Division**

Islamabad, the .....

NOTIFICATION

On selection by the Federal Public Service Commission,  
Mr..... is appointed as ..... in the  
Ministry/Division/Office of ..... w.e.f the date he assumes charge of the post  
and until further orders.

2. He shall remain on probation for a period of .....

Deputy Secretary  
to the Government of Pakistan

To

The Manager,  
Printing Corporation of  
Pakistan Press, Islamabad

**Draft 3 Appointment by Transfer**

No.....

GOVERNMENT OF PAKISTAN

**MINISTRY OF.....**

**..... Division**

Islamabad, the .....

NOTIFICATION

Mr..... is appointed by transfer to the post  
of..... in the Ministry/Division/ Office of..... and is posted as.....

2. He shall be on probation for a period of .....

Deputy Secretary  
to the Government of Pakistan

To

The Manager,  
Printing Corporation of  
Pakistan Press, Islamabad

**Draft 4 Acting Appointment**

No.....

GOVERNMENT OF PAKISTAN  
**MINISTRY OF .....**  
**..... Division**

Islamabad, the.....

NOTIFICATION

Mr..... is appointed on acting charge basis to the post of.....  
in the Ministry/Division/Office of..... until further order and is posted as.....

Deputy Secretary  
to the Government of Pakistan

To

The Manager,  
Printing Corporation of  
Pakistan Press, Islamabad

**Draft 5 Ad-Hoc Appointment**

No.....

GOVERNMENT OF PAKISTAN  
**MINISTRY OF .....**  
**..... Division**

Islamabad, the.....

NOTIFICATION

Mr ..... is appointed on ad-hoc basis as.....in the  
Ministry/Division/Office of..... for a period not exceeding six months or till  
the availability of a nominee of the Federal Public Service Commission,  
whichever is earlier.

2. The appointment shall be terminable without notice on the  
appointment of a person selected by the Federal Public Service Commission.

Deputy Secretary  
to the Government of Pakistan.

To

The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad



### **11.7 Use of Pay Scale and Name of the Post in the Notification and Summary**

Reference Establishment Division's circular O.M.No.3/11/83-R.2, dated the 15th April, 1984 vide which specimen of draft notifications relating to initial appointment, appointment by promotion etc. mentioning the appointments to posts and not to grades, were circulated. It has now been decided that, in future, in all the notifications, summaries and office notes, the name of the post and its pay scale may also be mentioned, where necessary.

*[Authority:- Estt. Division's O.M. No. 3/11/83-R. 2, dated 13-1-1985].*

### **11.8 Continuance of the Practice of Notifying All Appointments in BPS 16 or Above in the Gazette**

The Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973, give formal effect to the abolition of classes announced by the Prime Minister on 20th August, 1973. The classification of posts into gazetted and non-gazetted has also been abolished. However, the practice of notifying all appointments to Basic Pay Scales and above in the Gazette will continue to be followed.

*[Authority:- Para 2 of Estt. Secretary's d.o. letter No.1/1/73-ARC, dated 10-11-1973].*

### **11.9 Clarification Regarding Notifying of Appointments of \*Stenographers to Senior Scale (Basic Pay Scale-16)**

The appointments to the upgraded posts of Superintendents (BPS 16) in Attached Departments are permitted to be notified in the official Gazette.

*[Authority:- Estt. Division's O.M.No.11/57/80-F.II(B-16) dated 15-1-1984].*

### **11.10 Notifications in Respect of Secretariat Appointments**

It has been decided that henceforth all notifications relating to appointments of Secretaries/Acting Secretaries shall be issued by the Establishment Division instead of the Ministries, as has been the practice so far. This course is necessary to avoid notifications being found legally or otherwise defective, as has been found to be the case in some instances. In order to enable this Division to issue the necessary notification, Ministries will send the file to the Establishment Division after Prime Minister's orders have been obtained regarding such appointments.

*[Authority:- Establishment Secretary's d.o. letter No.26(19)/63-A. 1, dated 31-8-1963].*

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\*Now Assistant Private Secretary.

### **11.11 Notifications Regarding Postings, Transfers etc. of Officers of the Status of Joint Secretary and Above**

It has been noticed by the Establishment Division that Ministries/ Divisions are not fully aware of the correct procedure with regard to obtaining orders for appointment to posts in the Ministries/Divisions and issue of notifications in respect of appointments to such posts. The correct procedure in this regard has, therefore, been explained in the following paragraphs.

2. According to the existing instructions, appointments to the grade of Secretary, Additional Secretary, Acting Secretary and Joint Secretary fall under the purview of the High Level Selection Board while appointments to the posts of Deputy Secretary to the Government of Pakistan [.....]\* come within the scope of the Central Selection Board. The recommendation of the High Level Selection Board/Central Selection Board in respect of these officers have to be obtained by the Establishment Division. Thereafter, action is required to be taken in the following sequence:-

- (i) Approval of the President\*\* to the recommendation of the appropriate Selection Board.
- (ii) (a) Decision in the Establishment Division in consultation with Ministries/Divisions to post an approved officer to a particular post, and
  - (b) Submission of a summary to the President\*\* for his specific approval to such appointment.
- (iii) Issue of notification by the Establishment Division making the actual appointment.
- (iv) Issue of notification by the Ministries/Divisions concerned regarding assumption of charge of the particular post by the selected officer.

3. Action with regard to (i) and (iii) above is required to be taken by the Establishment Division alone. Approval of the President to the appointment of a particular officer to a particular post is at present taken by the administrative Division in which the vacancy exists. This has led to some unforeseen and unhappy consequences, e.g., unwillingness of the administrative Divisions to accept particular officers and allowing the officers to assume charge of their duties before a formal notification has been issued by the Establishment Division. In order to avoid such difficulties, it has now been decided that approval of the President to all Secretariat appointments would be taken by the Establishment Division, in consultation with the Ministries/Divisions.

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\* The word 'Section Officer' omitted.

\*\* Note:- The Prime Minister is now the appointing authority for posts in BPS 20 and above vide rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

4. The next step would be to issue a further notification regarding assumption of charge of the particular post by the selected officer. This notification is to be issued by the Ministries/ Divisions concerned. It is, however, emphasised that assumption of charge by the selected officer cannot be from a date prior to but subsequent to the date of notification regarding his appointment by the Establishment Division. In no case can the selected officer assume charge from a date earlier than the date of notification issued by the Establishment Division.

[Authority:- Estt. Division's O.M.No.22/25/68-AI, dated 23-1-1969].

### **11.12 Approval of Competent Authority and Assumption of Charge**

In the Establishment Division O.M. No. 22/25/68-AI, dated the 23rd January, 1969 , it was emphasized that the charge of a particular post could be assumed by a government servant, duly approved by the competent authority only from a date subsequent to the date on which the notification of his appointment was issued by the Establishment Division, and that in no case the government servant could assume charge from a date earlier than the date of notification issued by the Establishment Division, unless specifically stated.

2. It has been noticed that the instructions referred to above have not been observed in a number of cases by the Ministries/ Divisions and, in some cases government servants were allowed to assume charge of the posts to which they were appointed by the Establishment Division, with effect from dates earlier than the dates of the notifications of their appointments issued by the Establishment Division. In view of this, it is considered necessary to reiterate the position stated in para 1 above. The fact that vacancies were available in certain cases from back dates, is not relevant, and no government servant can be allowed to assume charge of a higher post retrospectively only for that reason. Further, in order to regularise the position, it is requested that all such cases should be reviewed and relevant notifications, if any, which may have been issued by the Ministries/Divisions in contravention of the instructions referred to above, should be cancelled immediately, and revised notifications issued, under intimation to the Establishment Division.

[Authority:- Estt. Division O.M. No. 22/25/73-AV, dated 10-12-1973].

### **Sl. No. 12**

#### **Current/Additional Charge and Acting Charge Appointments**

According to the existing instructions all appointments by promotion in higher posts are to be made through regular selection process *i.e.* with the approval of the Central Selection Board\*/ Departmental Promotion Committee and the authority competent to make appointment to the BPS in which the vacancy exists. However, in those cases where a vacancy in a higher post occurs for less than

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\* or Selection Board for posts in BPS 19.

two months and it is considered impossible for good reasons to make arrangements for day to day work of that post to be carried on otherwise, the current charge of the duties of that post may be given temporarily, with the approval of the authority competent to make appointments to the said post, to the most senior officer in the cadre present at the place or in the organization where the vacancy may have occurred if he is otherwise fit and eligible for promotion.

2. Situations arise in various departments where higher posts have to be filled urgently for short periods independently of the normal promotion and appointment procedure which takes time. The matter has been considered in consultation with the Ministry of Finance. In order to overcome the difficulty, the President has been pleased to delegate the power to make current charge appointments as follows:-

- |       |   |                      |
|-------|---|----------------------|
| (i)   | Secretaries/Additional Secretaries.....   |                      |
| (ii)  | Heads of Attached Department not below BPS 21 including Chairman, FPSC and Chairman Federal Inspection Commission in respect of their own officers..... | For BPS<br>17 to 20  |
| (iii) | Auditor General of Pakistan<br>Pakistan Audit Department..  |                      |
| (iv)  | Military Accountant General for Military Accounts Departments.....  | Upto BPS 20          |
| (v)   | Member Finance, Railway Board for Railway Audit Department.....   |                      |
| (vi)  | Head of Department as defined in S.R.2(10) not below BPS-20.....  | For BPS<br>17 and 18 |

3. The exercise of the powers as delegated shall be subject to the observance of the following conditions:-

- (i) the arrangement should not be made for a period of less than one month and should not exceed three months; however, it may be extended by another three months with the approval of the next higher authority;
- (ii) as soon as the current charge is given, a proposal for regular appointment should be initiated and referred to DPC/CSB\* within a month; and

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\* or Selection Board for posts in BPS 19.

(iii) in making current charge arrangement, the senior most officer available in the organization and present at the place where the vacancy may have occurred, if he is otherwise fit and eligible for promotion, should be considered.

4. An officer appointed to hold current charge of a higher post shall be allowed, in term of F.R. 35 and proviso to Section 17 of the Civil Servants Act, 1973 pay in his own grade\* plus additional pay equal to \*\*10% of his grade pay.

5. The existing orders on the subject are modified to the above extent.

[Authority:-- Estt. Division's O.M.No.1/21/76-AR.I/R-II, dated 18-6-1980, as amended vide O.M. of even number dated 10-4-1981].

### **12.1 Clarification Regarding Length of Service for Current Charge**

With reference to the Establishment Division's Office Memorandum No. 1/21/76- AR.I/R.II dated the 18th June 1980 it is clarified that for the purpose of making current charge arrangements, it is not necessary to insist on completion of the length of service as prescribed for promotion.

[Authority:-- Estt. Division's O.M. No. 1/4/84-R.2 dated 3-7-1984].

### **12.2 Enhancement of Special Pay Admissible to an Officer Appointed to Hold Current Charge of a Higher Post**

Under the existing orders, an officer appointed to hold current charge of a higher post in addition to the duties of his own post, is allowed in terms of F.R. 35 and proviso to section 17 of Civil Servants Act, 1973, pay of his own post plus special pay equal to 10% of his pay. The position has been reviewed and in order to afford sufficient compensation to a person performing duties of higher post carrying higher responsibilities, it has been decided, with the approval of the competent authority, that in case of current charge appointments to higher posts, special pay shall be admissible at the rate of 20% of pay subject to a maximum of \*\*[Rs.6000 p.m. with effect from 1-7-2005].

2. However, it is emphasized that the current charge arrangements should be made with the approval of the competent authority strictly in accordance with the orders contained in the Establishment Division's O.M.No.1/21/76-A.R.I/R.II, dated 18-6-1980.

[Authority:-- Finance Division's O.M. No. F.2(9)-R.3/85, dated 15-3-1987].

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\* BPS.

\*\* Revised as 20% vide Finance Division O.M.No.F.1(1)/Imp/2005, dated 1-7-2005.

### **12.3 Current Charge Appointment – Determination of Seniority Within an Organization**

Reference Establishment Division's O.M. No. 1/21/76- AR.I/R.II, dated 18th June, 1980 which provides that "the current charge of the duties of that post may be given temporarily, with the approval of the authority competent to make appointment to the said post, to the most senior officer in the cadre present at the place or in the organisation where the vacancy may have occurred if he is otherwise fit and eligible for promotion". Queries have been received as to the definition of the word "place" and "organisation".

2. The matter has been considered. The word "place" refers to the area in which the office in which the vacancy has arisen is located, e.g., Rawalpindi, Islamabad, Karachi etc. The word "organization" refers to each distinctive administrative unit of department. For instance in a Division which is divided into different Wings each as a distinct entity, the organization will refer to each such Wing.

*[Authority:– Estt. Division's O.M. No. 1/21/76-AR-I/R.II, dated 14-3-1981].*

### **12.4 Extension in Current Charge Appointment**

With reference to the Establishment Division O.M. No. 1/21/76-AR.I/R.II, dated the 18th June, 1980 as amended vide Establishment Division O.M. of 10th April, 1981 a question has been raised as to which authority is competent to extend current charge appointment beyond 6 months.

2. The delegation made vide the Establishment Division O.M. No. 1/21/76- AR.I/R.II, dated the 18th June, 1980 as amended vide O.M. dated 10th April, 1981 is in partial modification of the Establishment Division O.M. No. 7/22/70-AVII, dated 7th August, 1970. The cases of extension of current charge appointment beyond 6 months will, therefore, continue to be sanctioned by the Establishment Secretary in respect of posts in BPS 17 to 19 and by the President\* in respect of posts in BPS 20 and above.

3. The current charge arrangement is made as a temporary measure pending appointment of a person to the post on a regular basis. It is expected that the case for regular appointment will be simultaneously initiated and finalised within the period of 6 months which is considered sufficient for the purpose. Normally, therefore, there should be no occasion for extending current charge arrangement beyond 6 months. In those cases only where it is necessary to continue the current charge arrangement beyond this period cases, should be referred to the Establishment Division. Such cases should indeed be rare. The case should be

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\* Now the Prime Minister for posts in BPS 20 and Secretary of the Ministry/Division concerned for posts in BPS 17 to 19.

referred in the form of a summary for the President\* in the case of posts in BPS 20 and above and for Establishment Secretary in the case of posts in BPS 17 to 19, stating what action was taken to fill the post on a regular basis, the reasons why it has not been possible to make a regular appointment within the prescribed period of 6 months and full justification for further extension of temporary arrangement. The period for further extension should be as short as possible necessary to make regular arrangements.

4. The proposal to continue payment of additional pay beyond 6 months will also require approval from the Ministry of Finance. The proposals may therefore be referred initially to the Ministry of Finance for their concurrence before referring the case to the Establishment Division.

[Authority:- Estt. Division's O.M. No 1/21/76-AR-I/R-II dated 6-4-1987].

### **12.5 Correct Designation of Officers Holding Current Charge of Higher Posts**

It has been decided in consultation with the Law Division that an officer holding a higher post on current charge basis may use the designation of that post in relation to a duty attached to that post.

[Authority:- Estt. Division's O.M. No. 1/3/82-R.2, dated 16-12-1982].

### **12.6 Appointment of Officers on Current Charge Against Higher Posts and Payment of Additional Remuneration Therefor**

Reference instructions contained in para 3 of Establishment Division O.M. No. 1/21/76-AR-I/R -II dated 6-4-1987 which provide that the extension of current charge arrangement should be sought from the \*President and the Establishment Secretary in case of posts in BPS 20 and above and posts in BPS 17-19, respectively. It is stated the aforesaid instructions have been reviewed in consequence of amendment in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules 1973 notified *vide* SRO No.276(1)/2000 dated 25.5.2000 under which Secretaries of the Ministries/ Divisions have been authorized to make appointments to posts in BPS 17 to 19, and it is clarified that extension of current charge arrangement to posts in BPS 17 and above is now required to be sought from the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

2. While approving/extending current charge arrangements, the following guidelines are required to be strictly observed:-

- (i) Current charge arrangement is a temporary measure pending appointment of a person on regular basis in the prescribed manner.

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\* Prime Minister.

- (ii) Proposal for regular appointment in the prescribed manner should be initiated at the earliest opportunity and current charge arrangement should not be considered as a justification for delay in filling the posts on regular basis in the prescribed manner.
- (iii) Six months is considered a sufficiently long period for the purpose of filling of posts on regular basis and, therefore, there should, normally, be no occasion or necessity, for seeking extension of current charge arrangement beyond six months.
- (iv) Extension of current charge beyond six months requires prior consultation with the Finance Division before seeking the orders of the competent appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.
- (v) Current charge of a higher post can be given only to those persons who fulfill eligibility conditions for regular promotion to that higher post.
- (vi) Normally the most senior persons available in the Wing/Unit where higher post falls vacant should be given current charge or higher post.

3. While issuing formal sanction for grant of additional remuneration on account of current charge, it may be specifically certified that the above mentioned guidelines have been kept in view while approving/extending current charge arrangement.

*[Authority: Estab. Div.'s OM No. 1/17/2000-R-2, dated 21st Nov., 2000]*

### **12.7 Combination of Appointments\***

Reference paras of the instructions contained in Establishment Division O.M.No.1/21/75-AER.R.2 dated 19.8.1989 which provide that additional charge arrangement in non-identical post in BPS 17 to 19 requires approval of the Establishment Secretary. The above instructions have been reviewed in the light of amendment in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 notified vide SRO No.276(1)/2000, dated 25.5.2000 under which Secretaries of the Ministries/Divisions concerned have been authorized to make appointment to posts in BPS 17 to 19 consequent upon the aforesaid amendment in rules additional charge arrangement in non-identified posts to BPS 17 to 19 now requires approval of Secretary of the Ministries/Divisions concerned. Cases

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\* For foundation of the concept 'Combination of Appointments' see FR 49 and Government decisions reproduced below FR 49, PP 82-86 Compilation of Fundamental Rules and Supplementary Rules, First Edition (Second Reprint), Manager of Publications, Karachi, 1979. For financial compensation.



involving additional charge of posts borne on the cadre of \*APUG and OMG shall, however, continue to be submitted for the approval of Establishment Division. The instructions contained in Establishment Division O.M. No.1/21/76-AR-1/R-II dated 19.8.1989 stand amended accordingly.

2. Ministries/Divisions are requested to bring the above instructions to the notice of all departments concerned.

[Authority:- Establishment Division's O.M.No.1/15/2000-R.2, dated 2.10.2000].

### **12.8 Combination of Appointments\*\* - Authorization to Secretaries**

Reference the Establishment Division's OM No. 1/21/76-AR/I/R,2 dated 19.8.1989 as amended vide its OM No. 1/15/2000-R.2, dated 2.10.2000 on the subject according to which additional charge arrangements in non-identical posts in BPS 17 to BPS 19 can be made with the approval of the Secretary of the Ministry/Division concerned and for the posts borne on the cadre of \*APUG and \*\*\*OMG with the approval of Establishment Secretary and those in BPS 20 and above with the approval of Prime Minister.

2. In view of the current policy of decentralization of the government, the instructions contained in the above referred OM have been reviewed. The Prime Minister has been pleased to authorize the Secretaries of the Ministries/ Divisions to approve additional charge arrangements in non-identical posts in BPS 17 to BPS 20. This arrangement should not be made for a period of less than one month and should not exceed three months. However, it may be extended by another three months with the concurrence of the Establishment Division. Extension of such arrangements beyond six months shall be made with the approval of the Prime Minister.

3. The instructions contained in para 2 & 3 of the Establishment Division's OM No. 1/21/76-AR.I/R2 dated 19.8.1989 and No. 1/15/2000-R.2 dated 2-10-2000 stand modified to the extent indicated above.

[Authority: Estt. Div.'s OM NO. 3/89/2004-R-2, dated 01-01-2005]

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\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* For foundation of the concept 'Combination of Appointments', FR 49 and Government decisions reproduced below FR 49, pages 82-86, Compilation of the Fundamental Rules and Supplementary Rules, First Edition (Secondary Reprint), Manager of Publications, Karachi : 1979. For financial compensation.

\*\*\* Office Management Group.

### **12.9 Additional Charge Appointment: Procedure and Remuneration**

Reference Finance Division's circular O.M. No. F. 4(14)-R. 4/68, dated the 9th September 1971\*, the position has been reviewed and in order to afford sufficient compensation to a government servant entrusted with the additional charge\*\* of a vacant identical post, it has been decided, with the approval of the competent authority, that in case of additional charge arrangement, special allowance shall be admissible at a uniform rate of 20% of basic pay not exceeding Rs. 6000 p.m. with effect from 1st July 2005, subject to the fulfillment of the following conditions:-

- (i) The work of the vacant post, may, as far as possible, be distributed among more than one government servant of the same status and designation available in the Ministries/ Divisions/Departments.
- (ii) Where the distribution of the work among more than one government servant is not feasible, the charge of the vacant post may be entrusted, in its entirety, to another government servant. This arrangement should not be made for a period less than one month and should not exceed three months, and it should be allowed with specific approval of the Secretaries/Additional Secretaries/Heads of Attached Departments/Heads of Department not below BPS 21. However, it may be extended by another three months with the approval of next higher authority.
- (iii) Immediately on the expiry of six months of the full additional charge of the particular vacant post, the post shall be treated as having been abolished and its duties automatically becoming part of the normal duties of the other existing posts of the same category in the Divisions/Departments concerned. The post so treated as abolished shall not be reviewed without the concurrence of the Financial Adviser concerned.

2. Finance Division's O.M. No. 4(14)-R.4/68, dated the 9th September, 1971 shall be deemed to have been cancelled with effect from 1<sup>st</sup> February, 1987.

*[Authority:- Finance Division's O.M. No. F.2(9)-R-3/85, dated 18-3-1987].*

### **12.10 Combination of Charge/ Additional Charge Appointment not to be Notified**

The Finance Division's O.M.No.F.4(14)R.4/68, dated 9-9-1971\*\*\* authorizes grant of Special Pay at various specified rates in cases in which, in

\* Page 85 of the FR & SR.

\*\* Current charge appointment is now regulated.

\*\*\* Finance Division's O.M No. F.4(14)R.4/68, dated 9-9-1971, see Sl. No. 115, pp 99-101, Estacode 1979 or Government decision No. (3) under FR 49, pp 82-85, compilation of FR & SR, Vol. I, First Edition (2<sup>nd</sup> Reprint), 1978.

accordance with para 2(ii) of that circular, the charge of the vacant post of an officer in an establishment is entrusted in its entirety to another officer of the same status, category and designation in that establishment. A question was raised whether this combination of charges, where the post and the officer concerned belong to a BPS higher than Grade 15, needs or does not need to be notified in the gazette, in order for the above special pay to become payable. The matter has been considered in consultation with the Establishment Division. The position is that the combination of charge in the above category of cases [unlike the combination of appointments under F. R. 49 or under para 1(2) (c) of the pre-Independence Government of India, Finance Department's O.M. No. F.7(3)-EII/46, dated 26-9-1946] would not have the effect of bringing about any change either in the status of the officer concerned or in his competence to perform official duties. It has accordingly been held that notification, in the gazette, of the combination of charges authorised under para 2(ii) of the above mentioned circular dated 9-9-1971, would be uncalled for.

2. It follows that in cases of the kind referred to in the preceding para, issue of an official letter conveying the approval of the competent authority to the combination of charges in question and to the grant of special pay in accordance with para 2(ii) of the circular dated 9-9-1971 referred to above, would constitute sufficient authority for the Audit to allow the relevant rate of special pay to the officer concerned.

*[Authority: Finance Division's O.M.No.D.907-R.4/76-F.4 (19)R.1/76, dated 6-10-1976].*

### **12.11 Appointment on Acting Charge Basis**

Reference rule 8-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and to state that a civil servant, on appointment to hold a post on Acting Charge basis, shall –

- (a) assume full duties and responsibility of the post and exercise all statutory, administrative and financial powers vested in the regular incumbent of the post; and
- (b) during the period of such appointment, be entitled to draw fixed pay equal to the minimum stage of the pay at which his pay would have been fixed, had he been appointed to that post on regular basis. Service rendered on acting charge basis in the scale applicable to the post shall not count for purposes of drawal of increments in that BPS. It shall, however, count towards increments in the scale of pay held immediately before appointment on acting charge basis so that on reversion from acting charge appointment his pay in the lower BPS should be fixed at the same stage which he would have reached, but for appointment to the higher BPS;

Provided that if at any time during his appointment on acting charge basis, his substantive pay exceeds his pay fixed on acting charge appointment, he will draw his substantive pay.

[*Explanation.*— For the purpose of this proviso, officiating pay drawn in a post held on regular basis continuously for three years (including period of leave) or which would have been drawn for that period but for appointment on acting charge basis shall be treated as substantive pay].

[*Authority.*— Estt. Division's O.M.No.1/9/80-R II(B), dated 12-1-1981 as amended vide O.M.No.1/1/82-R 2 dated 15-8-1983].

### **12.12 Acting Charge Appointment – Counting of Service**

Reference sub-para (b) of Establishment Division's O.M.No. 1/9/80-R.II(B) dated 12<sup>th</sup> January, 1981 as amended vide O.M.No. 1/1/82/R.2, dated 15th August, 1983. It is stated that, in partial modification of the said orders, it has been decided that the service rendered on acting charge basis in respect of appointments falling under rules 8-B(I) and 8-B(3) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 count in the pay scale applicable to the post for the purposes of accrual of increments subject to fulfillment of the following:-

- (i) In case of acting charge appointments to posts carrying BPS 18, the incumbents shall have completed 5 years service in BPS 17.
- (ii) In case of acting charge appointments to posts carrying BPS 19 and above the incumbents shall have completed the prescribed length of service for respective posts as under:-
  - (a) Posts in BPS 19                               \* 12 years service  
in BPS 17 and above.
  - (b) Posts in BPS 20                              17 years service  
in BPS 17 and above.
  - (c) Posts in BPS 21                              22 years service  
in BPS 17 and above.

2. The above decision shall be effective from the First January, 1985. However, in cases of acting charge appointments made during the period from 12th January, 1981 to 31st December, 1984, the increments shall be restored from the due dates but no arrears due on account of restoration of increments prior to 1st January, 1985 shall be allowed.

[*Authority.*— Estt. Division's O.M.No.1/25/83-R.2, dated 27-3-1985].

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\* Amended vide Estt. Division's O.M.No.1/25/83-R 2 dated 31-03-1986.

**Sl. No. 13****Other Short-Term Appointments**

*Temporary vacancies upto two months or more.*— Orders were issued (vide Establishment Division Memorandum No. 54/27/ 53-ME, dated the 30th September, 1953 and 14th November, 1953) to the effect that:-

- (i) No vacancy less than 4 months' duration should be filled;
- (ii) Vacancies exceeding 4 months should not normally be filled but may be filled under the personal orders of the Heads of Ministries/ Divisions/Departments;
- (iii) Exception from (i) and (ii) above may be made in the case of technical staff.

2. The question of filling of short-term vacancies has been considered further and it has since been decided, in supersession of the orders referred to above, that :

- (i) No vacancy upto 2 months should be filled;
- (ii) Vacancies exceeding 2 months should not normally be filled but may be filled under the personal orders of the Heads of Ministries/ Divisions/Departments;
- (iii) In case where the nature of work is such that the employment of staff for a short period is unavoidable in the interest of essential work, relaxation in respect of promotion or recruitment to vacancies of even less than 2 months duration should be made and such vacancies should be filled under the personal orders of the Heads of Ministries/Divisions/ Departments. Such relaxation should, however, be made only after consultation with the Establishment Division.

*[Authority:— Estt. Division's O.M. No. 54/27/53-ME, dated 8-4-1954 as amended vide O.M. No.11/4/61-F.II (XV), dated 6-4-1962].*

**Note.- The above orders do not apply to the case of Secretaries to Government for whom separate orders exist.**

### **13.1 Vacancies Caused by Deputation of Officers Abroad**

There has been some confusion in the past in regard to the necessity or otherwise for creation of posts for making officiating arrangements in vacancies caused by the deputation of officers abroad. The matter has been examined and the following instructions are issued for the guidance of Ministries/Divisions, etc.:-

- (1) When the officer hands over charge of his post.- The officer concerned is placed on special duty and is entirely detached from duties of the post which he ordinarily holds. A post of Officer on Special Duty would have to be created in the Ministry sponsoring his deputation and the vacancy created in his own Ministry can be filled up in the normal course.
- (2) When the officer does not hand over charge of his post.- The officer is not detached from the duties of his post and it is not necessary to make arrangements for the disposal of the work relating to the post due to the absence of its incumbent. A new post in a lower BPS may be created with the sanction of the authority competent to create such lower post for the period of the officer's absence on duty.

2. The instructions contained in the Ministry of Finance Office Memorandum No. 4561-EG.I/1/51, dated the 12th July, 1951, are hereby cancelled.

*[Authority:- Finance Division's O.M.No.3005-EG-1/52, dated 7-5-1952].*

### **13.2 Vacancies Caused by Suspension of Government Servants**

The question, whether a vacancy caused by suspension of a government servant can be filled up like other ordinary vacancies has been examined in consultation with the Ministry of Finance and the Law Division. It has been decided that, though a vacancy caused by suspension of an officer cannot be filled up substantively, it can be filled up on an officiating basis, and that no supernumerary post need be created in such case.

2. This supersedes Establishment Division's O.M. No. 2/14/67-CIII dated the 19th September, 1968.

*[Authority:- Estt. Division's O.M. No. 6/2/71-DI, dated 20-9-1971].*

### **Sl. No. 14**

#### **Appointment on Contract Basis**

The standard terms and conditions of appointment on contract were last circulated vide Establishment Division's O.M.No. F.10/55/82-R.2, dated 15th January, 1985. These have since been reviewed in consultation with Finance Division and Law and Justice Division.

2. All Ministries/Divisions are requested that, henceforth, the Revised Format may be used in case of contract appointments in the Ministries, Divisions and their Attached Departments and other Organisations under them.

*[Authority:- Establishment Division's O.M.No.F.10/52/95-R.2,dated 18-7-1996].*

**Revised Format**

GOVERNMENT OF PAKISTAN  
Name of Ministry\_\_\_\_\_

No..... Islamabad/Rawalpindi , 20.....

From: .....

To: .....

Subject: EMPLOYMENT ON CONTRACT BASIS

Sir,

I am directed to say that you have been selected for appointment on contract as ..... under the Federal Government on the following terms and conditions:-

1. Post: .....
2. Place of posting: .....or anywhere within or outside Pakistan as the competent authority may decide.
3. Period of contract: ..... (not exceeding two years) from the date of assumption of charge.
4. Pay: Minimum of the relevant scale of pay. Annual increment shall be admissible as under the normal rules.
5. Allowances: As admissible to corresponding civil servants. However, Qualifications Pay/ Allowance, Senior Post Allowance and Orderly Allowance shall not be admissible in case these allowances were taken into account while calculating pension after retirement from previous service.
6. Traveling Allowance: As admissible to civil servants of the corresponding pay scale under the rules.
7. Seniority: This contract appointment does not confer any right for being placed in the gradation/ seniority list of the cadre/group to which the subject post belongs.
8. Leave: As admissible under the Revised Leave Rules, 1980. However, provisions contained in Rules 5(c), 8, 11, 14, 16,17, 18, 18-A, 19, 27, 33, 34, 35, 36 and 39 of Rules ibid shall not apply.

All leave at your credit will lapse on the termination of this contract.

9. Medical Facilities: As admissible to officers of the Federal Government under the rules.
10. Pension: Service rendered under this contract shall not qualify for a pension or gratuity.  
Pension in respect of previous service, if any, shall continue to be drawn in addition to pay.
11. General Provident Fund: No contribution towards G.P Fund shall be required.
12. Conduct and Discipline: Rules made and instructions issued by the Government or a prescribed authority as for civil servants under Section 15 and 16 of the Civil Servants Act, 1973 as amended from time to time shall apply.
13. Appeal: Civil Servants (Appeal) Rules 1977 with amendments if any shall apply.
14. Termination of contract: The appointment during the period of contract shall be liable to termination on 30 days notice on either side or payment of basic pay in lieu thereof, without assigning any reason.
15. Whole Time employment posting and transfer: Whole time of the contract appointee would be at the disposal of the Government. He may be employed in any manner required by appropriate authority without claim for additional remuneration. He shall at all times obey the rules prescribed for the time being for the regulation of the service or cadre to which the post in which he has been employed belongs.
16. Other matters: In respect of other matters not specified in this contract, the rules/regulations as applicable to federal civil servants shall apply.
- \* [17. Accommodation (i) Persons appointed on contract to civil posts relating to the affairs of the Federation, may be provided the same facility of government owned or hired residence as is admissible to persons of corresponding grade in the civil service.  
(ii) Autonomous/semi-autonomous bodies/corporations under the Federal Government may also be advised to follow the aforesaid policy subject to such modification as may be permissible under their prescribed service regulations.]

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\* Amended vide Estt.Div.'s O.M.No.10/52/95-R.2 dated 25-06-2001.



2. If the above terms and conditions of appointment are acceptable to you, please send your written confirmation by registered post or personally so as to reach the undersigned within one month of the date of this letter.

3. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof or resume duty within the time specified in para 2 above.

Your obedient servant

#### **14.1 Guidelines for Appointment on Contract Basis**

It has been noticed with concern that contract appointments were made in the past indiscriminately without proper examination of the need therefor and without ensuring observance of the principle of open merit, and equality of opportunity. It has now been decided by the Chief Executive that the following guidelines should be strictly observed in future while proposing contract appointments to civil posts under the Federal Government:—

- (i) The department concerned should specifically justify why it is not possible to fill in a vacancy in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and the recruitment rules and where it is considered necessary to fill in a post on contract, it shall only be for a period not exceeding two years. The professional qualifications, experience, and age limit (where necessary) required for the post, shall be prescribed in consultation with the Establishment Division.
- (ii) The decision to fill the vacant post on contract basis shall be taken at the level of the Secretary of the Ministry/Division and/or head of the departments/organizations *etc.*

The post should be advertised and selection made by a Departmental Selection Committee as per following composition:—

<b>Basic Pay Scales</b>	<b>Composition of the Selection Committee</b>		
➤ <b>BPS 20 and above</b>	Minister	-	Chairman
	Secretary	-	Member
	J.S (Admn)	-	Member-cum-Secy.

Note.— In case the post(s) is/are in an Attached Department/Subordinate Office, Head of the Department will be co-opted as member.

- **BPS 1 to 19** Selection should be made by the Selection Committees/Boards which have been constituted for regular appointments in BPS 19 and below.
- (iii) (a) \*The condition of open advertisement may be dispensed with, with the approval of the Chief Executive\*\*, if it is proposed to appoint a retired civil servant or a retired officer of the armed forces or a retired judge of a superior court, on contract basis.
- \*\*\* (b) The condition of open advertisement may be relaxed by the \*\*Chief Executive for the purpose of appointment on contract basis of widow, or one child of a deceased civil servant who dies during service provided that such special dispensation may be allowed only for appointment to posts in BS-10 and below.
- (c) @ [The condition of open advertisement may also be relaxed by the Prime Minister for the purpose of appointment on contract basis of widow/widower or one child of a deceased civil servant who dies during service and wife/husband or one child of a serving civil servant who becomes “permanently disabled during service” and he/she takes retirement from service provided that such special dispensation may be allowed only for appointment to posts in BPS 10 and below.

Provided further that the widow/widower or a child of a civil servant who dies during service and wife/husband or a child of a serving civil servant who becomes “permanently disabled during service” and he/she takes retirement from service will have to apply for contract appointment within one year after the death of a civil servant or retirement of a permanently disabled civil servant. In case of a minor child of a civil servant, the one year period will start from the date he/she attains the age of 18 years].

- (iv) All contract appointments shall be made with the approval of the appointing authority prescribed under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.
- (v) As a matter of general policy, the period of contract shall not be extended beyond two years but in exceptional cases where it is considered necessary to extend such appointments beyond the period of two years, the advice/concurrence of the FPSC may be

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\* Added vide Estt.Div.'s corrigendum F.No.8/10/2000-CP.I, dated 02-03-2000 and O.M.No.810/2000-CP.I dated 12-08-2005.

\*\*Prime Minister.

\*\*\*Subs. vide Establishment Division's O.M. No. F. 8/10/2000-CP.I dated 05-01-2002.

@ Subs. vide Establishment Division's O.M.No.4/1/2005-CP.I, dated 13.4.2005.

sought at least six months in advance of expiry of the period of original appointment, and thereafter approval of the competent authority may be sought. It is clarified that the requirement of seeking advice/concurrence of FPSC is applicable only in respect of posts which fall under the purview of FPSC in accordance with rule 3 of FPSC (Functions) Rules, 1978.

2. Policy guidelines for contract appointments in Autonomous Bodies/ Semi- Autonomous Bodies, Corporations, Public Sector Companies *etc.* owned and managed by the Federal Government shall be issued separately.

3. The \*Chief Executive may allow contract appointment of a retired civil servant or a retired officer of the armed forces or a retired judge of a superior court or any other person on MP pay package in the public interest and merit.

[Authority:- O.M. No.8/10/2000-CP.I, dated 21-3-2000 as amended from time to time].

#### **14.2 Contract Appointments**

Ministries/Divisions have been submitting summaries for the \*Chief Executive to relax the condition of open advertisement for the purpose of appointment on contract basis of widow or one child of deceased civil servants who die during service. The \*Chief Executive's Secretariat has recently returned such proposals with following observations:-

*"It may please be confirmed that no official of such category(s) is awaiting posting/adjustment in the Surplus Pool."*

2. In view of the above, it is necessary that before submitting such proposals to the \*Chief Executive, it may be ascertained from Management Services Wing whether any person is available in the surplus pool for the post against which it is proposed to employ widow or child of a deceased civil servant and factual information in this regard should be given in the Summary for the \*Chief Executive.

[Authority:-Establishment Division's O.M.No.8/10/2000-CP.I dated 25-09-2002.]

#### **14.3 Standard Terms and Conditions of Contract Appointments – Case of Retired Civil Servants, Retired Officers of the Armed Forces, Retired Judges of Superior Courts**

Reference Standard Terms and Conditions of Contract Employment, issued vide Establishment Division's O.M.No.10/52/95-R.2, dated 18.7.1996, as amended from time to time, the matter has been reviewed in consultation with the Finance Division, and it has been decided with the approval of the competent authority that the terms of re-employment of retired civil servants, retired officers of the armed forces and retired judges of superior courts shall henceforth be as under:-

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\* Now Prime Minister.

**I. Re-employment on a civil post relating to the affairs of the Federal Government:**

- (a) A retired civil servant and a retired officer of the armed forces, re-employed on a civil post equivalent to the post from which he retired, may be allowed the pay, allowances and perquisites sanctioned for the post. His pay may be fixed at that stage of the time scale of the post at which he was drawing his pay before retirement.
- (b) A retired judge of the superior courts may be allowed pay, allowances and perquisites sanctioned for the post, and his pay may be fixed at the maximum of the pay scale of the post.
- \*(c) A retired civil servant or a retired officer of the armed forces, re-employed against a higher post, may be allowed the last pay drawn plus allowances and perquisites sanctioned for the post.

**II. Re-employment in Autonomous Bodies:**

- (a) A retired civil servant and a retired officer of the armed forces and a retired judge of the superior courts, on re-employment in an autonomous body administered or controlled by the Federal Government, may be allowed pay as determined at (a), (b) and (c) above plus the allowances and perquisites sanctioned for the post.
- (b) Where the terms and conditions of a post are prescribed in a statute or a statutory notification, the provisions of the statute or the statutory notification, as the case may be, should prevail.

**III. Existing Pensionary benefits to continue.**

The terms and conditions proposed above should have no bearing on the pension to which a retired civil servant or a retired officer of the armed forces or a retired judge of the superior courts may be entitled in accordance with the applicable law and the rules.

2. The standard terms and conditions of contract appointment circulated vide O.M.No.F.10/52/95-R.2, dated 18-7-1996 stand amended to the above extent.

*[Authority.– Estt. Div.'s O.M. No.10/52/95-R.2(Pt), dated 21-8-2001].*

**14.4 Standard Terms and Conditions of Contract Appointments –  
Case of Retired Civil Servants, Retired Officers of the Armed  
Forces, Retired Judges of Superior Courts**

Reference the instructions contained in Establishment Division's O.M. No. 10/52/95-R-2 (Pt), dated 21<sup>st</sup> August, 2001 as amended vide O.M. No. 10/52/95-R-2 (Pt) dated 6<sup>th</sup> October, 2003 on the above subject. A question has arisen whether on re-employment on contract, annual increment is admissible or

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\* Subs. vide Estab. Div.'s OM No. 10.52/95-R-2(pt) dated 6th October 2003.

otherwise. The matter has been considered in consultation with the Finance Division and it has been decided that annual increment shall be admissible as under the normal rules.

[Authority: Estab. Div.'s OM No. 10/17/2007-R-2, dated 19th July, 2007]

#### **14.5 Standard Terms and Conditions of Contract Appointment- Case of Retired Civil Servants, Retired Officers of the Armed Forces, Retired Judges of Superior Courts**

Reference Establishment Division's O.M No. 10/52/95-R-2, dated 21-8-2001 as amended vide O.M of same number dated 6-10-2003 laying down the criteria for fixation of pay of retired civil servants, retired officers of the armed forces and retired judges of the superior courts re-employed on contract against equivalent or higher posts. It is to clarify that the instructions contained in Establishment Division's O.M referred to above are applicable to all retired civil servants and retired employees of armed forces re-employed on contract against equivalent or higher post on standard terms and conditions. However, there is no such provision regarding fixation of pay of such officers re-employed on contract against a lower post. In such like cases persons re-employed on contract against a lower post are entitled to the pay of the post against which their re-employment has been made.

[Authority: Estt. Div.'s O.M. No. 10/7/2005-R.2, dated 12th January, 2008]

#### **14.6 Extension in the Period of Contract Appointments for Posts Outside the Purview of FPSC**

The guidelines for contract appointments issued vide Establishment Division O.M.No.8/10/2000-CP.I, dated 21-3-2000 lay down inter alia, that:-

- (v) "As a matter of general policy the period of contract shall not be extended beyond two years but in exceptional cases where it is considered necessary to extend such appointments beyond the period of two years, the advice/concurrence of the FPSC may be sought at least six months in advance of expiry of the period of original appointment, and thereafter approval of the competent authority may be sought". It is clarified that the requirement of seeking advice/concurrence of FPSC is applicable only in respect of posts which fall under the purview of FPSC in accordance with rule 3 of FPSC (Functions) Rules, 1978".

2. The above caveat is only applicable to such posts which fall within the purview of the FPSC in terms of rule 3 of the FPSC (Functions) Rules, 1978 *i.e.* posts in BPS 16 and above and posts in BPS 11 to 15 in the departments specified vide SRO No.415/2000 dated 19.6.2000.

3. In terms of sub para (iv) of para 1 of above said O.M dated 21-3-2000 contract appointments are required to be made with the approval of the appointing authority prescribed under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. This means that contract appointment to posts in BPS 20 and above are required to be approved by the Chief Executive\*, and extension of such appointments beyond two years would also require the approval of the Chief Executive\*.

4. As regards appointments beyond two years to posts in BPS 19 and below falling outside the purview of the FPSC following instructions may be followed:—

- (i) extension of contract appointments beyond two years to posts in BPS 17 to 19 shall be subject to the approval of the Establishment Secretary;
- (ii) extension of contract appointments beyond two years to posts in BPS 16 shall be subject to approval of the Secretary of the administrative Division concerned and heads of departments in BPS 21;
- (iii) extension of contract appointments beyond two years to posts in BPS 15 and below shall be subject to approval of a BPS 21 officers designated by Secretary in the case of Ministries/ Divisions and Head of Department in the case of Attached Departments and subordinate offices;
- (iv) the case for extension shall be moved at least two months in advance of the expiry of original appointment.

*[Authority: Estt. Div.'s O.M. No.8/10/2000-CP.I, dated 23-12-2000].*

#### **14.7 Policy Guidelines for Contract Appointments for Posts in Autonomous/ Semi-Autonomous Bodies, Corporations, Public Sector Companies etc. Owned and Managed by the Federal Government**

In order to regulate contract appointments in autonomous/semi-autonomous bodies, corporations, public sector companies etc., owned and managed by the Federal Government, the \*Chief Executive has been pleased to lay down the following policy guidelines:—

- (i) In the case of tenure posts, appointment to which is regulated by specific provisions of a law, rule and policy instructions, contract appointments may be made in the manner prescribed in the applicable law, rules and policy guidelines/directions issued by the Federal Government.

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\* Prime Minister.

- (ii) For projects which have a limited life, appointments may be made on contract basis by the prescribed appointing authority after open advertisement of the vacancies. The advertisement should indicate prescribed academic and professional qualifications, experience, age, provincial/ regional quotas, special quotas *etc.* where applicable, as per rules/government policy.
- (iii) For posts other than those mentioned at (i) and (ii) above, contract appointments should be made only subject to fulfillment and observance of the following conditions:
  - (a) Where the nature of a particular job/vacant position requires contract appointment for a specific period, standing instructions should be issued by the administrative Ministry/ Division concerned, after consultation with the Chairman of the Board of Directors/ Board of Governors, specifying such posts and the parameters governing appointment on contract basis against such posts.
  - (b) Vacancies should be advertised in the leading national and regional newspapers.
  - (c) Selection should be made through regularly constituted Selection Committees/Boards.
- (iv) In the case of contract appointments/re-employment of retired civil servants, retired armed forces officers and retired judges of superior courts, the condition of open advertisement shall not be applicable, provided that such appointments shall be made by or with the prior approval of the prescribed authorities in the Federal Government.
- \*[(v) The contract appointment, where justified, may be made for a period of two years initially, on standard terms including termination clause of one month's notice or one month's pay in lieu thereof. Extension may be made on two yearly basis].

2. Ministries/Divisions are requested to circulate the above policy guidelines to all Autonomous/Semi-Autonomous Bodies, Corporations, Public Sector Companies *etc.*, owned and managed by the Federal Government for strict compliance.

[*Authority.*– Estt. Div.'s O.M. No.6/2/2000-R.3, dated 6-5-2000].

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\* Subs. vide Establishment Division's O.M.No.6/2/2000-R.3, dated 29-4-2002.

#### **14.8 Protection of Pay of Contract Employees on Regularization/ Appointment on Regular Basis**

The proposals for protection of pay last drawn by the contract employees on their regularization/appointment on regular basis are received in Finance Division and considered/decided on case to case basis. The existing rules/orders on the subject do not provide for protection of pay of contract employees on their regularization. The Courts have held from time to time that the pay of contract employees on their regularization/appointment on regular basis should be protected. The matter has been examined in the light of Court's Judgments and it has been decided to issue general policy guidelines in this regard. Pay of a non-Gazetted contract employee on his regularization/appointment on regular basis will be protected subject to the following conditions:-

- i) That the contract appointment has been made on standard terms and conditions circulated by Establishment Division as amended for time to time.
- ii) That the contract employee has applied through proper channel and has been properly relieved by the appointing authority. This condition shall not apply in case of regularization on the same post.
- iii) That regularization/regular appointment has been made with the approval of competent authority.
- iv) That there is no break/interruption between contract service and regular service.
- v) That the service rendered on contract basis shall not qualify for pension/gratuity.
- vi) That in case of regular appointment in lower grade pay shall not be protected.

2. Ministries/Divisions/Departments are authorized to protect/ fix pay in terms of above guidelines. Only those cases may be referred to Finance Division where some clarification or advice of Finance Division is required.

*[Authority:- Finance Division's O.M.No.7(9)R-I/2012 dated 31-05-2013]*

#### **SI.No.15**

#### **Provision of Government Accommodation to all Government Servants Employed on Contract after Superannuation**

In partial modification of Establishment Division O.M. of even number dated 12.8.1998 and 9.10.1998, the competent authority has been pleased to decide that all government servants, who have been re-employed on contract after the age of superannuation, shall be entitled to retain the allotted government accommodation.



2. Ministries/Divisions are requested to bring the above decision to the notice of their Attached Departments and Subordinate Offices.

*[Authority:- Estt. Div.'s O.M. No.10/52/95-R.2(Pt), dated 7-11-1998].*

### **15.1 Provision of Accommodation to Persons Employed on Contract by Organizations from Own Available Accommodation**

Reference Establishment Division O.M.No.10/52/95-R.2(Pt.) dated 12.8.1998. A question has arisen whether the instructions contained therein are applicable to persons employed on contract by the government departments which have their own accommodation. The matter has been considered carefully and the competent authority has been pleased to decide that in case any organisation has official accommodation available (other than pool accommodation of Estate Office) for allotment to its contractual employees, the same may be allotted in accordance with the rules of the respective department.

2. The competent authority has further been pleased to decide that officers/officials on retirement, shall be entitled to retain official accommodation for a period of six (6) months instead of two (2) months, as at present, and no extension shall be allowed beyond the aforementioned period. Retiring officers/officials should prepare themselves accordingly.

3. Ministries/Divisions are requested to bring the above decisions to the notice of the Departments and organisations under their administrative control.

*[Authority:- Estt. Div.'s O.M. No.10/52/95-R.2(Pt), dated 1-6-1999].*

### **15.2 Provision of Government-Owned or Hired Residence to Persons Appointed on Contract**

In supersession of all previous instructions on the subject, the Chief Executive's Secretariat\* have conveyed approval of the competent authority to the following: -

- (i) Persons appointed on contract to civil posts relating to the affairs of the Federation, may be provided the same facility of government owned or hired residence as is admissible to persons of corresponding grade in the civil service.
- (ii) Autonomous/semi-autonomous bodies/corporations under the Federal Government may also be advised to follow the aforesaid policy subject to such modification as may be permissible under their prescribed service regulations.

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\* The Prime Minister's Sectt. (Public).

2. Ministries/Divisions are, therefore, requested to take necessary action accordingly.

[Authority: Estab. Div.'s OM No. 10/52/95-R.2, dated 25th June, 2001]

### **Sl. No. 16**

#### **Government Policy in Regard to Autonomous Bodies Established through Resolutions**

A number of autonomous bodies were established by the Federal Government from time to time through Resolutions under which some measure of functional autonomy was allowed to the Board of Governors/ Board of Directors for the purpose of effective discharge of their allocated responsibilities. The legal status of such organizations came up for consideration before the Supreme Court in Civil Appeal No.154 of 1988, and it was held by the Court that organizations established through Resolutions were not bodies corporate but government departments, and their employees were held to be civil servants.

2. In the light of the aforesaid decision of the Supreme Court, the question whether the organizations established through Resolution should be made bodies corporate after fulfilling the required legal formality, or be run as a department of government has remained under consideration of the government for some time. The \*Chief Executive has now been pleased to approve the following general policy guidelines:-

- (i) All Ministries/Divisions incharge of organizations through Resolution should determine in consultation with the Management Services Wing of Cabinet Division\*\* whether those organizations should be run as Government Department (*i.e.* Attached Department or Subordinate Office) or as autonomous body.
- (ii) Whether it is considered necessary in the public interest to run an organization as an autonomous body for the effective discharge of its functions, the Ministries/Divisions concerned under the relevant law or draft a separate legislation in consultation with Law and \*\*Cabinet Divisions for changing legal status of the organizations to that of a body corporate.

3. All Ministries/Divisions are requested to take necessary action accordingly.

[Authority: Estt. Div.'s OM No. 4/1/91-R.7/R.3, dated 6th September, 2000]

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\* Now Prime Minister.

\*\* Management Services Wing is now under the Establishment Division.

### 16.1 Procedure Regarding Appointments in Autonomous/Semi-Autonomous Bodies, Under the Federal Government

In supersession of the instructions issued vide Office Memorandum No.1/85/94-E.6, dated the 12th September, 1994, henceforth the cases of appointment to various posts in autonomous/semi-autonomous bodies shall be processed in accordance with the following guidelines:-

Sl. No.	Nature of Case	Selection Procedure	Approving Authority
i.	Appointment of Chief Executive/Head of the Organization	Selection Board headed by the Minister Incharge to consider and recommend from a panel of three names for each vacancy. *Provided that, where the charge of a Ministry/Division is held by the Chief Executive**, the Selection Board shall be headed by the Secretary of the respective Ministry/Division.	Prime Minister/ Chief Executive
***ii. (a)	Posting of government servants of BPS 21 and above.	To be processed through the Establishment Division.	Prime Minister/ Chief Executive
(b)	Posting of government servants of BPS 20	—	Establishment Secretary
(c)	Posting of government servants of BPS 17 to 19	To be processed in the Ministry/Division concerned.	Secretary of Ministry/Division concerned.
(d)	Posting of government servants in BPS 16 and below.	To be processed by the Department concerned.	Heads of Departments.
iii. (a)	Appointment to posts in Management Grades other than of a Finance Member/Director and those covered by (i) and (ii) above.	Selection Board headed by the Secretary of the Ministry/Division concerned to consider and recommend from a panel of three names for each vacancy.	Prime Minister/ Chief Executive
*** (b)	Appointments to posts carrying a minimum pay equal to the minimum of BPS 20 and above.	Selection Board headed by the Secretary of the Ministry/Division concerned to consider and recommend from a panel of three names for each vacancy.	Minister Incharge
iv.	Appointment of Heads of Subsidiary Companies not included in Management Grade.	Selection Board headed by Secretary of the Ministry/Division concerned and recommend from a panel of three names for each vacancy.	Minister Incharge
v.	Appointment to posts other than those mentioned above.	Through appropriate Selection Board set up in the Organization	*An Officer authorized by Head of the Organization concerned.

\* Amended vide Estt. Div.'s O.M. No. 6/4/96-R.3, dated 6-6-2002.

\*\* Read Prime Minister.

\*\*\* Amended vide Estt. Division OM No. 6/4/96-R.3, dated 26.5.2000.

2. This procedure shall be applicable, *mutatis mutandis*, for selections for these posts from the open market.

3. The constitution of Selection Boards for posts mentioned at Serial Numbers (i), (ii), (iii) and (iv) of para 1 shall be subject to the approval of the Prime Minister/Chief Executive through Establishment Division (unless already so approved). The constitution of the Selection Board at Sr.No. (v) of para 1 shall be approved by the Minister Incharge of the Ministry/Division concerned.

4. In case where the services of any government servant are required for posting on deputation in any autonomous/semi-autonomous body, the administrative Ministry/Division concerned shall propose a panel of atleast three names through the Establishment Division in case where the Prime Minister/Chief Executive is the competent authority.

5. Appointment to the post of Member(Finance), Director (Finance) or the Chief Finance Officer in any autonomous/semi-autonomous body irrespective of the designation shall be made with the approval of the Prime Minister/Chief Executive in case the post is in BPS 20, equivalent or above. However, for these posts in BPS 19/equivalent the government's approval will be accorded by the Finance Secretary in consultation with the Establishment Secretary.

\*[6. All appointments approved by the President or the Chief Executive/Prime Minister shall be notified by the Establishment Division. Posting of officers of BPS 20 in autonomous and semi-autonomous bodies will also be notified by the Establishment Division. The terms and conditions of deputation to autonomous bodies shall be regulated by the prescribed standard terms and conditions of deputation. Any deviation from the standard terms and conditions of deputation shall require prior approval of Finance and Establishment Divisions].

7. In cases where these instructions are in conflict with the provisions of the laws governing any corporation, the provision of the law to the extent of conflict shall prevail.

8. Establishment Division's U.O.No.1/85/94-E.6, dated the 5th May, 1996 regarding ban on promotion in corporations, is hereby cancelled.

[Authority.— Establishment Division's O.M.No.6/4/96-R.3, dated 10-5-1997].

## **Sl. No.17**

### **Guidelines for Appointment of Consultants**

Consequent upon the findings of various Committees appointed during 2001 to examine the appointments of consultants and deliberations of the Conference held on 13 November, 2001, under the Chairmanship of the COS to the Chief Executive, the competent authority was pleased to direct, *inter alia*, that guidelines regulating the

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\* Subs vide Establishment Division O.M.No.6/4/96-R.3, dated 10-4-2002.

appointment of consultants in all Ministries/Divisions and organizations under their administrative control, be framed/ circulated on the approved lines, for compliance by all the Ministries/ Divisions/Organizations. Accordingly, a set of guidelines, in the succeeding paragraphs, is circulated for strict compliance, to ensure that the best persons are transparently and competitively appointed in a cost-effective manner, only when a consciously and formally identified need for consultants exists.

Determination of Need for Consultants:

2. Need identification is a pre-requisite for any organization planning to obtain services of consultants, who are normally required to tender advice, being experts/specialists, on specific (generally technical) issues/projects to:

- (a) Address on uncommon problems;
- (b) Provide technical supervisions; or
- (c) Introduce innovative practices/solutions

Consultancies would generally fall into two broad categories:

- (i) **Project Consultancy**– to provide technical support/ supervision by filling vacuum of technical expertise, specific to the project and funded out of development funds; and
- (ii) **General/Management Consultancy**– to provide expert advice, unavailable in-house, to introduce innovative solutions to financial/human resources management/ technical issues or to act as agents of change for status-quo oriented permanent employees and commonly paid for out of non-development budget.

A consultancy would, therefore, always be assignment specific and time bound and should be preferred only when it is considered value effective to hire services of a consultant compared to developing in-house expertise.

3. As a first step, the client organization is required to ascertain as to whether or not the required expertise is available within the organization/ government. In case the expertise is available in-house, reasons for not undertaking the assignment internally may be spelled out and detailed justification, including the following, may be given for hiring the consultant: –

- (i) Terms of reference/specific tasks to be accomplished by the consultant.
- (ii) Details of the outputs required of the consultant.
- (iii) Anticipated benefits from the proposed assignment.
- (iv) Professional expertise and experience required for the task to be undertaken.
- (v) Approximate time required for completion of the job.
- (vi) Cost estimates.

The above information shall be placed for concept clearance before:

- (a) A committee headed by the Secretary of the Ministry/ Division concerned and including representative of Finance Division, Establishment Division and the Planning & Development Division for non-development budget-funded consultancy; or
- (b) The appropriate approval forum for development budget related consultancies.

Procedure for Hiring Consultants:

4. After concept clearance has been received, the following procedure will be pursued by the client Ministry/Division/Department/ Organization:

- (i) Consultancy should be widely advertised indicating the requirements mentioned at para-3 above.
- (ii) Advertisement of consultancy will indicate the range of compensation package, including various facilities, depending on the nature of work involved. The applicants will be short-listed and prioritized by an in-house Committee of the client organization.
- (iii) For general/non-development budget funded consultancies, a Selection Board, headed by the Secretary of the Ministry/Division concerned and including a representative each of Establishment Division and Finance Division, will recommend a panel of at least three candidates in order of merit for consideration of the appointing authority. The Selection Board should also recommend the compensation package for the consultants placed on the panel.
- (iv) For development budget/project related consultancies a competent Selection Board of the client organization, including a representative of the Planning & Development Division, shall recommend a panel of at least three names to the appropriate approval forum.
- (v) Financial sanction for the appointment of a consultant on the terms and conditions recommended by the Selection Board should be obtained from the competent authority.

Final Approval:

- 5. Final approval will be accorded as follows:
  - (i) Development project-related consultancies will be approved by the competent approval forum and additional conditionalities of donors will be observed in grant funded consultancies.
  - (ii) General/non-development budget funded consultancies will be approved by the Chief Executive, on proposals routed through the Establishment Division.

Contracting Procedure:

6. While making an offer of appointment, the following will be provided in the contract/agreement:–

- (i) Statement of objectives of the assignment.
- (ii) Responsibilities of the consultant stating particulars of the outputs required of him.
- (iii) Responsibilities of the client indicating types of inputs to be provided to the consultant.
- (iv) Duration of the contract indicating completion dates/ termination of contract.
- (v) Financial provisions reflecting manner of payment of remuneration *etc.*
- (vi) General provisions regarding matters like earlier termination of contract.
- (vii) Mode of periodic performance appraisal of the consultant.

Others:

7. Following further guidelines will also be kept in view while appointing consultants:–

- (i) No person retired from a government organization will be hired as a consultant only to re-employ him/her.
- (ii) Consultants should not be appointed to perform routine functions of an organization.
- (iii) Special attention should be given by the Divisions/ Organizations to train and develop their own personnel to take up higher responsibilities.
- (iv) An objective evaluation and assessment of a consultant's performance should invariably be undertaken on a periodic basis in a manner especially designed for the job.

8. In addition to the above, following further guidelines will also be strictly complied with:–

- (i) Engagement of retired officers as Consultants/Advisers *etc.* shall require prior permission of the government, invariably *i.e.*
- (ii) Establishment Division in case of retired civilian officers;

- (iii) Defence Division in case of retired defence officers; and
- (iv) Law, Justice and Human Rights Division/Supreme Court/ High Courts in case of retired judiciary officers.
- (v) The Prime Minister's Inspection Commission shall conduct regular/periodical checks in order to monitor compliance of the guidelines;
- (vi) Any deviation/departure of the prescribed guidelines shall be dealt with seriously and the defaulting officer(s) shall be proceeded against, under E&D laws/rules.
- (vii) A uniform proforma be devised containing all essential particulars/details regarding appointment of a Consultant *etc.* for evaluation/rational decision making by the Selection Committee/ Board concerned and approving authority.

9. Ministries/Divisions are requested to kindly comply with the above guidelines and also accordingly inform their related departments/ organizations for compliance.

10. This issues with the convenience of the approval of the competent authority by the Prime Minister Secretariat.

[Authority:- Establishment Division, M.S. Wing's U.O. No.11-3/2001-MSW-III, dated 25-1-2002].

### **17.1 Re-employment of Consultant After the Age of Superannuation**

Reference the guidelines regulating the appointment of Consultants in Ministries/Divisions and Organizations under their administrative control providing *inter alia*, the following, vide para 8(i) issued under U.O. No. 11-3/2001-MSW-III, dated 25-1-2002:-

"8 (i) Engagement of retired officers as Consultants/Advisers *etc.* shall require prior permission of the government, invariably *i.e.*

**Establishment Division** in case of retired civilian officers;  
**Defence Division** in case of retired defence officers; and  
**Law, Justice and Human Rights Division/Supreme Court/  
 High Courts** in case of retired judiciary officers.

2. On the other hand instructions contained in Establishment Secretary d.o. No. 5/21/80-A.III/D.4/D.5, dated 18.12.1985 issued with the approval of the Prime Minister provide that consultancies granted after the age of



superannuation will be treated as re-employment and will be subject to the same rules as are applicable to re-employment after superannuation.

3. With a view to drawing a distinction between the consultancies offered to retired officers only to re-employ them after superannuation and those retired/superannuated officers who qualify for consultancy through open competition and are offered perks, privileges (package) laid down for that position, a Summary was submitted to the Prime Minister for approval of suitable modifications/clarifications to the instructions contained in Establishment Secretary's d.o letter No. 5/21/80-A.III/D.2/D.5 dated 18-12-1985. The Prime Minister has been pleased to approve that the re-employment rules should apply to those government servants who are appointed on contract as Consultants or otherwise after superannuation without open competition. On the other hand, those retired government servants who compete with others in the private sector for a consultancy position on the basis of open competition and are selected on merit should be entitled to the package, perks and privileges laid down for that position. The contract offered without competition and open merit be governed by re-employment rules while consultants selected on the basis of open competition and merit be offered the relevant package, which the position carries.

4. Ministries/Divisions are requested to follow the above instructions and also bring them to the notice of the Attached Departments, Subordinate Offices, Autonomous Bodies/Semi-Autonomous Bodies, Corporations Regulatory Authorities etc. under their administrative control for compliance.

*[Authority:- Establishment Division's No. 10/6/2004-R.2, dated 21st June, 2005]*

### **17.2 Guidelines for Appointment of Consultants – Designing of a Proforma**

In pursuance of para-8(ii) of the Guidelines for Appointment of Consultants, circulated vide Estt. Division's U.O. of even number dated 25.1.2002, a proforma containing essential particulars/details regarding appointment of consultants has been designed for uniform evaluation and rational decision making by the Selection Board and the appointing authority.

2. It is, therefore, requested that information as per the enclosed proforma may invariably be placed before the Selection Board and the appointing authority.

*[Authority:- Estt Division, M.S Wing's U.O. No.11-3/2001-MSW-III, dated 12-2-2002].*

**PROFORMA FOR APPOINTMENT OF CONSULTANTS****ESSENTIAL PARTICULARS/DETAILS TO BE PLACED BEFORE THE  
SELECTION COMMITTEE/BOARD AND APPROVING AUTHORITY****PART – I**

- (1) Name of the Ministry/Division/  
Department hiring the Consultant \_\_\_\_\_
- (2) Area of consultancy \_\_\_\_\_
- (3) Duration of consultancy \_\_\_\_\_
- (4) Date of clearance by the Concept  
Clearance Committee \_\_\_\_\_
- (5) Date of advertisement (copy may be  
enclosed) \_\_\_\_\_
- (6) Number of applications received for  
the position \_\_\_\_\_
- (7) Number of Candidates short-listed  
(Prioritized list\* may be enclosed) \_\_\_\_\_

**PART – II**

- (1) Justification for hiring the consultant on basis of need assessment.
- (2) Terms of reference (TOR) of the assignment.
- (3) Major activities to be performed under the TOR with date of completion in respect of each activity.
- (4) Qualifications, professional experience and other specifications considered necessary for the job.
- (5) Cost of hiring the consultant:
  - (a) Remuneration to be paid to the consultant.
  - (b) Cost of supporting staff.
  - (c) Cost of equipment/material.
  - (d) Others.

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\* Para 4(ii) of the Guidelines for Appointment of Consultants refers.

- (6) Anticipated benefits of the proposed consultancy including savings to the organization.

**PART – III**

(To be filled when the case is submitted for consideration of the appointing authority)

- (1) Names of candidates in order of merit, recommended by the Selection Board, broadly giving reasons for such selection.
- (2) Compensation package for the Consultants recommended by the Selection Board.

**PART – IV**

- (1) A profile of each candidate, in case of individuals, and profiles of principals in case of a firm etc., covering the following, may be enclosed alongwith detailed CV:
- (a) Name of the candidate/principal
  - (b) Age with date of birth
  - (c) Qualification and experience relevant to the assignment
  - (d) Other factors which support individual's/firm's suitability for the job
- (2) Draft contract agreement \* may be enclosed.
- (I) Candidates short listed when the case is submitted for consideration of the Selection Board.
  - (II) Panel of candidates recommended by the Selection Board when the case is submitted for consideration of the appointing authority.

**Sl. No.18**

**Sacked Employees (Re-instatement) Act,2010**

**ACT No. XXII OF 2010**

An Act to provide relief to persons in corporation service or autonomous or semi-autonomous bodies or in Government service who were dismissed, removed or terminated from service.

WHEREAS it is expedient for the purpose of providing relief to persons who were appointed in a corporation service or autonomous or semi-autonomous

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\* May be revised/modified, if required, in the light of recommendations of the Selection Board when the case is submitted for consideration of the appointing authority.

bodies or in Government service during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and were dismissed, removed or terminated from service during the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive);

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act shall be called the Sacked Employees (Re-instatement) Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context.—

(a) “Chairman” means Chairman of the Sacked Employees’ Review Board;

(b) “competent authority” means any officer or body authorized to exercise any power to do any act, thing or work mentioned in or covered under the subject of this Act;

(c) “defunct organization” means the employer, office, organization or institution which was closed, abandoned or wound up or any employer organization which ceased to exist on or before the 13<sup>th</sup> day of February, 2009;

(d) “employer” means the Federal Government or any Ministry or Division or department of the Federal Government or a corporation or organization or autonomous or semi-autonomous body established by or under a Federal law or owned or controlled by the Federal Government;

(e) “Review Board” or “Sacked Employees’ Review Board” means the Sacked Employees Review Board established under section 12;

(f) “sacked employee” means.—

(i) a person who was appointed as a regular or *ad hoc* employee or on contract basis or otherwise in service of employer, during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed or terminated from service or whose contract period was expired or who was given forced golden hand shake during the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive);

- (ii) a person who was appointed as regular or *ad hoc* employee or on contract basis or otherwise or who was a member of the civil service of the Federation or who held a civil post in connection with affairs of the Federation, in a Ministry, Division or department during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and was dismissed, removed or terminated from service or whose contract period was expired or who was given forced golden hand shake during the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive);
- (iii) a person who was appointed or re-instated in service of employer during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and who was subsequently dismissed or removed or terminated from service during the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive) or who was intermittently dismissed, removed or terminated from service from time to time and re-instated through statuesque order or judgment of any tribunal or any court including the Supreme Court or a High Court or through any administrative order or through withdrawal of any order conveying dismissal, removal or termination or by any other way on any date after the 1<sup>st</sup> day of November, 1996;
- (iv) a person who was appointed during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and dismissed, removed or terminated from Government or corporation service on any charges or allegations during or after the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive), whether re-instated or taken back into service or not on orders of any tribunal or court including the Supreme Court or a High Court or any other authority;
- (v) a person who was appointed or re-instated in service of employer during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and dismissed or removed or terminated or dissociated or was discontinued from service on account of closure of his or her employer or office or organization, irrespective of the fact that whether a letter or notification or anything in writing for sacked employee's dismissal or removal or termination or dissociation or discontinuation of service was issued or not or the status of sacked employee's service was turned inactive or otherwise; and

- (vi) a person who was appointed or re-instated in service of employer during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive) and dismissed, removed or terminated from service of employer on account of absence from duty, misconduct, misappropriation of Government money or stock, or unfitness on medical grounds;
- (g) "Secretary" means Secretary of the Ministry under administrative control of which the sacked employee was working or under administrative control of which the sacked employees' employer was functioning at the time of sacked employee's dismissal, removal or termination from service or in cases where administrative setup is changed, Secretary of the Ministry under administrative control of which the employer was working at the time of enactment of this Act or in case of defunct organization Secretary of the Ministry under administrative control of which the employer would have been working at the time of enactment of this Act; and
- (h) Words referring to singular shall also refer to plural and *vice versa* and words referring to masculine gender shall also include feminine gender and *vice versa*.

3. **Application of sacked employee.**— (1) A sacked employee, as defined in section 2 above, may file an application, within ninety days of the enactment of this Act, to an officer of his employer for re-instatement of his service where the sacked employee shall clearly write the date of application appearing on the face of application.

(2) In case, where sacked employee was serving in a defunct organization, he shall file his application for taking him back into service or in cases where sacked employee has already been re-instated under directions of any tribunal or any court including the Supreme Court or a High Court or otherwise he may file his application for his regularization of service.

(3) The application shall be deemed to have been filed with the employer or authority or officer so authorized for the purpose of this Act, if the sacked employee files the application in person or through his representative or through registered post. In case of filing of application through registered post, receipt of registered post alongwith a copy of the application, available with the sacked employee shall stand sufficient evidence of the fact that the application was filed by the sacked employee, on date appearing on copy of application available with the sacked employee.

4. **Re-instatement of employees in service and regularization of employees' service.**— Notwithstanding anything contained in any law, for the

time being in force, or any judgment of any tribunal or any court including the Supreme Court and a High Court or any terms and conditions of appointment on contract basis or otherwise, all sacked employees shall be re-instated in service and their service shall be regularized with effect from the date of enactment of this Act, in the manner provided as under, namely:—

- (a) a sacked employee appointed on permanent or temporary basis or regular or *ad hoc* basis or otherwise in any corporation or Government service against a regular or temporary post shall be re-instated any regularized in regular service of the employer on one scale higher to his substantive scale, grade, cadre, group, post or designation, whatever the case may be, held by the sacked employee at the time of his dismissal, removal or termination from service or at the time forced golden hand shake was give to the sacked employee;
- (b) a sacked employee appointed on contract basis against a regular or a temporary post and dismissed, removed or terminated from service before or after expiry of the contract period and whether or not he was again appointed and allowed to complete the period of contract, irrespective of the fact that whether a letter or notification for dismissal, removal or termination of the sacked employee's service or expiry of the contract was issued or not, shall be re-instated and regularized against a regular post of the same scale, grade, cadre, group, post or designation, whatever the case may be, in regular service of the employer;
- (c) a sacked employee who was dismissed, removed or terminated from service of Government or any autonomous or semi-autonomous organization on any charges or allegations levelled against him and during or in the result of any enquiry held by the employer or otherwise on directions of any administrative authority or any tribunal or court including the Supreme Court or a High Court, or any other authority, the sacked employee is proved not guilty of those charges or allegations, he shall be re-instated and regularized in service of the employer in same scale, cadre, group, post or designation, whatever the case may be, in following manner, namely:—
  - (i) sacked employee, who has not been re-instated or taken back in service until the day of enactment of this Act, shall immediately be re-instated or taken back into service and regularized with effect from the day of enactment of this Act, alongwith all monetary and other service benefits payable and admissible to the sacked employee under provisions of this Act;

- (ii) sacked employee, who has already been re-instated or taken back in service under the directions of any tribunal or court including the Supreme Court or a High Court or otherwise, shall immediately be regularized in service of the employer with effect from the day of the enactment of this Act, alongwith all monetary and other service benefits payable and admissible to the sacked employee under provisions of this Act; and
- (iii) sacked employees as provided under sub-clauses(i) and (ii) shall be placed at the bottom of seniority list of employer for the scale, cadre, group, post or designation, whatever the case may be, and such sacked employee shall be entitled to promotion, retirement and all other service benefits admissible to the sacked employees under provisions of this Act, and at par with other regular employees of the employer:

Provided that charges or allegations levelled afresh, after judgment, order or directions of the court, under which the sacked employee has been re-instated and the said enquiry was held or charges or allegations levelled at the time of enquiry held under such order or directions of the court or charges or allegation other than levelled at the time of dismissal, removal or termination of sacked employee on basis of which the sacked employee was dismissed, removed or terminated or charges or allegations merely included in the enquiry report and any punishment awarded to the sacked employee on basis of such charges or allegation taken a fresh shall stand nullified and shall have no effect;

- (d) a sacked employee appointed as any type of trainee in service of employer shall be re-instated and regularized on the post, he would have occupied after completion of his term or period as trainee, in regular service of the employer, notwithstanding any condition, under provisions of contract or terms and conditions of appointment regarding availability or vacancy of the post at the time of expiration of period for which he was appointed as trainee;
- (e) (i) a sacked employee who was given forced golden hand shake shall be re-instated and regularized subject to in lump sum refund of all monetary benefits received by such sacked employee in connection with his or her forced golden hand shake; and
- (ii) statement of a sacked employee to the fact that he was forcibly given the golden hand shake in his application, filed under section 3, shall stand enough evidence for purpose of



this Act and the sacked employee shall not be asked for any further evidence to establish the fact that he was given forced golden hand shake by the employer;

- (f) a sacked employee re-instated under this Act shall be regularized in the service of the employer in post, scale, grade, cadre, group or designation, whatever the case may be, on which he is re-instated under this act, as a permanent and a regular employee, with effect from the day of enactment of this Act, at par with other regular employees of the employer concerned and shall be placed at bottom of the seniority list, effective as on the date of enactment of this Act, for scale, grade, cadre, post, group or designation, whatever the case may be, in which the sacked employee is re-instated in accordance with the provisions of this Act;
- (g) in cases where employer fails to re-instate such sacked employee within fifteen days of the date of application, filed by the employee under section 3, such sacked employee shall stand re-instated with effect from the date of enactment of this Act, on first working day after fifteen days of the application filed under section 3; and
- (h) in cases where employer fails to regularize such sacked employee within fifteen days of the date of application filed by the sacked employee under section 3, such sacked employee shall stand regularized with effect from the date of enactment of this Act, on first working day after fifteen days of the date of the application filed under section 3.

**5. Sacked employee already reached at the age of superannuation.—** In cases where a sacked employee has already reached at the age of superannuation on or before the date of enactment of this Act,—

- (a) such sacked employee shall be re-instated and regularized in service of the employer with effect from the date of enactment of this Act, in the manner provided in this Act and shall be notified to have retired from service of the employer with effect from one day after the enactment of this Act, irrespective of age of the sacked employee;
- (b) such sacked employee shall be paid an amount equal to three years emoluments as provided under section 16;
- (c) such sacked employee shall also be entitled and shall be paid all payments, benefits, privileges and facilities which becomes due on or after or in connection with retirement of regular employees of the concerned employer under law for the time being in force, and in accordance with the rules, procedures and practices applicable for and at par with other regular employees of the employer; and

- (d) if the employer fails to notify the re-instatement or regularization or retirement of the sacked employee within specified time as provided in this Act, the sacked employee on fifteenth day of the enactment of this Act, shall stand re-instated and regularized in regular service of the employer with effect from the date of enactment of this Act and on sixteenth day of enactment of this Act shall stand retired from regular service of the employer with effect from one day after the date of enactment of this Act.

**6. Sacked employees removed from service on account of closure of employer organization.—** In cases where sacked employee was dismissed or removed or terminated from service or his or her service was discontinued or held in abeyance due to closure or disbandment or winding up of the employer's office, organization or institution, whatever the case may be, or whose employer organization ceased to exist on or before the 13<sup>th</sup> day of February, 2009, whether or not, any type of notification in writing was issued or served on the sacked employee, for his dismissal, removal or termination or discontinuation of his service or for his service held in abeyance, shall be re-instated or taken back in service and absorbed and regularized in service of the employer in the manner provided as under, namely:—

- (a) the Secretary, Establishment Division shall be treated as the employer of the sacked employee for purpose of section 3, who shall within fifteen days of application filed by the sacked employee under section 3, re-instate the sacked employee or shall take him back in service if the sacked employee's employer was closed, disbanded or wound up irrespective of the fact that whether letter or notification was issued for service status of the sacked employee and shall adjust, absorb and regularize the sacked employee in service of the Federal Government in case of employer of the sacked employee was a Ministry or Division or a Government department or any organization not being autonomous or semi-autonomous organization, and shall adjust, absorb and regularize the sacked employee in service of any autonomous or semi-autonomous organization, where employer of the sacked employee was an autonomous or semi-autonomous organization, with effect from the date of enactment of this Act;
- (b) the sacked employee shall be placed at the bottom of the seniority list, effective as on the date of enactment of this Act, for the scale, grade, cadre, post, group or designation, whatever the case may be, of the employer including any Ministry or Division or department or office or autonomous or semi-autonomous organization, where his services are placed;

- (c) where no separate cadre or seniority list is available for employees of a certain Ministry or Division or department, the Secretary, Establishment Division shall take the sacked employee into service and re-instate and regularize him in service at the bottom of the seniority list of the Establishment Division on the date of enactment of this Act; and
- (d) in cases where the Secretary, Establishment Division fails to re-instate or regularize the sacked employee, within fifteen days of application filed under section 3, the sacked employee shall stand re-instated and regularized in regular strength of the Establishment Division with effect from the date of enactment of this Act, irrespective of the employer of sacked employee, whether or not, was any autonomous or semi-autonomous organization.

**7. Sacked employees re-instated and again removed from service.—** (1) Provisions of this Act shall apply in full to a sacked employee who was re-instated during the period from the 1<sup>st</sup> day of November, 1993 to the 30<sup>th</sup> day of November, 1996 (both days inclusive and was again removed or dismissed or terminated from service in any way or whose contract period was expired or was given forced golden hand shake during the period from the 1<sup>st</sup> day of November, 1996 to the 12<sup>th</sup> day of October, 1999 (both days inclusive).

(2) Sacked employees once re-instated under any Ordinance promulgated for re-instatement of sacked employees after the 13<sup>th</sup> day of February, 2009 and again dismissed, removed or terminated from service before or after the expiry of their contract period, shall also be re-instated and regularized in regular service of the employer in accordance with provisions of this Act.

(3) For the purpose of sub-section (1) and (2), the word 'appointed', wherever appearing in this Act, shall, wherever needed, be read as 're-instated' and the word 'again', wherever needed, shall be read before the words "dismissed or removed or terminated", for the purpose of implementation of this Act.

**8. Joining of duty by sacked employees.—** Sacked employee shall resume his duties within ninety days of the letter issued for his re-instatement or the day the sacked employee stands re-instated under the provisions of this Act.

**9. Sacked employee presently engaged in any other service.—** If any sacked employee is presently engaged in any employment, other than the employment he was dismissed or removed or terminated from, as provided under this Act, shall exercise an option in writing to either resume his service under this

Act or continue his present employment, within forty five days of issuance of letter of his re-instatement or within forty five days of the day the sacked employee stands re-instated under the provisions of this Act.

10. **Change In service structure.**— In cases where any change in structure of any scale, grade, cadre, group, post or designation, whatever the case may be, has been made by the competent authority or employer after the 1<sup>st</sup> day of November, 1996, the sacked employee on re-instatement shall be placed in service of the employer on one scale higher than the scale, grade, cadre, group or designation, whatever the case may be, from which he was dismissed, removed or terminated from service or given forced golden hand shake.

11. **Sacked employees dismissed, removed or terminated from service on account of absence from duty or misconduct or misappropriation of Government money or stock or unfitness on medical ground.**— A sacked employee, who was dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of misappropriation of Government money or stock or his unfitness on medical grounds, may prefer a petition to the Sacked Employees' Review Board as provided in section 13.

12. **Establishment of Sacked Employees' Review Board.**— (1) There is hereby established a Sacked employees' Review Board consisting of five members including a Joint Secretary or any other officer equivalent to Joint Secretary or a BPS-20 officer from —

- (i) Establishment Division;
- (ii) Ministry of Law and Justice;
- (iii) Ministry of Finance; and
- (iv) the Ministry under which the sacked employee or his employer was working on the day of enactment of this Act,

And as its head a Chairman, who shall be a person who is a retired Judge of the Supreme Court or of a High Court and appointed by the Federal Government to review the cases of sacked employees as provided in section 11.

(2) The Chairman of the Sacked Employees' Review Board shall be appointed on full time basis, who shall hold office till the time none of the petitions remains pending.

(3) The Sacked Employees' Review Board and the Chairman shall be provided sufficient office accommodation by the Establishment Division in Federal Capital Territory, Islamabad, within ten days of enactment of this Act.

(4) The Secretary, Establishment Division shall, immediately or within ten days of enactment of this Act, place at the disposal of the Chairman at least

following officers and staff, sufficiently competent in their work, to work under the administrative control of the Chairman, namely:—

- (a) personal staff to the Chairman as entitled to a Federal Secretary;
- (b) one Deputy Secretary alongwith entitled personal staff;
- (c) two Section Officers
- (d) two \*Stenographers or Stenotypists;
- (e) two office Assistants;
- (f) two Naib Qasids; and
- (g) one Daftari.

(5) Any Officer or any employee posted under the administrative control of the Chairman in accordance with the provisions of this Act, shall assume the charge of his office or resume his duties immediately or after the minimum days which are at least required for his traveling to his place of posting through maximum and fastest mode of journey, he is entitled to.

(6) The Secretary, Establishment Division shall provide stationery, office equipments and appliances and any other item needed and requisitioned by the Chairman or any officer working under his administrative control, within three days of the date of requisition.

(7) Establishment Division or any officer of the employer in possession of service record of the sacked employee shall hand over all files, correspondence and all types of record pertaining to the sacked employee, to the officer working under the administrative control of the Chairman, within ten days of the date of enactment of this Act or from the date of posting of first ever officer under the administrative control of the Chairman, whichever is later.

(8) The Chairman shall personally be responsible for non-disposal of the cases within specified time or for any delay occurred in disposal of petition.

**13. Petition to the Review Board.—**(1) A sacked employee, as provided in section 11, may within ninety days of the enactment of this Act, prefer a petition to the Sacked Employees' Review Board for review of such order of sacked employee's dismissal or removal or termination from service on account of absence from duty or misconduct or mis-appropriation of Government money or stock or unfitness on medical grounds.

(2) The petition shall be deemed to have been filed with the Sacked Employees' Review Board, if the sacked employee files the petition in person or through his representative or through his advocate or attorney or through registered post. In case of filing of petition through registered post, receipt of registered post alongwith a copy of the petition available with the sacked employee shall stand sufficient evidence of the fact that the petition was filed by the sacked employee.

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\* Now Assistant Private Secretary vide Estt. Division's S.R.O.785(I)/2013 dated 13-07-2013.

(3) The Review Board shall not redirect or divert the sacked employee to his employer for any purpose including verification of his service data or record or any other reason to register his petition.

(4) The Review Board shall decide and dispose of the petition within ninety days from the date of petition filed under section 11.

(5) The Sacked Employees' Review Board on consideration of review petition and any other relevant record, subject to provisions of sub-section(6), may confirm, set aside, vary or modify the order in question.

(6) After enquiring into facts, if the Review Board is satisfied that—

(a) the sacked employee was not guilty of charges on basis of which he was removed, dismissed or terminated from service; or

(b) decision for removal, dismissal or termination of sacked employee from service was based on *malafide* intention; or

(c) the sacked employee was not guilty of willful absence from duty or the circumstances were so created for him that he was compelled to remain absent; or

(d) the sacked employee was not guilty of willful misconduct or he was instigated or circumstances were so made or created for him to cross humanly possible limits of good conduct; or

(e) the sacked employee was not really involved in mis-appropriation, he was accused of or mis-appropriation did not really occur or the sacked employee was dragged into such mis-appropriation or it was so manipulated or maneuvered to indulge him into such case; or

(f) the sacked employee was not really suffering the ailment which he was accused of or on basis of which he was removed, dismissed or terminated from service or the medical certificate or decision of the medical board was mis-understood or it was maneuvered or manipulated to get medical certificate decision of the medical board in such a way, which may lead to removal, dismissal or termination of the sacked employee from service; or

(g) for any other reason, the removal, dismissal or termination of the sacked employee from service was unlawful, the Review Board shall pass an order in writing to re-instate and regularize the sacked employee in regular service of the employer, as provided in sections 4, 5 and 6 and other provisions of this Act.

(7) The Review Board if fails to deliver its decision on any petition within specified period, as provided in sub-section (4), the sacked employee shall stand re-instated and regularized, subject to and in accordance with the provisions of this Act, in regular service of the employer except sacked employees dismissed, removed or terminated from service on account of mis-appropriation of money or stock.

(8) The order of the Sacked Employees' Review Board passed on the review petition under sub-section(5) or (6) or the sacked employee stood re-instated and regularized under sub-section(7), shall be final and shall not be called in question in any court, authority or tribunal.

(9) In dealing with cases under this Act the Review Board shall have power to regulate its own procedure.

**14. Promotion and other benefits, privileges, facilities and payments admissible to sacked employees during future service.—** Subject to provisions of this Act, sacked employee once placed in seniority list of the employer, shall be entitled to further promotion and every type of service benefits, privileges, facilities or payments, during his service and after retirements, which shall effect, not before his attaining the age of superannuation, unless otherwise he himself intends to retire under prevailing rules, but not in result of any instigation or any kind of pressure over him to request for voluntary retirement.

**15. Creation of supernumerary post.—**(1) Where due to non-availability of sanctioned posts in equivalent grade, cadre, group, scale or designation, whatever the case may be, in the Government or any autonomous or semi-autonomous organization, the Secretary of the respective Ministry or Division or head of the department or corporation or autonomous or semi-autonomous organization shall immediately create supernumerary or additional posts to accommodate the sacked employees re-instated under this Act and such arrangements shall continue till the availability of regular posts and adjustment of sacked employees against such regular posts.

(2) Supernumerary or additional posts created under sub-section(1) shall continue till attaining the age of superannuation by the sacked employee or absorption of the sacked employee against a regular post, whichever is earlier, without any approval of any authority or officer or Ministry, which would have otherwise been required under normal conditions.

**16. Payment of compensation on re-instatement.—** (1) Each sacked employee, whether re-instated in service of corporation or autonomous or semi-autonomous organization or Government under provisions of this Act, or regularized, where sacked employee is already taken back in service under order

of any tribunal or any court including the Supreme Court or a High Court, shall be paid compensation out of employer's own resources, without waiting for any type of transfer or receipt of funds from any other organization or Ministry, equal to gross monthly emoluments of three years, at the rate of monthly pay and allowances payable at the time of disbursement of installment for the relevant post, grade, cadre, group or designation, whatever the case may be, in which the sacked employee is being re-instated or regularized, if already taken back in service.

(2) The emoluments under sub-section (1) shall be paid to the sacked employee in lump sum or in the following manner, namely:—

- (a) first installment equal to twelve months emoluments shall be paid immediately and shall not be delayed beyond seven days of re-instatement;
- (b) second installment equal to twelve months emoluments shall be paid immediately after payment of first installment and shall not be delayed beyond one hundred eighty days of re-instatement; and
- (c) third installment equal to twelve months emoluments shall be paid immediately after payment of second installment and shall not be delayed beyond three hundred sixty days of re-instatement.

(3) Payment under sub-sections (1) and (2) shall stand sanctioned and approved under this Act and shall not be subject to any type of further approval or sanction from any officer or the Board of Directors or any other type of Board or from any other authority of the autonomous or semi-autonomous organization or Ministry or Division concerned or Finance Division.

(4) The Account General Pakistan Revenue in relation to the Ministries, Divisions or their attached departments or sub-ordinate offices and any officer holding the charge of budget, finance, treasury or accounts in relation to any autonomous or semi-autonomous organization shall not delay the payment and shall ensure to effect payment of the amount payable to sacked employee under this Act, within the time period as provided under sub-section (2).

**17. Cases pending in courts.**—Unless otherwise provided in this Act any type of case or suit or petition filed by a sacked employee pertaining to his service, pending with any tribunal or court including the Supreme Court or a High Court, if any, to the extent of provisions of this Act, shall stand disposed of from the tribunal or the court including the Supreme Court or a high Court, as the case may be, in accordance with provisions of this Act.



**18. Penalty for disobeying or willfully creating hurdles.—** (1) Any one found guilty of willfully disobeying the provisions of this Act or willfully creating hurdles for implementation of the provision of this Act, shall be liable to maximum punishment of removal from service or any other major or minor penalty as may be determined by the appointing authority of such accused officer or employee.

(2) For purpose of sub-section (1), the procedure, as provided in the Government Servants (Efficiency and Discipline) Rules, 1973 of the Federal Government, shall be adopted.

(3) For purpose of sub-section (1), in case of autonomous or semi-autonomous organization, where rules, other than the Government Servants (Efficiency and Discipline) Rules, 1973 are followed, law, rules, regulations, bye-laws or procedure applicable in the organization would be adopted:

Provided that where conflict of law, rules, regulations, bye-laws or procedure arises with that of the Government Servants (Efficiency and Discipline) Rules, 1973 of the Federal Government, the later shall over rule and apply even in case of autonomous or semi-autonomous organization.

**19. Re-instated employees not to claim other service benefits.—** Any sacked employee in corporation or autonomous or semi-autonomous organization or Government service who is re-instated under this Act shall not be entitled to claim seniority or arrears of pay or other service benefits save as provided in this Act.

**20. Act to override other laws.—**(1)The provisions of this Act shall have effect, notwithstanding anything to the contrary, contained in any other law, for the time being in force, or in any judgment of any tribunal or court including the Supreme Court and a High Court.

(2) Provisions of this Act shall supersede any law, rules or procedure applicable or in force in any corporation or autonomous or semi-autonomous organization or Government service, to the extent and whenever and wherever any inconsistency arises.

**21. Power to make rules.—** The Federal Government may make rules to carry out the purposes of this Act.

### III. SENIORITY

#### **Sl. No. 19**

#### **Preparation\* of Seniority Lists BPS Wise**

According to sub-section (1) of section 8 of the Civil Servants Act, 1973, seniority lists of all persons employed under the Federal Government are required to be prepared. After promulgation of the All-Pakistan Services (Change in Nomenclature) Rules, 1973, and the Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973, the former regularly constituted Services ceased to exist. Seniority lists of all officers employed under the Federal Government including officers belonging to the former regularly constituted Services, should, therefore be re-drawn grade-wise. In the case of appointments made by promotion, seniority in a particular grade would be determined according to sub-section (4), of section 8 of the Civil Servants Act, 1973, namely, according to the date of regular appointment to a post in that grade, subject to the proviso that civil servants selected for promotion to a higher grade in one batch shall, on their promotion, retain their *inter-se-seniority* in the lower grade unless superseded. As for seniority between departmental promotees and direct recruits in grades where posts are filled both by promotion and direct recruitment, the rule already prescribed in the general principles of seniority in Establishment Division O.M. No. 1/16/69-D.II, dated 31st December, 1970 shall continue to be followed. According to these rules officers promoted to a higher grade in a continuous arrangement and as a regular measure in a particular year shall, as a class, be senior to those appointed by direct recruitment in the same year.

2. The Establishment Division have already issued gradation lists in respect of BPS 18 and above of the \*\*All-Pakistan Unified Grades. As for Federal Unified Grades, the Ministries/Divisions are requested to prepare gradation lists for each occupational group under their administrative control. The names of the functional groups and the Ministry/Division administratively concerned with them are:-

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\* Note.- The instructions contained in this O.M. should be read alongwith the modified instructions contained in O.M. dated 1-9-1975.

\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

Name of the Occupational Group	Name of the Former Service	Ministry/Division concerned
1.* Foreign Service of Pakistan	Foreign Affairs Group-Comprises posts under the Ministry of Foreign Affairs.	Ministry of Foreign Affairs
2.** Pakistan Audit and Accounts Service	Accounts Group-Comprises the former PAAS/PMAS & PRAS.	Auditor General/ Ministry of Finance.
3.***Inland Revenue Service	Income Tax Group	Ministry of Finance
4. Pakistan Customs Service	Pakistan Customs and Excise Service	Ministry of Finance
5. Commerce and Trade Group	Trade Service of Pakistan	Ministry of Commerce
6. Information Group.	Information Service of Pakistan	Ministry of Information and Media Development
7. Secretariat Group <sup>@</sup>	--	Establishment Division
8. Postal Group	--	Ministry of Communications
9. Military Lands and Cantonment Group	Pakistan Military Lands and Cantonments Service.	Ministry of Defence
10. Railway (Commercial and Transportation) Group	Pakistan Railway Service	Railways Division
11. Pakistan Administrative Service (PAS)	District Management Group	Establishment Division
12.@@ Police Service of Pakistan	Police Group	Establishment Division
13. Office Management Group (OMG)	Central Secretariat Service	Establishment Division
14. Economists and Planners Group	--	Planning & Development Division

A proforma in which the gradation list should be prepared is enclosed (**Annex**). Names of other occupational groups will be notified later.

3. The first issue of the gradation list should be marked "provisional". It should be circulated to the officers concerned and objections or representations invited. Mistakes which may be brought to notice may be rectified by the Ministries and Divisions and any general point raised in the representations may be examined and disposed of in consultation with the Establishment Division. Thereafter, the gradation list will be issued as final.

\* "Foreign Affairs Group" renamed as Foreign Services of Pakistan vide Notification No. SRO 936(1)/83 dated 29.9.1983.

\*\* "Accounts Group" renamed as Pakistan Audit & Accounts Service w.e.f. 10<sup>th</sup> December, 2002 vide Estab. Div. OM No.1/17/92-CP-II.

\*\*\*"Income Tax Group" renamed as Inland Revenue Service vide Estt.Div.'s O.M.6/2/2009-CP-II dated 12-09-2009.

@ Secretariat Group composed of officers of the former CSP, DMG who opted for this Group; officers of OMG on promotion to the posts of Deputy Secretary and officers of other services/ groups who opted for or were inducted in Secretariat Group.

@@ Renamed as Police Services of Pakistan vide Estt. Div.'s SRO No. 1033(I)/85, dated 23.10.1985 as amended upto 9.10.1998 vide Estt. Div. Notification No. SRO 1034(1)/98, dated 9.10.1998.

4. A copy of the provisional list may be sent to the Establishment Division also for record. Representations should be disposed of expeditiously and the gradation lists finalised as early as possible.

[Authority:- Estt. Division's O.M.No.1/9/74-ARC, dated 12-9-1974].

**(ANNEX)**

**GRADATION LIST OF FEDERAL UNIFIED GRADES**

Name of the Occupational Group..... Grade .....

Sl. No.	Name and Desig.	Date of Birth	Date of entry in Govt. Service	Date of entry in Grade-17	Date of regular appointment to present grade.	Remarks
1	2	3	4	5	6	7

- Note. (1) Date of regular appointment to present grade (BPS) should be the date of assumption of actual charge in the Grade after issue of promotion/appointment orders by the competent authority.
- (2) In the remarks column entries such as serving on deputation to (specify the organisation) with effect from ----- should be made.
- (3) Where seniority has been assigned from a date other than the date of regular appointment, the reason for this may be given in the remarks column.

**19.1 Seniority of Officers and Occupational Groups After Administrative Reforms**

In the Establishment Division Office Memorandum No. 1/9/74-ARC, dated the 12th September, 1974 the Ministries and Divisions were requested to prepare seniority lists grade-wise. It was provided that in the case of appointments made by promotion, seniority in a particular grade should be determined according to sub-section (4) of section 8 of the Civil Servants Act, 1973, namely from the date of regular appointment to a post in a grade.

2. A number of references have been received in the Establishment Division enquiring whether the seniorities in various grades which had already been established according to the previous rules on the subject differently from the principle of date of regular appointment to a grade could not be modified in accordance with the provisions of sub-section (4) of section 8 of the Civil Servants Act, 1973. The matter has been examined in consultation with the Law Division. The position is that consequent upon the Administrative Reforms,

certain cadres have been transformed into occupational groups but the composition of the cadres comprising these groups has remained intact. Examples are; the \*Income Tax Group, the \*\*Customs and Excise Group, the Military Lands and Cantonments Group etc. However, in the case of certain other groups for example the Accounts Group\*\*\* and the Secretariat Group - a number of cadres have been amalgamated to form a new group or cadre. In the case of groups where the cadre has not been amalgamated with any other cadre, the seniority in different grades as determined under the previous rules before the promulgation of the Civil Servants Ordinance, 1973 (15-8-1973) shall not be disturbed. However, seniority of persons promoted to higher grades after 15-8-1973 shall be determined strictly in accordance with the provisions of sub-section (4) of section 8 of the Civil Servants Act, 1973.

3. In regard to occupational groups which have been formed by amalgamating more than one cadre, no such protection of seniority is either permissible or practicable. The old cadres having ceased to exist, the seniorities in the newly formed groups have to be determined afresh and shall be fixed in accordance with the date of regular appointment to posts in the respective grades.

4. The instructions issued in the Establishment Division Office Memorandum No. 1/9/74-ARC, dated 12-9-1974 and the relevant provisions regarding seniority contained in the instructions about constitution of various occupational groups may be deemed to have been modified to the above extent.

*[Authority:- Estt. Division's O.M.No. 1/36/75-D.II, dated 1-9-1975].*

## **19.2 Civil Servants (Seniority) Rules, 1993**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with section 8 thereof, the President is pleased to make the following rules, namely:-

1. **Short title, application and commencement.**-(1) These rules may be called the Civil Servants (Seniority) Rules, 1993.

(2) They shall apply to all civil servants except those governed under:-

- (i) the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985;
- (ii) the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990; and

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\* Now renamed as "Inland Revenue Service" vide Estt.Div.'s O.M.6/2/2009-CP-II dated 12-09-2009.

\*\* Renamed as "Pakistan Customs Service" vide ibid.

\*\*\* Renamed as Pakistan Audit & Accounts Service w.e.f. 10<sup>th</sup> December, 2002 vide Estt. Div.'s OM No.1/17/92-CP-II, dated 10<sup>th</sup> December, 2002.

- (iii) the Establishment Division's O.M. No.1/2/74-ARC, dated 23rd January, 1974, amended vide O.M. No.2/1/75-ARC, dated 3rd March, 1976, and as amended from time to time.

(3) They shall come into force at once.

2. **Seniority on initial appointment.**—(1) Persons initially appointed on the recommendations of the selection authority through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

(2) If two or more persons are recommended in open advertisement by the selection authority, their *inter-se-seniority* shall be determined in order of merit assigned by the selection authority.

(3) If only one candidate is recommended in open advertisement by the selection authority, he shall count his seniority from:—

- (a) the date of recommendation by the selection authority, if he was already holding the same post on ad-hoc basis.
- (b) the date of his joining the post after being recommended by the selection authority if he was not already holding the same post.

3. **Seniority on promotion.**—Seniority in a service, cadre or post to which a civil servant is promoted shall take effect from the date of regular promotion to that service, cadre or posts:—

Provided that—

- (a) Civil servants selected for promotion to higher posts on an earlier date shall be senior to those selected for such promotion on a later date;
- (b) Civil servants selected for promotion to higher posts in one batch shall on their promotion to the higher post, retain their *inter-se-seniority* as in the lower post; and
- (c) Civil servants eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or whose case was deferred while their juniors were promoted to the higher post, shall, on promotion, without supersession, take their seniority with the original batch.

4. **Seniority on appointment by transfer.**—Seniority in service, cadre or post to which a civil servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that—

- (a) persons belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take *inter-se-seniority* in the order of their date of regular appointment in their previous service, cadre or post; and
- (b) persons belonging to different services, cadre or posts selected for appointment by transfer in one batch shall take their *inter-se-seniority* in the order of the date of their regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.

\*[4A. In the event of merger of Ministries, Divisions, Attached Departments or Sub-ordinate Offices, the *inter-se-seniority* of civil servants, other than those belonging to regularly constituted Occupational Groups and Services, shall be determined in accordance with the date of regular appointment to a cadre or post].

**5. Seniority of officers of the Armed Forces on induction in civil posts.**—Officers of the Armed Forces of Pakistan who are inducted in a civil service, cadre or post in accordance with the Government orders and instructions shall take seniority in that service, cadre or post from the date of such induction:

Provided that the officers inducted in one batch shall, on induction, retain their inter se seniority as in the Armed Forces of Pakistan.

**6. \*\**Inter-se-seniority of civil servants appointed in the same calendar year.***—Civil servants appointed by promotion, transfer, or initial appointment to a service, cadre, or post shall take seniority from the date of their regular appointment to that service, cadre or post:

Provided that the provisions of this rule shall not in any manner affect or impair the right of existing incumbents.

**7. Repeal and savings.**—The General Principles of seniority circulated vide Establishment Division's O.M.No.1/16/ 69-D.II, dated the 31st December, 1970\*\*\*, and all other existing rules, orders and instructions relating to seniority except—

- (i) the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985;
- (ii) the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990; and

\* Added vide Estt. Div.'s Notification SRO No. 01(I)/2002, dated 1-1-2002.

\*\* Subs. vide Estt. Div.'s SRO No. 572(I)/2009 dated 16-06-2009.

\*\*\* Sl. No. 158, pp 224-229, Estacode, 1989.

- (iii) the Establishment Division's O.M.No.1/2/74-ARC dated 23rd January, 1974, amended vide O.M. No. 2/1/75-ARC, dated the 3rd March, 1976 and as amended from time to time ;are hereby repealed.

[Authority.– Estab. Div.'s S.R.O. 163(l)/93, dated 28-2-1993].

### **19.3 Permanent Absorption of Civil Servants of the Devolved Ministries/Divisions/ Departments/Organizations**

Refer to the points raised by the different Ministries/Divisions/ Departments/Organizations regarding the absorption of the employees of the devolved Ministries/Divisions/Departments/Organizations after promulgation of the Ordinance (Ordinance No. V) of 2013 and to clarify as under:-

- (i) **Effective date of absorption:-** Effective date of absorption may be the date of issue of order/ notification as the case may be.
- (ii) **Fixation of Seniority:-** Rule 3(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 provides the following three methods of appointment:-
- (a) By promotion
  - (b) By transfer
  - (c) By initial appointment

Adjustment/absorption of Civil Servants of the devolved Ministries/ Divisions/Departments/Organizations may be treated as appointment by transfer and their seniority may be determined under rule 4 of Civil Servants (Seniority) Rules, 1993 which reads as under:-

Rule-4 (Seniority on appointment by transfer):- Seniority in service, cadre or post to which a civil servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that.—

- (a) Person belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take *inter-se-seniority* in the order of their date of regular appointment in their previous service, cadre or post; and



- (b) Persons belonging to different services, cadre or post selected for appointment by transfer in one batch shall take their *inter-se-seniority* in the order of the date of their regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.
- (c) Under rule 4-A of the Civil Servants (Seniority) Rules, 1993 in the event of merger of Ministries, Divisions, attached Departments or Subordinate Offices, the *inter-se-seniority* of civil servants, other than regularly constituted occupational Groups & Service shall be determined in accordance with the date of regular to a Cadre or a post.
- (iii) **Sanction Strength:-** As regards the sanctioned strength, it is clarified that the employees transferred alongwith post and budget may be absorbed against the post transferred at the time of devolution to the Ministries/Divisions/Departments concerned. However the employees transferred against the vacant posts at the time of devolution shall not add to their sanctioned strength. The Ministries/Divisions may work out their sanctioned strength after absorption of the employees of the devolved Ministries/ Divisions/ Departments and may submit the case for revision of their sanctioned strength to the Finance Division for concurrence through Management Services Wing of the Establishment Division.

2. The absorption orders may be expedited in line with the orders of placement issued at the time of devolution of Ministries/Divisions/ Departments *i.e* against the vacant posts/alongwith post & budget as the case may be. However, in case of any further query in the matter, it is requested to consult this Division after issuance of absorption orders.

[Authority.– Estab. Div. M.S.Wing's OM No.F15(5)2011-MSW-IV dated 17<sup>th</sup> September, 2013].

#### **19.4 Quota Consideration Regarding Permanent Absorption of Civil Servants of the Devolved Ministries/Divisions/ Departments/Organizations**

Refer to Establishment Division O.M of even numbers dated 3-7-2013 and 17-9-2013 on the above noted subject and to say that as per rules absorption/ appointment by transfer is made against the post reserved for direct recruitment. Thereby it has been decided that no absorption in respect of employees of devolved Ministries/ Divisions be made against the post of the Ministry/Division/Department/

Organization meant for promotion quota. Moreover, cases for absorption of the employees of devolved Ministries/ Divisions may be initiated with prior consultation of Management Service Wing, Establishment Division for revision of Notifications/ Office Orders to the extent of their transfer alongwith post & budget to absorb such employees of the devolved Ministries/Divisions against the transferred post to the concerned Ministry /Division.

[Authority:- Estt. Division M.S.Wing's O.M. No. 15(5)/2011-MSW-IV, dated 21-10-2013].

**Clarification Regarding the Posts  
Transferred to Different Ministries/  
Divisions/Organizations alongwith  
the Incumbents and Later on  
Vacated Before Absorption of the  
Incumbents**

Refer to different queries raised by various Ministries/Divisions on the above noted subject and to say that the posts which were transferred to Ministries/Divisions/Organizations alongwith the incumbents of the devolved Ministries/Divisions and later on vacated either due to retirement of the incumbents or some other reason, before permanent absorption of the incumbents, may be treated as a part of the general pool. These posts do not add in to the existing sanctioned strength or structure of the Ministries/Divisions/Organizations. Final fate of such posts shall be decided upon completion of absorption process.

[Authority:- Establishment Div. M.S.Wing's O.M.No.15(5)/2011-MSW-IV dated 17-02-2014.

**19.5 Operational Guidelines for the  
Administration of Surplus Pool**

In a presentation to the \*Chief Executive on "Restructuring and Rightsizing of Federal Ministries/Divisions" held on 28.5.2001, it was, *inter alia*, decided that the officer-staff ratio (excluding drivers, despatch riders etc.) should be 1:3.2 for the year 2001-2002 and 1:2.5 for the year 2002-2003, and thereafter it would be reviewed again.

2. Each administrative Secretary may be made responsible for ensuring implementation of the above decision by making internal adjustment of staff. If any officer/staff becomes redundant to the requirement of the Ministries/Divisions/Departments as a result of implementation of the above or any other decision, that may be enlisted with the surplus pool for adjustment elsewhere. As a result of implementation of the above said decisions, the number of surplus civil servants will increase manifold.

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\*Now Prime Minister.

3. In terms of Section 11(2) of the Civil Servants Act, 1973, the services of civil servants holding temporary and permanent posts can be terminated on abolition of such posts. However, on human considerations, government decided in 1993 to create a surplus pool under the charge of the Establishment Division. The civil servants declared surplus as a result of abolition of posts are enlisted in the surplus pool for absorption elsewhere.

4. In order to speed-up the pace of absorption of surplus civil servants, following guidelines have been framed with approval of the competent authority, for effective administration of the surplus pool:—

- (i) The name of a civil servant, other than ad-hoc employees and persons appointed against leave and deputation vacancies, who may be rendered surplus as a result of reorganization or abolition of a Division/Department/ Organization or reduction in the number of posts shall be placed in the surplus pool administered by Establishment Division for a period of two years whereafter his services shall stand terminated. If a civil servant has already completed two years in the surplus pool on the date of issuance of guidelines, he may be allowed to remain enlisted in the pool for a period of another one year whereafter his services shall stand terminated.
- (ii) If a post occupied by a deputationist or a person posted under Section 10 of Civil Servants Act, 1973 is declared surplus, the holder of the post shall be repatriated to his parent organization.
- (iii) During the period of his placement in the Surplus Pool a civil servant shall remain on the pay rolls of his parent department and he shall be entitled to pay and allowances which he would have drawn in the post last held by him on regular basis in his parent organization before his placement in the Pool. His post in his parent department shall be treated as supernumerary post and it shall be abolished after his absorption or the period mentioned in sub-para(i) above, whichever be earlier.
- (iv) During placement in the surplus pool, civil servants may be given the option to avail leave under rule 27 of the Revised Leave Rules 1980.
- (v) Civil servants placed in the surplus pool shall be posted for absorption in other Divisions/Departments/Organizations in accordance with rules 3(3) and 3(4) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and Section 11-A of the Civil Servants Act, 1973.

- (vi) Surplus employees in BPS 1 – 5 shall, ordinarily, be posted for absorption at the station of their last posting or place of domicile. Civil servants in BPS 6 and above may be posted at a station other than the station of their last posting or domicile but subject to availability of posts, efforts may be made to arrange their posting nearest to the station of their last posting or their place of domicile.
- (vii) Failure of a surplus civil servant to join new post within the prescribed time shall render him liable to removal from the list of surplus pool and termination of his services. Where the competent authority is satisfied that failure of surplus civil servant to report for duty at the place of his new posting within the prescribed time was in circumstances beyond his control, it may, for reasons to be recorded in writing, allow him additional time for joining or consider him for alternative posting at a station other than the one to which he was last posted.
- (viii) If a Division/Department/Organization fails to accept the services of a civil servant transferred from surplus pool, the post shall be deemed to have been abolished.
- (ix) Legal provision for termination, reversion, E&D proceeding, *etc* shall be invoked only after the surplus civil servant fails to abide by the government orders within the given time-frame.

5. As regards employees of the autonomous bodies, they are not civil servants and are governed by the regulations/instructions operative in each individual organization. Each Ministry/Division should, therefore, lay down a policy in consultation with the Finance Division for disposal of surplus employees of the autonomous bodies under its administrative control.

6. All Ministries/Divisions are requested to comply with the above instructions/guidelines strictly.

7. This supersedes all the instructions issued on the subject from time to time.

[Authority.— Estt. Division's O.M.No.1/4/97-RW.III/CP.9, dated 9-10-2001].

### **19.6 Merger of the Cadres of Urdu and English Typist/Stenotypist/\*Stenographer for Purposes of Seniority, Promotion etc.**

In the past, posts of Urdu Typist, Stenotypist/\*Stenographer have been created in various Ministries/Divisions without consulting the Establishment Division and without prescribing any method of recruitment to these posts including avenues

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\* Now Assistant Private Secretary.

of promotion on account of which the incumbents of these posts have faced stagnation. The matter has been considered in consultation with the Finance Division and the following decisions have been taken:-

- (i) The existing posts of Urdu Typist/Urdu Stenotypist and Urdu \*Stenographer are merged with the posts of LDC/English Typist (\*\*RNPS 5/BPS 5), English Stenotypist (\*\*RNPS 8/BPS 12) and English \*Stenographer (RNPS 11/BPS 5) respectively.
- (ii) The existing incumbents of posts of Urdu Typist/ Stenotypist/ \*Stenographer shall form part of the cadre of their English counterparts.
- (iii) The Urdu Typists/Stenotypists/\*Stenographers who have been allowed pay scales different than those mentioned in (i) above shall also be treated as part of the cadre of their English counterparts. Any such pay scales earlier allowed will be treated as personal to the incumbent of the post concerned.
- (iv) The conditions/rules prescribed for appointment to the posts of LDC (English Typist) English Stenotypist and English \*Stenographer shall henceforth apply to the posts of Urdu Typist/ Urdu Stenotypist and Urdu \*Stenographer, respectively. The incumbents of these posts will, in future, be allowed the same pay scales as are applicable to their English counterparts.
- (v) The Urdu Typists/Stenotypists/\*Stenographers will enjoy seniority, in the combined cadre with their English counterparts from the date of their continuous regular officiation as such.
- (vi) If promotion of an Urdu Typist/Stenotypist/ \*Stenographer poses a placement problem, the post held by him may temporarily be upgraded in accordance with the orders/ instructions on the subject, to allow him the benefit of promotion.

*[Authority:- Estt. Div.'s O.M.No.5/1/77-F.II(R.6), dated 26-6-1988].*

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\* Now Assistant Private Secretary.

\*\* Revised National Pay Scales (1977).

#### IV. PROMOTION

##### **Sl. No. 20**

##### **Selection and Non-Selection Posts**

Higher tenure posts at the Federal.— Government of Pakistan have decided that it should be brought home once more to all concerned that higher tenure posts at the Centre (as in the Provinces) are selection posts which no officer can claim as of right.

*[Authority:— Estt. Secretary's D.O letter No.F.2(36)/60-EIX, dated 24-4-1968].*

##### **20.1 Selection to be Based More on Merit Than on Seniority**

The existing promotion rules should be implemented carefully so as to base selection more on merit than on seniority in the case of selection posts.

*[Authority:— Estt. Secretary's d.o. letter No. 7/30/59-SE II, dated 22-9-1959].*

##### **20.2 Principles of Promotions to and Confirmation in "Selection Posts"**

Attention is invited to paragraph 2 of the Establishment Division Office Memorandum No. 54/2/49-Ests. (ME), dated the 17th January, 1949 in which views of Ministries were invited on the following points:-

- (a) 'A' was appointed to officiate in a selection post after having been formally selected from amongst various possible candidates, from which he reverted after the expiry of the period of the vacancy. During this period, his work was satisfactory. Subsequently, another vacancy occurred in the same grade. Should "A" be appointed to this vacancy automatically (by virtue of his previous selection) or fresh selection be made.
- (b) Whether reversions from or confirmations in selection posts should follow the order in which the persons concerned were promoted to the posts in question (i.e. the candidates first appointed to officiate in the selection post should be confirmed when a permanent vacancy occurs and the candidate last appointed to officiate reverted when a vacancy terminates), or fresh selection should be made from amongst persons officiating in the selection posts each time a permanent vacancy occurs or a vacancy terminates.

The question has been considered in the light of the replies received from Ministries and the opinion of the Federal Public Service Commission, and the following instructions are issued.

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\* Federal.

2. As regards (a), in accordance with the instructions contained in the Establishment Division Office Memoranda No. F. 33/1/47-Ests (SEII), dated the 29th January, 1948 and No. 33/49-SE, dated the 18th June, 1949 - Departmental Promotion Committees are required to prepare a list of officers whom they consider fit for promotion in selection posts. This list, which should be revised periodically, should indicate the names of officers who have not been promoted to a higher grade in any capacity, or who have officiated off and on or are officiating against any leave vacancies, or any temporary posts of short duration, and are, therefore, liable to revert in the normal course to the lower grade. The position would thus be that, if "A" is appointed on the recommendations of the Departmental Promotion Committee to a selection post for a short period, after which he reverts to the lower grade\*, for no fault of his own, he should be promoted automatically by the appointing authority in the next vacancy that arises if the list is not revised by the Departmental Promotion Committee before the material vacancy arises, or, if the list has, in the meantime, been revised, his position still remains No. 1 on the revised list. In other words, there should be no question of selection when a vacancy occurs; the vacancy should be filled by the promotion of the official who tops the list prepared by the Departmental Promotion Committee and which is in force at the time when the vacancy is filled.

3. As regards (b), reversions should be made in the reverse order of promotion, and confirmations should follow the order of seniority in the \*grade concerned. In other words, there should be no fresh selection either for the purpose of reversion or for confirmations.

4. While the list of officials recommended by the Departmental Promotion Committee for promotion to selection posts is being prepared, the claims of all officials eligible for promotion to the \*grade concerned, including those who happen to be absent from the office for one reason or the other, should be duly considered, and it should be recorded on the file that this has been done. In this connection attention is also invited to paragraph 5 of the Establishment Division's Office Memorandum No. 6/15/48-ME, dated the 31st March, 1951.

*[Authority:- Estt. Division's O.M. No. 54/10/51-ME, dated 31-8-1951].*

### **20.3 Other Posts in the Federal Secretariat, Attached Departments and Subordinate Offices**

It has been decided that, with the exception of posts of—

- (i) Assistant Secretary;
- (ii) Administrative Officer;

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\*Post/BPS.

- (iii) Cashier; and
- (iv) Personal Assistants to Ministers and \*Stenographers to Secretaries, Joint Secretaries and other officers which carry special pay which should be treated as selection posts, the various posts in the Ministerial Establishment and \*\*Class IV Service in the Pakistan Federal Secretariat (Ministries and Divisions) and its Attached Departments, should be treated as non-selection posts *i.e.*, posts to which promotion should be made according to the principle of "seniority-cum- fitness". For this purpose, it is essential that the standard of fitness should be a very high one. The decision contained in this Office Memorandum should apply to vacancies which are filled from the date of this Office Memorandum.

2. .... Omitted.....

3. If there are any posts in the Secretariat and its Attached Departments corresponding to the posts of Assistant Secretaries or Administrative Officers, the question whether they should be treated as selection posts should be decided in consultation with the Establishment Division.

4. It is requested that posts in Subordinate Offices should also be classified as selection and non-selection posts by the Ministries concerned, in the light of the instructions contained in this Office Memorandum since it is necessary that the position in this respect should be placed on definite and regular footing, as early as possible.

[Authority:— Cabinet Secretariat, Estt. Branch O.M.No.54/2/49-Ests.(ME), dated 3-4-1950].

#### **20.4 Appointment of Council Assistant**

Reference.— Establishment Division Office Memorandum No. 1/29/56-ME, dated the 25th April, 1956.

2. Council Assistant.— The majority of the replies received in the Establishment Division agree that:-

- (a) Council Assistant should be appointed from among Assistants only, and that,
- (b) the appointment of Council Assistants should be made by 'Selection'.

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\* Now Assistant Private Secretary.

\*\* Note.- BPS 1 & 2 Appointment of Jamadars attached to Ministers are made by selection from amongst the Naib Quasids employed in the Ministry/Division concerned at the discretion of the Minister-in-Charge *vide* Establishment Division Office Memorandum No. 54/4/51-ME, dated 2-6-1951 (Chapter XVIII), Establishment Manual, Volume II.



3. The above views have been accepted by the Establishment Division. If, however, suitable Assistants in a Ministry/Division are not available for employment as Council Assistants, Upper Division Clerks may also be considered for employment as such.

4. Ministries/Divisions are requested to make all further appointments of Council Assistant in the light of the above decision.

*[Authority:- Estt. Division's O.M.No. 1/29/56-ME, dated 25-4-1957].*

### **Sl. No. 21**

#### **General Instructions Regarding Promotions**

Sequence in departmental promotions and direct recruitment.-

Reference.- Establishment Division's Office Memorandum No. 15/38/52-SEII, dated the 22<sup>nd</sup> June, 1953 (**Annex**).

2. The replies received from the Ministries and Divisions on the suggestions contained in the above Memorandum have been considered and, in order to ensure that candidates rejected by the Federal Public Service Commission in open competition or selection should not be absorbed in vacancies meant for departmental quotas, it has been decided that the following procedure should be adopted in future:-

- (i) where a cadre has definite quotas reserved for departmental promotions and direct recruitment, promotions against the departmental quota should be made first and the posts reserved for direct recruitment filled later. These orders, however, will have no effect on those cadres where recruitment is made solely by direct recruitment or where all appointments are made only by promotion;
- (ii) necessary provision regarding the above should be made in all recruitment rules already framed or framed hereafter; and
- (iii) in the case of isolated posts, a roster should be maintained in each Ministry and Division to ensure the observance of the prescribed percentage for departmental promotions and direct recruitment.

*[Authority:- Estt. Division's O.M.No.15/38/52-SE II, dated 29-1-1954].*

**(ANNEX)****[Copy of Establishment Division O.M. No. 15/38/52-SE II, dated the 22nd June, 1953]**

In the case of services and cadres in which under the prescribed recruitment rules a certain percentage of vacancies is reserved for departmental promotion and the remainder for direct recruitment, no uniform procedure is followed as to the sequence in which these vacancies should be filled, that is, whether promotions should be made first and direct recruitment made later or vice versa. The Establishment Division have been considering the question of laying down a uniform procedure in this matter and have tentatively come to the conclusion that it would be an advantage both from the point of view of the department as well as the candidates if promotions are made first and vacancies reserved for direct recruitment filled later. There are, however, advantages and disadvantages on both sides, and these are discussed below:

- (i) Promotions to departmental quota to be made first and direct recruitment made later:

Under this system the department concerned can straight away promote the suitable departmental candidates and, having done so, intimate the vacancies meant for direct recruitment to the Federal Public Service Commission. If all the vacancies reserved for promotion cannot be filled due to the dearth of suitable departmental candidates the balance can, if necessary, be added to those reserved for direct recruitment. This system assures promotion to the candidates working in the department according to the principle of seniority-cum-fitness without undue delay and they are not left in suspense as to whether or not they should apply to the Commission. If any of the departmental candidates are superseded in departmental promotion, they still have a chance to compete with outside candidates and may, thereby, be selected as being more suitable in comparison with such candidates. This system, therefore, assures promotion to departmental candidates without their having to wait till the vacancies, etc., are advertised by the Commission, while those superseded in departmental promotion can still appear before the Commission.

A further advantage from the point of view of departmental men\* is that they will rank senior to outside candidates selected through direct recruitment as their appointments can be finalized earlier than those of the later.

A disadvantage which might result from this system is that it may not always be possible in actual practice to follow it due to the exigencies of service which may, in certain cases, necessitate direct recruitment being made first and appointments by departmental promotion later. Such cases, as far as can be

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\* employees; candidates.

seen, are likely to be rare and on the whole it appears that there are definite advantages in following the system whereby recruitment against the departmental quota should precede that through open selection.

- (ii) Recruitment by open selection to be made first and by departmental promotions later:

One of the results of this procedure will be that larger number of open vacancies will go to departmental candidates in as much as they will be able in the first place to compete with outsiders in open selection and be approved by the Commission on the basis of their long experience and knowledge of the department. Those who are not selected in the open selection can again be considered for departmental promotion and receive promotion according to departmental seniority. This system, however, is bound to result in deterioration of efficiency since those who are not considered fit by the Commission can still be appointed to higher posts by departmental promotion and the advantage of having fresh blood in the service which the open selection quota in a service is intended to provide will be seriously jeopardized. Apart from the resultant deterioration, this system has a further grave objection inasmuch as a person rejected by the Commission would still be able to secure a like post through departmental promotion.

2. The Federal Public Service Commission, who raised this matter, have suggested that departments should first promote the deserving individuals against the quota fixed for promotion and then throw open the remaining posts for open competition. In accordance with this procedure, no one who has been rejected by the Commission or has not faced any competition will be promoted. This is evidently sound in principle.

3. Considering all the facts, the Establishment Division are of the view that the alternative at (i) above has definite advantages from the point of view of efficiency in public service and the safeguarding of the legitimate interests of the departmental candidates and they are, therefore, inclined to issue orders for its adoption by all Ministries/ Divisions/Departments. Before, however, a final decision is taken, Ministries and Divisions are requested kindly to favour the Establishment Division with their views in the matter.

### **21.1 Recommendation for Promotion Conditionally**

Instance have come into the notice of Establishment Division that some officers who are recommended for promotion by the Committee/Selection Board conditionally, are not notified by the concerned Division/ Department on fulfillment of that condition(s).

2. The position is clarified that if an officer is recommended for promotion by DPC/DSB/CSB conditionally and approved by the competent authority, the promotion of such an officer may be notified from the date the required condition (s) is fulfilled.

[Authority:- Establishment Division's O.M. No.1/1/2012-CP-II dated 05-10-2015].

**Sl. No. 22**

**Minimum Length of Service for Eligibility for Promotion to Posts in Various BPS**

In pursuance of rule 8-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and in supersession of the instructions laid down in the Establishment Division's O.M.No.1/9/80 R.II(A), dated the 12th January, 1981, **(Annex)**, the President is pleased to decide that the minimum length of service for promotion to various grades shall be as follows:-

- For BS 18	5 years in BS 17
- For BS 19	12 years in BS 17 and above
- For BS 20	17 years in BS 17 and above
- For BS 21	22 years in BS 17 and above
- *For BS 22	25 years in BS 17 & above and 02 years in BS 21

Provided that:-

- (i) Where initial appointment of a person not being a person in government service, takes place in a post in BPS 18, 19 or 20, the length of service specified in this Office Memorandum shall be reduced by the following periods;

<b>First appointment in</b>	<b>Reduced by</b>
BPS-18	5 years
BPS-19	12 years
BPS-20	17 years

- (ii) Where initial appointment of a person already in government service takes place, on recommendations of the Federal Public Service Commission, in a post in BPS 18, 19 or 20, the length of service specified in this Office Memorandum shall be reduced by the periods specified in proviso (i);

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\* Amended vide Notification 7/1/2010. CP.6 and S.R.O 798(I)/2010 dated 16-08-2010.

- \*(iii) Where first appointment of a person other than a person covered by proviso (ii) was made to government service in BPS 16 or below, one-half of the service in BPS 16 and one fourth in BPS 15 and below may be counted as service in BPS 17 for computing length of service for the purpose of promotion only.

[Authority:— Estt. Division's O.M.No.1/9/80-R.2 dated 2-6-1983].

### ANNEX

[Copy of O.M.No.1/9/80-R-II(A),dated 12th January, 1981].

Reference Establishment Division O.M. No. 3/7/74-AR. II, dated 20th May, 1974, 27th August, 1974 and 6th February, 1975, in supersession of the instructions laid down in the aforementioned O.M. the President is pleased to decide that the minimum length of service for promotion to various grades shall be as follows :-

- For BPS 18                      5 years in BPS 17.
- For BPS 19                      12 years in BPS 17 and above.
- For BPS 20                      17 years in BPS 17 and above.
- For BPS 21                      22 years in BPS 17 and above.

Provided that where initial appointment takes place in \*\*Grades 18, 19 and 20, the length of service for promotion to higher \*\*Grades shall be as follows, namely:-

- For BPS 19                      7 years in BPS 18
- For BPS 20                      12 years in BPS 18 and above or  
5 years in BPS 19
- For BPS 21                      17 years in BPS 18 and above or  
5 years in BPS 20.

#### **22.1 Counting of Ad-Hoc Service for the Purpose of Promotion**

Under the existing rules, ad-hoc service does not reckon for the purpose of seniority. A point has since been raised whether ad-hoc service rendered in a post followed by regular appointment to that post may be allowed to be computed towards length of service prescribed for promotion to a higher post. The matter has

\* The proviso (iii) was substituted vide Estt.Div.'s O.M.No.4/2/2008-CP-69(Pt) dated 18-12-2008, then consequent upon the recommendations of Senate Standing Committee on Cabinet Secretariat (Establishment Division), Inter-Provincial Coordination and Special Initiatives, Establishment Division's above referred O.M. has been withdrawn vide Estt. Div.'s O.M.No.1/9/80-R-II dated 3<sup>rd</sup> March,2010. The Status of proviso (iii) above is restored to its previous position as of on 02-06-1983.

\*\* BPS.

been considered in the Establishment Division. It has been decided that the service rendered on ad-hoc basis in a post under the Federal Government, followed by regular appointment to a post in the same pay scale shall be counted towards length of service prescribed for promotion to a higher post provided there is no break between ad-hoc and regular appointments to the post concerned.

2. The above decision may be brought to the notice of all departments/ organizations under the administrative control of Ministries/ Divisions.

[Authority:— Estt. Division's O.M.No.10/22/83-R.2, dated 20-3-1988].

### **22.2 Counting of Service Rendered Against Higher Post Under Section 10 of the Civil Servants Act, 1973**

Section 10 of the Civil Servants Act, 1973 reads as under:—

“10. **Posting and transfer:**—Every civil servant shall be liable to serve anywhere within or outside Pakistan in any equivalent or higher post under the Federal Government or any Provincial Government or local authority or a corporation or body set up or established by any such Government;

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region.

Provided further that where a civil servant is required to serve in a post outside his service or cadre his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve”.

2. A point was raised how the service rendered by a civil servant posted against a higher post under Section 10 of the Civil Servants Act, 1973 would be counted for the purpose of promotion to higher post of the said civil servant.

3. The matter has been given careful consideration in the Establishment Division. It has been observed that according to section 5 of the Civil Servants Act, 1973 all appointments are required to be made in the prescribed manner *i.e.* on the recommendations of appropriate Departmental Promotion / Selection Committee (s) or Board(s), as the case may be, and with the approval of the designated appointing authorities followed by a notification promoting such civil servant to higher BPS.

4. Section 10 of the Civil Servants Act, 1973 is a liability provision *i.e.* a civil servant is liable to serve in an equivalent or higher post. Promotion to a higher post and holding temporary charge of a post are two different aspects. Legally, a person is not in a higher grade until his promotion to the higher post is duly notified and charge of the higher post is formally assumed by him.

5. It has, therefore, been decided that the service rendered by a civil servant against higher post under Section 10 of the Civil Servants Act, 1973 cannot be treated at par with the service rendered by regularly promoted officers in the higher scale for the purpose of promotion to the next higher grade.

6. The decision may be brought to the notice of all concerned.

*[Authority: Estab. Div.'s OM No. 3/40/2007-R-2, dated 12th Nov., 2007]*

### **22.3 Length of Service for Promotion from BPS-16 to BPS-18 Where There is No Intermediate Post in BPS-17**

The minimum length of service for promotion to BPS 18 and above was laid down vide Establishment Division's Office Memorandum No.1/9/80-R.II, dated 12<sup>th</sup> January, 1981 (**SI.No.22 Annex**). The question as to what should be the length of service for promotion from BPS 16 to BPS 18 where there is no intermediate post in BPS 17 has been considered and it has been decided, with the approval of the President, that in such cases the minimum length of service laid down in the recruitment rules relating to posts in BPS 18 for the purpose of promotion from BPS 16 to BPS 18 should be kept as the basis for such promotions.

2. In case there is no such provision in the recruitment rules, action should be taken by the respective Ministry/Division to include such a provision in the recruitment rules.

*[Authority:— Estt. Division's O.M.No.1/9/80-R.2, dated 4-5-1982].*

### **22.4 Possession of Prescribed Minimum Length of Service Does Not Confer a Right to Promotion Over Senior Persons**

The prescribed minimum length of service is a condition for eligibility for promotion and does not confer a right to promotion. Where a senior person has not done prescribed service, the junior, as a rule, should not be considered even if he fulfills the prescribed length of service condition.

2. Even for "selection" post, the persons have to be considered in the order of their seniority.

*[Authority:— Estt. Division's U.O. No.1/21/75-D.II. dated 9-7-1975].*

### **22.5 Promotion of Superseded Officers**

A question has arisen as to whether a junior officer, who was earlier recommended for promotion but could not be promoted due to non-availability of vacancy should be promoted first in preference to his senior officer who was subsequently recommended for promotion. Attention of the Ministries/Divisions is drawn to the instructions contained in the Establishment Division O.M. No.F.

33/49-SE, dated 18-6-1949 in which it has been stated that the Departmental Promotion Committee is competent to revise the list of candidates fit for promotion periodically. It means that the Departmental Promotion Committee can add to or subtract from it, for good and sufficient reasons. After careful consideration, it is now decided that if a vacancy occurs at a time when a senior officer is recommended for promotion, his junior who was recommended earlier will have to be promoted later than the passed over officer.

2. It may be pointed out that Departmental Promotion Committee is only the recommending body to determine the initial suitability of persons eligible for promotion.

*[Authority:- Estt. Division's O.M.No.13/1/67-D.III, dated 30-4-1968].*

### **Sl. No. 23**

#### **Promotion Policy (October 1982)**

The legal framework for promotion and its procedures has been provided in the Civil Servants Act, 1973 and the Civil Servants (Appointment, Promotion and Transfers) Rules, 1973. The law and rules, by themselves, are not enough to meet the functional requirements and need to be supplemented by a comprehensive and consistent set of policy guidelines.

2. Comprehensive guidelines for Departmental Promotion Committees/ Central Selection Boards have, therefore, been framed with the approval of the President.

1. Salient features of the policy are enumerated below:-
  - (a) Confidential reports will be given due importance but will not be the sole criterion for promotion to selection posts.
  - (b) Performance evaluation as reflected in the confidential reports will be quantified according to formula enunciated in the enclosed guidelines and weightage will be given to more recent appointments.
  - (c) A civil servant, once superseded for promotion will be eligible for reconsideration only after he earns one more confidential report.
  - (d) The panel for promotion should comprise a minimum of 2 officers for each vacancy in BPS 19 and of 3 officers for each vacancy in BPS 20 or 21.
  - (e) The minimum length of service prescribed for promotion for various grades will continue to apply.
  - (f) A civil servant will only be promoted within his own cadre. Those posted against ex-cadre posts will be considered for promotion on



their turn but if selected, the actual promotion will take place only when they rejoin their parent cadre. This will also apply to civil servants serving on ex-cadre posts in Pakistan Missions abroad.

- (g) A civil servant on deputation to a foreign government, international agency or a private organisation abroad will be considered for promotion only on his return to Pakistan. He will be given intimation and asked to return to Pakistan before his case comes up for consideration for promotion in accordance with his seniority position; if he fails to return he will not be considered for promotion. Such an officer will have to earn at least one CR\* after his return to Pakistan before he is considered for promotion. The clearance/ approval already accorded in the past to promote a deputationist would lapse automatically if he fails to return on expiry of the deputation period already approved by the government.

[Authority:— Establishment Secretary's DO Letter No.10(3)/81-CPI (Pt), dated 31-10-1982].

### **23.1 Revision of the Promotion Policy (October 2007)**

The instructions contained in the Promotion Policy and the Guidelines for Departmental Promotion Committees/Central Selection Boards issued under Establishment Division's D.O. letter No.10(3)/81-CP-1(Pt), dated 31-10-1982 amended from time to time, have been reviewed on the basis of recommendations made by a Committee on Promotion Policy. The terms of reference of the Committee were to develop a comprehensive criteria for selection for promotion/deferment/supersession which is measurable to the extent possible, comparable with regard to performance of each officer on the panel and is based on tangible record duly placed on the dossier and also re-defines discretion, of the members and the Boards and, to lay down as to how more objectivity can be brought in the recommendations of the Selection Board. The competent authority has approved the following recommendations:-

#### **ELIGIBILITY CRITERIA FOR CONSIDERATION FOR PROMOTION**

- (a) The eligibility criteria for consideration for promotion shall be as under:—
- (i) Fulfillment of prescribed minimum length of service in BPS 17 and above for promotion to various scales.
  - (ii) Satisfactory completion of mandatory training.
  - (iii) Should possess qualification/experience and other conditions as prescribed in the relevant Recruitment Rules.
  - (iv) An officer superseded earlier shall be considered after earning Performance Evaluation Report (PER) for one full year. For

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\* One Performance Evaluation Report (PER) for full one year.

example, an officer superseded on the basis of his PER's upto 2004, will become eligible for consideration after earning PER for 2005.

\*(v) Notwithstanding any other condition contained in this Policy no officer in BS-19 in PAS/PSP shall be considered for promotion to BS-20 unless he has completed three (03) years service in BS-17-19 (excluding period of deputation long training leave) in Balochistan.

Provided that:-

- (a) The officers in BS-19 who have completed 14 years service or more in BS-17 to 19 on the effective date (i.e. 17 Aug-2012 and are likely to be considered for promotion to BS-20 in the next 03 years shall have to serve for at least 02 years in Balochistan in BS-19 or BS-20 as the case may be.
- (b) The officers in BS-19 who have already completed 03 years' service in BS-17 to 19 in Balochistan will not be required to serve in Balochistan for promotion to BS-20 under sub-para (v) above.
- (c) Sub-para (v) above shall not be applicable to lady officers].

\*\*[Provided further that if an officer has not earned Performance Evaluation Report of complete one year and has earned only part Performance Evaluation Report in a calendar year for no fault of his own (i.e. he/she remained OSD without any assignment, remained on mandatory/non-mandatory training and awaiting posting/actualization of promotion) then his/her special report for the period of deficiency earned in next calendar year shall be taken into account to complete the 12 months requirement for the purpose].

[Note: Instructions issued vide Establishment Division's Office Memorandum No.1/1/2001-CP.2, dated 3<sup>rd</sup> September, 2005 and 17<sup>th</sup> November, 2005 regarding earning of full two years reports after supersession and losing of eligibility for consideration after two supersessions, are hereby withdrawn, with immediate effect.]

(b) **CONDITIONS FOR DEFERMENT**

A civil servant shall be deferred due to the following reasons:-

- (i) Not undergone the prescribed training or passed departmental examination.
- (ii) Non-submission of Part-I and Part-II of the PER by the concerned officer to his reporting officer in respect of his service in the present grade and the preceding grade.

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\* Inserted vide Estt.Div.'s O.M.No.1/1/2012-CP-II-B dated 17-08-2012.

\*\* Inserted vide Estt.Div.'s O.M No. F. 1/1/2012-CP-2 dated 11-01-2013.

- (iii) When the Board considers the record as incomplete, or wants to further watch the performance of the officer or for any other reason to be recorded in writing.
- (iv) Disciplinary or departmental proceedings are pending against the civil servant.
- \*[(v) The civil servant is on deputation abroad to a foreign government, private organization or international agency irrespective of whether he is located abroad or within the country].

**\*[Method to Calculate PERs of a Deputationist upon his Return**

Before consideration for promotion, a civil servant upon his return from deputation shall be required to earn PER in relation to period of deputation as given below:—

Period of Deputation	Minimum Period of PER	Remarks
a). Upto one year	Three complete months	Other conditions contained in Establishment Division's O.M. 10 <sup>th</sup> July,2006 and 14 <sup>th</sup> May,2009 shall continue to apply].
b). Between one to three years	Six complete months	
c). Between three to five years	Twelve complete months	

\*\*[(vi) The civil servant's *inter-se-seniority* is sub judge.]

\*\*\*[(vii) In case of PAS (former DMG)/PSP officers who have not rendered requisite active service in Balochistan in terms of para 1(a)(v) above].

2. The civil servant whose promotion has been deferred will be considered as soon as the reason on the basis of which deferment took place

\* Subs. & Ins. vide Estt.Div.'s O.M.No.1/1/2001-CP-II dated 02-08-2012.

\*\* Note.— Para 1(b)(vi) of Revised Promotion Policy,2007 has been withdrawn vide Estt.Div.'s O.M. No. 1/1/2012-CP-II dated 29-01-2016.The following course of action will be implemented in case of the Officers whose seniority was sub judiced and they get restored afterwards:-

- i) All promotions done based on sub judge seniority will be conditional, i.e. subject to final outcome of Court cases.
- ii) An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.
- iii) In case, if the officer retires or expires from service and subsequently, his seniority is restored his/her case will be placed before FR-17 Committee enabling the officer to get Proforma Promotion alongwith all financial benefits.
- iv) Junior promoted on sub judge seniority list will be assigned seniority as per final Court Orders and will be reverted in case there is no vacancy.

\*\*\* Inserted vide Estt. Div's No.1/1/2012-CP-II-B dated 17-8-2012.

ceases to exist provided that a civil servant falling in the category mentioned in para 1 (b)(v) above will be considered for promotion only on his return to Pakistan and earning at least one PER for one full year before he is considered for promotion.

***\*[Clarification in Terms of Para 1(b)(v) read with Para 2 above.***

**Consideration for Promotion of Officers on leave**

A Civil Servant on deputation abroad to a foreign government, private organization or international agency is deferred and shall have to earn one PER for 12 complete months before his case is taken up for consideration for promotion. The Promotion Policy 1985 and Revised Promotion Policy, 2007 are, however, silent about the consideration for promotion of officers while they are on long ex-Pakistan leave. Similarly the existing policy is also silent as to whether the officers on long ex-Pakistan leave on joining duty may also earn PER for one full year to become eligible for promotion.

II. With the approval of the Competent authority it has been decided as under:-

- (a) The civil servants having availed/availed ex-Pakistan leave including extra ordinary leave/study leave as well as similar leave within Pakistan for less than 01 year shall be considered for promotion by the concerned Promotion Committees/ Selection Boards. However on approval by the competent authority, the promotion of these officers shall actualize only on return from leave.
- (b) Civil Servants having availed /availed ex-Pakistan leave including extra ordinary leave/study leave as well as similar leave within Pakistan for 01 year or more shall be considered by the respective Promotion Committees/Selection Boards upon earning of PER for full one year after return from leave].

***\*\*[Further Clarification to Establishment Division's OM No.1/3/2007-CP-II dated 21-03-2012 on the Subject with reference to para II(a) & (b) above***

**Rule Position for Changes in Promotion Policy – Consideration for Promotion of Officers on Leave**

I. In a case coming to the notice of Establishment Division recently, a Civil Servant has joined duty on 26-05-2011 after availing ex-Pakistan long leave w.e.f. 28-02-2006 to 25-05-2011. He has earned PER for the period from 26-05-2011 to 31-12-2011. A question has arisen as to whether PER of the officer from 26-05-2011 to 31-12-2011 can be considered as PER for full one year when the PER from 01-01-2011 to 25-05-2011 was not due and certificate in lieu thereof is to be place on record.

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\* Inserted vide Estt.Div.'s O.M.No.1/3/2007-CP-II(XIX-B) dated 21-03-2012.

\*\* Inserted vide Estt. Division's O.M.No.1/3/2007-CP-II(XIX-B) dated 08-06-2012.

II. The matter has been examined. It is clarified that one full year PER within the meaning of para II(b) of Establishment Division's OM dated 21-03-2012 referred in para 1 above means 12 complete months in a calendar year. A Civil Servant having availed/availing ex-Pakistan leave including extra ordinary leave/study leave as well as similar leave within Pakistan for 01 year or more shall have to earn one PER for 12 complete months in a calendar year before his case comes up for consideration for promotion. If such a civil servant upon his return has earned part PER for less than 12 months in a calendar year then a special report for the period of deficiency earned in next calendar year shall be taken into account to complete the 12 months requirement for the purpose].

**\*Rule Position for Changes in Promotion Policy – Consideration for Promotion of Officers on Leave**

III. Refer to Establishment Division's O.M.No.1/3/2007-CP-II dated 21-03-2012 and 08-06-2012 on the subject according to which the requirement of 12 months PER was made mandatory for the officers availed/availing ex-Pakistan leave including extra ordinary leave/study leave as well as similar leave within Pakistan for 01 year or more to become eligible for consideration for promotion to higher post.

IV. It has come to the notice of Establishment Division, recently that a civil servant after availing leave rendered eight months service from 01-01-2014 to 31-08-2014 and attended MCMC from 01-09-2014 to 05-12-2014 wherein no PER was required. The question arise whether he has completed the requirement of 12 months PER or otherwise. It is therefore further clarified as under:—

*The civil servants having availed/availing ex-Pakistan leave including extraordinary leave/study leave as well as similar leave within Pakistan for one year or more, the requirement of earning one full year report will start from the date the officer joins back and the training period will also be included for completion of the requirement of 12 months PER.*

**3. \*\*SELECTION/NON-SELECTION POSTS**

BPS 19 posts may be taken out of the category of "Non-Selection Posts" and henceforth may be treated as selection posts. Promotion from BPS 17 to BPS 18 posts, being non-selection posts should be based on seniority-cum-fitness *i.e.* on 100% on the PERs. Condition of passing the Departmental Examination or successfully completion of training courses, as the case may be, shall continue as heretofore.

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\* Added vide Establishment Division's O.M.1/3/2015-CP-II dated 28-09-2015.

\*\* Subs.vide Establishment Division's O.M.No.1/1/2012-CP-II dated 02-10-2015.

4. **DEVELOPMENT OF COMPREHENSIVE EFFICIENCY INDEX FOR PROMOTION/ DEFERMENT/SUPERSESSION:**

- (a) The minimum threshold of marks for promotion to various scales shall be as per following table:-

Basic Pay Scale	Aggregate marks of Efficiency Index
BPS 18	50
BPS 19	*65
BPS 20	70
BPS 21	75

- \*\* (b) The Selection Board shall recommend the officers on the panel securing requisite % and above in the efficiency index for promotion unless deferred (in order of seniority, depending upon the number of vacancies). **An officer meeting the aggregate threshold shall also be superseded if CSB places him in Category-C.** The senior officers, if not recommended for promotion on account of low threshold, shall be superseded whereas the junior officers if not recommended for promotion for want of vacancies shall be deemed not to have been considered”.

5. Whenever an officer, particularly of small cadres, is recommended for deferment, the Board may also decide as to whether a vacancy be reserved or not depending upon public interest vs officer's right for consideration.

6. **PANEL OF OFFICERS PER VACANCY**

The panel of officers per vacancy will be as under:-

For promotion to BPS 18 and BPS 19	A minimum of 2 officers per vacancy depending on the availability of eligible officers in the cadre.
For promotion to BPS 20 and BPS 21	A minimum of 3 officers per vacancy depending on the availability of eligible officers in the cadre.

\* Subs. vide Establishment Division's O.M.No.1/1/2012-CP-II dated 02-10-2015.

\*\* Note:-

Vide Establishment Division's O.M.No.1/1/2012-CP-II dated 02-10-2015 Sub para (b) of Revised Promotion Policy,2007 as modified vide Establishment Division's O.M. dated 12-10-2012 may also be made applicable, mutatis mutandis, in case of DSB.

Provided that the panel would be in addition to superseded cases and not inclusive thereof.

#### 7. **QUANTIFICATION OF PERS, TRAINING EVALUATION AND CSB EVALUATION**

For the purpose of consideration by the CSB, the PERs will be quantified according to the formula given in the addendum to the existing Promotion Policy with the following modifications:-

- (a) PERs in respect of two preceding grades (BPS) or the last 15 years, whichever is more, will be quantified. If the service of an officer in present and previous grade is less than 15 years, then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade.
- (b) The following marks will be allocated for quantification of PERs, Training Evolution Report and CSB evaluation: —

<b>S. No.</b>	<b>Factor</b>	<b>Marks</b>
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60%:40%.	70%
2.	Training Evaluations reports in ratio of 60% :40%.	15%
3.	Evaluation by CSB	15%
	Total:	100%

#### 8. **TRAINING EVALUATION REPORTS**

- (a) A total fifteen (15) marks shall be allocated to the Training Evaluation Reports (Nine marks @ 60% for the training in the existing BPS and Six marks @ 40% in the preceding BPS). For example, in the case of promotion to BPS 21 posts, marks for NMC/NDU training will be awarded out of nine marks and marks for \*NIPA training will be awarded out of six marks. Evaluation of the reports from the training institutions shall be worked out as under:-
  - (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied training institutions as provided in their reports.
  - (ii) Previous reports of old Pakistan Administrative Staff College and old \*NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of

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\* Now NIMs.

the percentage range of grades followed by these institutions as reflected in Table-A below:-

**TABLE-A  
Old PASC & \*NIPAs**

Category	Range	Weighted Average	Points of PASC @60% = 9	Points of NIMs @40% = 6
A: Outstanding	91-100%	95.5%	8.60	5.73
B. Very Good	80-90%	85%	7.65	5.10
C. Good	66 -79%	72.5%	6.52	4.35
D. Average	50-65%	57.5%	5.17	3.45
E. Below Average	35-49%	42%	3.78	2.52

- (iii) Grades from National Defence University will be computed according to the weighted average based on the Grading Key for tile range provided by the NDU as reflected in Table-B below:-

**TABLE-B  
NATIONAL DEFENCE UNIVERSITY**

Category	Range	Weighted Average	Points @ 60% = 9
A. Outstanding	76-100%	88%	7.92
B-Plus. Very Good	66-75.99%	71%	6.39
B High. Good	61-65.99%	63.5%	5.71
B Average. Average	56-60.99%	58.5%	5.26
B Low. Below Average	51-55.99%	53.5%	4.81
B Minus. Below Average	46-50.99%	48.5%	4.36
C. Below Average	40-45.99%	43%	3.87
F. Below Average	35-39.99%	37.5%	3.37

- \* [(iv) Subsequent to introduction of rationalized grading system by NDU with that of NMC grades with effect from the National

\* Inserted vide Estt. Div's OM No.1/1/2012-CP-II dated 01-08-2013.



Security & War Course (NSWC) 2012-13, the rationalized result (%age) awarded by the NDU shall be taken for quantification of the Training Evaluation Reports (TERs) in respect of the officers who undergo NSWC at NDU. Provided that previous system of quantifying the TERs on the basis of weighted average grading as tabulated at Clause (iii) above shall continue in respect of such officers who attend mandatory training at NDU prior to NSWC 2012-13].

- (b) For allocation of marks in case of promotion to BPS 21, training evaluation reports of NDU/PASC be given 60% weightage and those of NIM be given 40% weightage.
- (c) For promotion to BPS 20 posts, NIM evaluation reports and evaluation reports of Mid Career Management Course (MCMC) be given weightage of 60% and 40% respectively.
- (d) The condition of allocation of marks to MCMC for promotion of BPS 18 and BPS 19 officers will take effect on availability of evaluation reports on them, written by the concerned Training Institutions after 1<sup>st</sup> January, 2008.
- (e) The officers who have been granted exemption from mandatory training having attained the age of 56 years or completed mandatory period of serving in a Training Institution upto 27-12-2005, may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.
- (f) Status-quo shall be maintained in respect of officers of special cadres referred to in Part-IV of Guidelines attached with the existing Promotion Policy such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialism. However, for calculation of their comprehensive efficiency index, PERs shall carry 70% marks and consideration by the CSB 30%.

**[\*8-A DECLINING FROM PROCEEDING TO MANDATORY TRAINING**

The nominations for mandatory training having been made in order of seniority, if the officer so nominated for training declines to proceed on training for two consecutive training course, then he/she would forfeit the right to consideration for promotion.

Provided that the Prime Minister may dispense with this provision in any case in the public interest].

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\* Inserted vide Estt. Div's OM No.10/2/2009-CP-II (Pt.IX) dated 19-12-2011.

9. **COMMUNICATION OF REASONS OF DEFERMENT/ SUPERSESSION TO THE OFFICER CONCERNED**

The officers superseded by the CSB be informed about the reasons for his/her supersession/deferment to enable such officers to improve their performance and to complete their record/any other deficiency, as the case may be.

**\*[Clarification to Para 9 above**

The para 9 of the said policy, inter-alia, provides that the officers concerned who have been superseded/deferred on recommendations of the CSB may be informed about the reasons for their supersession/deferment.

I. In this connection, a question has arisen as to when the said reasons be communicated to the officer concerned. The matter has been examined. It is clarified that the officers who have been recommended for supersession/deferment may be informed about reasons of the said supersession/deferment immediate after the recommendations of the DPC/DSB/CSB have been approved by the respective competent authority.

II. All the Ministries/Divisions are requested to note the above clarification and also bring the same to the notice of all Attached Departments/Subordinate offices, under their administrative control].

10. With regard to quorum and recommendations of the CSB it is clarified:-

- (1) that no quorum shall be required for holding CSB's meetings and;
- (2) the recommendations of the Selection Boards duly approved by the competent authority if not actualized, shall not lapse/require re-submission to the CSB.

11. Instructions contained in the existing Promotion Policy and Guidelines for CSB **annexed** to the said policy, insofar as such instructions are not inconsistent with the provisions of this O.M., shall remain in force.

12. The Ministries/Divisions are requested to bring this decision to the notice of all Attached Departments/Subordinate Offices, under their administrative control, for compliance.

*[Authority:- Estt. Div.'s OM No. I/3/2007-CP-II, dated 24th October, 2007]*

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\* Inserted vide Estt. Div's OM No. F. 1/3/2007-CP-2 dated 19-01-2012.

### **ADDITIONAL PROVISIONS IN REVISED PROMOTION POLICY-2007**

Establishment Division OM No.1/3/2007-CP-II dated 21-10-2007 on the above subject and to state that the Competent Authority has been pleased to approve the following additional provisions in the Promotion Policy which would be immediately applicable:-

- (i) 2/3 of the vacancies of Senior Joint Secretary (BS-21) are allocated to the officers of Secretariat Group who have completed three years of service (excluding the period spent on training and leave) at their credit in BS-20 as is fixed for the other Occupational Groups and Services for promotion to BS-21 as Senior Joint Secretary (BS-21).
- (ii) 1/3 of the vacancies of Senior Joint Secretary (BS-21) are reserved for other Occupational Group and Services to clear their long standing back-log because they have reasonably long length of service in BS-20.
- (iii) The condition of having three years of service (excluding the period spent on training and leave) in BS-20 shall also be applicable to all promotions to BS-21 of the officers of all Occupational Groups/ Services/Ex-Cadre as a mandatory stay.
- (iv) In the case of the officers of Pakistan Administrative Service (PAS) additionally they will be required to serve a mandatory period of two years (excluding leave training and OSD) in the Federal Government in BS-20/21 for their promotion to BS-22 as Federal Secretary.

2. The Ministries/Divisions are requested to bring the aforesaid additional provisions in the Revised Promotion Policy 2007 to the notice of all Attached Departments/Sub-ordinate Offices under their administrative control for information and compliance.

[Authority:—Estt.Div's OM No. F. 1/1/2012-CP-2 dated 30-01-2013]

#### **Conditions Given at (i) &(iii) above shall be Modified as Under:—**

\*[On 07-02-2013 the Competent Authority had been pleased to approve that the condition of three years mandatory service in BS-20 shall not be applied for promotion to BS-21 posts. As such, this Division's O.M. dated 30-01-2013 stand modified to this extent.]

#### **23.2 Changes in Promotion Policy**

The Promotion Policy 1985, as modified from time to time, laid down the course mandatory for promotion to higher posts Effective since 20-03-2009, officers attaining the age of \*\*58 years or above were exempted from mandatory

\* Modified vide Estt. Division's O.M.No.1/1/2012-CP-2 dated 04-04-2013.

\*\* All Kinds of exemptions have been withdrawn on the basis of age w.e.f. 31<sup>st</sup> July,2016 vide Estt.Div.'s O.M.No.F.10/1/2012- CP-II dated 30-12-2015.

training for promotion to BS-20 and BS-21 posts. Effective since 01-01-2009 Mid Career Management Course (MCMC) is not mandatory for those BS-18 officers who are \*50 and above years of age for promotion to BS-19. Para IV of the Promotion Policy 1982, read with Revised Promotion Policy, 2007 provide that PERs of Civil Servants in specialist cadre such as doctors, teachers and professors, research scientists etc, carry 70 Marks and consideration by the CSB 30 marks.

2. Revised Promotion Policy, 2007 *inter-alia* provides as under:-

- (a) Quantification [PERs – 70. Training Evaluation Reports – 15 CSB evaluation – 15 Total marks – 100]
- (b) Award of marks to exemptees for the training factor on notional basis in proportion to the marks obtained by them in the PERs.

3. With the approval of the Competent Authority it has now been decided that existing exemption from SMC and NMC at NIM/NDU on attaining the age of \*58 years for promotion to BS-20 and BS- 21 will continue. Such civil servants shall be evaluated by CSB on the basis of 30 marks on the analogy of civil servants of specialist cadre.

4. All Ministries/Divisions are requested to note the above decisions and also bring the same to the notice of their Attached departments/Sub-Ordinate offices Autonomous/Semi-Autonomous Bodies/Corporations for their information and strict compliance.

[Authority: Estt. Div's OM No. 1/3/2007-CP-2 dated 31-01-2012]

### **23.3 Promotion Policy- Revision of Exemption Policy from Mandatory Trainings**

Refer to Establishment Division's O.M.No. 1/7/2006-CP-II, dated 31-05-2008 and 10/2/2009-CP-II, dated 20-03-2009 on the following subjects:—

- i) Amendment in Promotion Policy-Promotion related Administrative Staff Course (ASC)/ Mid Career Management Course (MCMC) for BS-18 Officers.
- ii) Promotion Policy-Grant of Exemption/Waiver from Mandatory Training.

2. The Competent Authority has been pleased to approve to withdraw all kinds of exemptions from mandatory trainings on the basis of age w.e.f. 31<sup>st</sup> July, 2016 to ensure merit based promotion in the best public interest. However, the exemptions extended already to professional and technical cadres will continue as the Professionals/Technocrats undertake their specialized trainings separately.

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\* All Kinds of exemptions have been withdrawn on the basis of age w.e.f. 31<sup>st</sup> July, 2016 *vide* Estt.Div.'s O.M.No.F.10/1/2012- CP-II dated 30-12-2015.

3. The Ministries/Divisions are requested to bring the aforesaid decision of the Competent Authority to the notice of all concerned including Attached Departments/Sub-ordinate Offices under their administrative control for information.

[Authority:-Establishment Division's O.M.No.F.10/1/2012-CP-II dated 30-12-2015].

#### **23.4 Revision of Nominations for NMC, NS&WC,SMC and MCMC**

Refer to Establishment Division's O.M.No.F.10/1/2012-CP-II dated 30<sup>th</sup> December, 2015 regarding withdrawal of exemption from mandatory training courses on the basis of age and to state that the competent authority in Establishment Division has been pleased to decide that the officers who will retire during the currency of training may not be nominated for the course.

[Authority:-Establishment Division's O.M.No.F.2-4-2015-T-I dated 06-01-2016].

#### **23.5 Revised Policy Guidelines : Concept of Quantification (May, 1985)**

The concept of '\*quantification' was introduced for processing promotion cases but its very success and wider use has given rise to some unintended consequences indicated below:-

- (i) Although an average PER is satisfactory and should statistically describe a majority of individuals, it has assumed an adverse aura. A contributory factor has been the 4 marks assigned to it in quantification although this did not affect promotion to non-selection posts since the eligibility threshold was also kept to a score of 40 marks only. The respective thresholds were kept higher for selection posts as "satisfactory performance" was not the most reliable indication for an officer's capacity to pull on equally well at the next higher level. These considerations do not remain valid however when quantification is extended to review/disciplinary cases and for postings abroad. In such cases, suitability can be judged strictly on performance at the individual's current level and no adverse inference should be drawn from an average (satisfactory) report.
- (ii) The other noticeable trend is towards "Inflated" reporting. To some extent this problem was always around but higher eligibility thresholds fixed for selection posts have added to the pressure on reporting/countersigning officers to be overly generous in their assessments. This trend has touched such proportions that the majority of assessments may well be closer to objectivity if reduced by one rung. In other words, most of the average officers are being graded as 'good' and the good as 'very good'. This acts to the disadvantage of the genuinely outstanding officers. Statistically, the latter should comprise around 3 to 5 per cent whereas many Divisions now boast of 30 or 40 per cent officers in the 'very good' category of

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\* For quantification of PERs, Training Evaluation and CSB Evaluation.

their reports are to be believed.

2. In resolving these difficulties, the following parameters were kept in view:-

- (a) the responsibility for accurate assessments should remain squarely on reporting/ countersigning officers with minimum interference by Establishment Division;
- (b) it should require little or no change in the present PER form; and
- (c) the new pattern should be easily extendable to cover past confidential reports.

3. The following decisions have accordingly been taken:-

- (i) The marks assigned to an average report have been raised to 5 *i.e.* the middle point on the scale from 0-10 marks. The minimum qualifying score for promotion to non-selection posts (upto pay scale 18) would correspondingly be 50 marks. The eligibility thresholds for selection posts would remain unaffected.
- (ii) The marks for a 'very good' report have been reduced to 8 and a new entry for 'outstanding' carrying 10 marks has been added to the existing gradings. In exceptional cases where the reporting/ counter signing officers want to rate an officer as 'outstanding', they may draw in their own hand another box in Part VI of the PER form, initial it and write 'outstanding' on the descriptive side. They would also be required to fully justify this assessment in Part V(c) (by the reporting officer) and Part VII (a) (by the countersigning officer). Unless so justified, the assessment would only be deemed to be 'very good' carrying 8 marks.
- (iii) For past reports, a very good grading will be considered as outstanding and carry 10 marks only if (i) all except one or two entries in Parts II to IV of the current PER form or Part II in the previous format are very good (A1) or (ii) accelerated promotion was recommended.

4. The relevant provisions have been incorporated in the promotion policy. A copy of the revised guidelines and addendum is enclosed. They would replace the existing guidelines and addendum.

*[Authority:- Estt. Secretary's d.o. Letter No.10(10)/85-CP-1 dated 15-5-1985].*

### **23.6 Amendment in the Policy Governing Civil Servants on Deputation Abroad**

In the Promotion Policy issued on 31-10-1982 as modified in 1985 it was provided that a civil servant on deputation to a foreign government, international agency or a private organization abroad will be considered for promotion only on his return to Pakistan. He will be given intimation and asked to return to Pakistan

before his case comes up for consideration for promotion in accordance with his seniority position. Such an officer will have to earn at least one CR after his return to Pakistan before he is considered for promotion. The clearance/ approval already accorded in the past to promote a deputationist would lapse automatically if he fails to return on expiry of the deputation period already approved by the government.

2. Clarifications issued vide Establishment Division OM No. 10(3)81-CP.I, dated 25-6-1984 (**Annex**) was also in place. The operative part of the said clarifications is reproduced below:

- (i) Promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad will only be considered after he resumes duty on return to Pakistan”.
- (ii) Such officers may be given timely intimation to return so that they can earn at least one \*annual confidential report before their cases come up for consideration in accordance with their seniority position”.
- (iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.”
- (iv) Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer’s name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer’s name would be brought back on the seniority list only after he resumed duty on return. In such cases also, the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only for the date he assumed its charge”.

3. A question has arisen recently as to whether PER for full year or part thereof is required of civil servants who return from deputation abroad within 3 years. The matter has been examined and it has been decided that such a civil servant (on deputation to an international agency, foreign government or private organization who returns within three years) shall also have to earn one PER for

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\* Performance Evaluation Report (PER).

one full year before his case comes up for consideration for promotion in accordance within his seniority position.

*[Authority:- Estt. Div.'s OM No. 1/1/2001-CP.2 dated 10th July, 2006].*

### **23.7 Policy Governing Promotion of Civil Servants on Deputation Abroad**

The existing instructions issued by this Division from time to time regarding promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad require that such a civil servant, upon return from deputation, shall have to earn one PER for one full year before his case comes up for consideration for promotion in accordance with his seniority position.

2. In a recent case coming to the notice of this Division, a civil servant had returned from deputation on 1<sup>st</sup> January, 2008. He served under two different reporting officers during 1<sup>st</sup> January to 20<sup>th</sup> April, 2008 (for less than three months) and could not earn part PER(s) due to factors beyond his control. Certificates in lieu of part PER had been placed on record. He, however, earned PER for the remaining part of 2008. The following questions, have therefore, arisen in this respect:-

- (a) What are the exact meaning of "one full year" within the above context?
- (b) Whether the certificates for the period from 18<sup>th</sup> January, 2008 to 21 April, 2008 in lieu of part PERs alongwith part PERs for the period from 22<sup>nd</sup> April to 31<sup>st</sup> December, 2008 fulfills the requirement of earning of PER for full one year in this case ?

3. The matter has been examined and it is clarified that the one full year means 12 complete months in a calendar year. Therefore, a civil servant on deputation to foreign government, international agency or a private organizations shall have to earn one PER for 12 complete months in a calendar year before his case comes up for consideration for promotion in accordance with his seniority.

4. It is further clarified that whereas the certificate in lieu of part PER is a sufficient document for the purpose of quantification, the said certificate does not reflect the performance of a civil servant needed for consideration for promotion.

5. It has, however, been decided that henceforth if a civil servant upon his return has earned part PER for less than 12 months in a calendar year then a special report for the period of deficiency earned in next calendar year shall be taken into account to complete the requirement of 12 months for the purpose.

*[Authority:- Estt. Division's O.M. No.1/1/2001-CP-II dated 14-05-2009.]*



**ANNEX**  
**(SI.No.23.6)**

**[Copy of the Estt. Div.'s O.M. No. 10(3)/81-CP-I, dated 25-06-1984]**

Policy concerning promotion of Civil Servants on Deputation Abroad.— A civil servant, if selected for appointment in any international agency, foreign government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority *vis-a-vis* their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:-

- (i) Promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad will only be considered after he resumes duty on return to Pakistan.
- (ii) Such officers may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.
- (iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

### **23.8 Restructuring of Criteria for Award of Mark Reserved for Central Selection Board**

The Instructions contained in the Promotion Policy, 1982 and the Guidelines for Departmental Promotion Committees/Central Selection Boards issued under Establishment Division's d.o. letter No.10(3)/81-CP-I (Pt) dated 31-10-1982. Read with Revised Promotion Policy, 2007 contained in this Division's OM No.1/3/2007/CP-II dated 24-10-2007, amended from time to time have been reviewed on the basis of recommendations by a Committee on the subject.

2. With approval of the Competent Authority, the following changes are hereby made in the said policies/guideline.

- (a) The existing parameters/attributes namely 1) Quality & Output of Work, 2) Variety and Relevance of Experience, 3) Top Management Potential contained in the Guidelines for CSB attached with promotion Policy, 1982 read with Revised promotion Policy, 2007 shall continue to apply for consideration of civil servants for promotion, deferment supersession.
- (b) New parameters/attributes namely, 1) Integrity/General Reputation/ Perception 2) Personality profile, and 3) Conduct Discipline & Behaviour are added in the said Guidelines attached with 1982 Policy.
- (c) Quality & Output work and Integrity contained in the Guidelines attached with 1982 Policy as well as relevant boxes in the PER Forms deleted in 2003, are revived. Changes in the PER forms being issued separately.
- (d) A new objective Assessment Form (Annexure-A) for assessment of each officer on the panel by CSB against the attributes namely 1) Quality & Output of Work, 2) Integrity/ General Reputation/ Perception 3) Variety and relevance of Experience, 4) Top Management Potential, 5)Personality Profile, and 6) Conduct, Discipline & Behavior is hereby introduced.
- (e) The said Objective Assessment Form shall be placed before CSB alongwith panel proforma of every officer for his/her objective evaluation by the CSB. The Board shall assess each officer on the panel on the basis of said parameters/attributes. After assessment/ evaluation the CSB shall place the officer in any of the following categories and assign appropriate marks accordingly.

<b>Sl. No.</b>	<b>Category</b>	<b>Range of Marks</b>
1.	Category – A	11 to 15
2.	Category – B	06 to 10
3.	Category – C	00 to 05

- (f) Sub Para-b of Para-4 of Revised Promotion Policy, 2007 provides that the officers securing requisite percentage of marks viz: 70 and 75 will be promoted to BS-20 & 21 respectively. The said para, is modified as under:—
- “(b) The Selection Board shall recommend the officers on the panel securing requisite % and above in the efficiency index for promotion unless deferred (in order of seniority, depending upon the number of vacancies). **An officer meeting the aggregate threshold shall also be superseded if CSB places him in Category-C.** The senior officers, if not recommended for promotion on account of low threshold, shall be superseded whereas the junior officers if not recommended for promotion for want of vacancies shall be deemed not to have been considered”.
- g. The aforementioned criteria for award of 15 marks by the CSB shall henceforth be treated as part of the Guidelines for Selection Board attached with promotion Policy, 1982.
3. The Promotion Policy, 1982 read with Revised Promotion Policy, 2007 as well as the Guidelines for Departmental Promotion Committees/Central Selection Boards attached with the 1982 Policy shall be deemed to have been modified to the above extent.
4. Instructions contained in the Promotion Policy, 1982 read with Revised Promotion Policy, 2007, as amended from time to time, and Guidelines for Departmental Promotion Committees/Central Selection Boards attached with the 1982 Policy in so far as not inconsistent with the provisions of this OM shall remain in force.
5. Subject to the provisions of Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 and such other rules made under the Civil Servant Act, 1973, the Civil Servant shall be considered for promotion to higher post in accordance with the Promotion Policy issued by the Federal Government for the time being in force. The amendment in the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 shall be notified separately.
6. The Ministries/Divisions are requested to bring this decision to the notice of all Attached Departments /Sub-ordinate Offices under their administrative control for compliance.

[Authority: Estt. Div's OM No. 1/1/2012-CP-2 dated 12-10-2012.]

**CONFIDENTIAL**

Government of Pakistan  
Ministry of \_\_\_\_\_

**OBJECTIVE ASSESSMET BY CENTRAL SELECTION BOARD**

Officer's Name: \_\_\_\_\_ Seniority No. \_\_\_\_\_

Group/Service/Cadre: \_\_\_\_\_ Present Scale \_\_\_\_\_

S. No.	Parameters/Attributes	Total Marks	Marks Assigned			
1	Output of Work and Quality of Work	10				
2.	<b>Variety &amp; Relevance of Experience</b> Secretariat/Field Postings ;Federal/Provincial Government Postings; Leadership/Routine Postings; Deputation/Foreign Postings.					
3.	<b>Professional Expertise.</b>					
4.	<b>Personality Profile</b> (As known to the Board Members)					
5.	<b>Conduct, Discipline and Behaviour</b> [ Observation by RO/CO during last 05 years or as known to the Board Members]					
6.	<b>Functional Ability and Leadership</b>					
7.	<b>Estimated Potential for Middle/Higher Management</b>					
8.	<b>Integrity/General Reputation/Perception</b> On the basis of PERs/TERs/Opinion of the Board*	5				
9.	<b>Total Marks by CSB</b>	15				
10.	<b>Overall Category</b> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><b>Cat-A</b> (11-15)</td> <td style="text-align: center;"><b>Cat-B</b> (06-10)</td> <td style="text-align: center;"><b>Cat-C</b> (0-05)</td> </tr> </table>	<b>Cat-A</b> (11-15)	<b>Cat-B</b> (06-10)	<b>Cat-C</b> (0-05)		
<b>Cat-A</b> (11-15)	<b>Cat-B</b> (06-10)	<b>Cat-C</b> (0-05)				

\*An officer under consideration, getting less than 3 out of five under this parameter may be deferred or superseded by the CSB at their discretion but with reasons to be recorded in writing.

\_\_\_\_\_  
Secretary CSB

Dated \_\_\_\_\_

\_\_\_\_\_  
(Chairman CSB)

### 23.9 Equivalence of PER Grading in Defence and Civilian Organizations

According to the latest Promotion Policy, the equivalence of the overall PER grading for civilian officers serving in defence organizations *vis-à-vis* those in the civil organizations is as under:-

	PER grading in the Army	PER grading as in the Promotion Policy	Marks
(a)	Outstanding	Outstanding	10
(b)	Above Average	Very good	8
(c)	High Average	Good	7
(d)	Average	Average	5
(e)	Low Average	Below Average	1
(f)	Below Average (unfit for promotion)	Poor	0

3. The quantification of marks for entries of “Quality and Output of Work” and “Integrity” would be as under:-

	PER grading in the Army	PER grading as in the Promotion Policy	Marks
(a)	Outstanding	Outstanding	10
(b)	Above Average	Very good	8
(c)	High Average	Good	7
(d)	Average	Average	5
(e)	Low Average	Below Average	1
(f)	Below Average (unfit for promotion)	Poor	0

[Authority:-- Estt. Div.'s UO No. 10(3)B1-CP.I (A-1) dated 30.10.1986.]

### 23.10 Civil Servants (Promotion to the Post of Secretary, BS-22 and Equivalent) Rules, 2010

In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), **read with proviso to sub-section (1) of section 9 of the said Act**, the **Federal Government** is pleased to make the following rule, namely:-

1. Short title, application and commencement. – (1) These rules may be called the ***Civil Servants (Promotion to the post of Secretary, BS-22 and equivalent) Rules, 2010.***

- i. These rules shall apply to all posts in Basic Scale 22 in the All Pakistan Services or, as the case may be, civil service of the Federation or posts in connection with the affairs of the Federation, including the post in BS-22 as Secretary in the Secretariat Group or equivalent in the regularly constituted Occupational Groups and Services and any such post connected with defence, hereinafter referred to as post of Basic Scale 22 in the Federal Government, but shall not apply to the technical posts specified in clause (c) of paragraph 7 (a) of the Finance Division's O.M. F.1 (I) Imp./83, dated the 18<sup>th</sup> August, 1983, read with instructions issued from time to time lastly modified vide Establishment Division's O.M. No. F.8/3/2006-CP-5 dated 07-05-2009.
- ii. They shall come into force with immediate effect.

2. **Definitions.**– In these rules, unless there is anything repugnant in the subject or context,–

- (a) "Appendix" means Appendix to these rules;
- (b) "Appointing Authority" means the Prime Minister;
- (c) "Board" means the High Powered Selection Board constituted under rule 5;
- (d) "Government" means the Federal Government; and
- (e) "Secretary" means the Secretary to the Government of Pakistan.

3. **Manner of Promotion.**– (1) The posts in BS-22 in the Federal Government shall be filled in by promotion from amongst the officers specified in sub-rule (2) with the approval of the appointing authority on the recommendations of the Board.

(2) The officers holding post in Basic Scale 21 on regular basis in an All Pakistan Service or, as the case may be, a civil service of the Federation or a post in connection with the affairs of the Federation and possessing the length of service and fulfilling other conditions specified in rule 4, shall be eligible for promotion to a post in Basic Scale 22 in the respective service, group or cadre to which the officer for the time being belongs:

***Provided that the post of Secretary in BS-22 in the Secretariat Group may be filled in by promotion in the public interest from amongst officers of regularly constituted Occupational Groups and Services possessing the length of service and fulfilling other conditions specified in rule 4, holding, on regular basis, posts in Basic Scale 21.***

(3) Nothing in this rule shall prevent a post in Basic Scale 22 or equivalent already reserved for initial appointment in accordance with the method

of appointment laid down under sub-rule (2) of rule 3 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, in filling such post in accordance with such method.

4. **Length of service and other conditions for promotion.** – An officer shall possess the length of service and fulfill the following conditions for promotion to a post in Basic Scale 22 including the post in BS-22 as Secretary in the Secretariat Group or equivalent in the regularly constituted Occupational Groups and Services in the Federal Government;

- (i) Twenty-five years service in Basic Scale 17 and above, excluding the period of suspension not counted as duty and extraordinary leave, and has completed at least two years in a post in Basic Scale 21.
- (ii) At least three “very good” reports during the last six years;
- (iii) No penalty under Government Servants (Efficiency and Discipline) Rules 1973 or under the Removal from Service (Special Powers) Ordinance, 2000 (since repealed) has been imposed upon him during his tenure in BS-21; and
- (iv) Possesses sufficient variety of experience. Explanation: For the purpose of this rule, experience in the Secretariat or, as the case may be, in any field office shall be an added qualification.

5. **Constitution of High Power Selection Board.**– (1) The Federal Government shall constitute a High Powered Selection Board comprising the following:-

Prime Minister	Chairman
Principal Secretary to Prime Minister	Member
Cabinet Secretary	Member
Secretary, Establishment Division	Member/ Secretary to the Board
Administrative Secretary concerned	Co-opted Member

*Note:-* The Chairman may invite any officer holding the post in BS-22 for consultation where deemed appropriate.

- (2) A panel of eligible officers in the order of their seniority shall be submitted to the Board.
- (3) The Establishment Division shall perform the functions of Secretariat of the Board.

6. The existing provisions contained in the Office Memoranda about regularly constituted Occupational Group or Service specified in the Appendix A shall be deemed to have been modified to the above extent.

**APPENDIX-A**

(See rule 6)

**Occupational Groups & Services**

<b>Name of the Occupational Group/Service</b>	<b>OM constituting the Group/Service as amended from time to time</b>
1. *Pakistan Audit & Accounts Service	OM No.1/2/74-ARC dated 23-01-1974
2. Commerce and Trade Group	OM No.6/2/75-ARC dated 08-05-1975
3. **Customs & Excise Group	OM No.5/2/75-ARC dated 09-05-1975 read with OM No. 6/2/2009-CP.II dated 12-09-2009
4. Economists and Planners Group	OM No.10/2/75-ARC dated 25-03-1976
5. *** Foreign Service of Pakistan	OM No.3/2/74-ARC dated 08-04-1974
6. @Income Tax Group	OM No.4/2/75-ARC dated 09-05-1975 read with OM No. 6/2/2009-CP.II dated 12-09-2009
7. Information Group	OM No.2/8/75-ARC dated 17-06-1977
8. Military Lands and Cantonment Group	OM No.9/2/75-ARC dated 11-05-1975
9. Police Service of Pakistan	SRO. 1033 (I)/85 dated 23-10-1985 as amended from time to time read with OM No. 3/2/75-ARC dated 31-05-1975
10. Postal Group	OM No.7/2/75-ARC dated 30-05-1975
11. Office Management Group	OM No.1/2/75-ARC dated 27-01-1975
12. Secretariat Group	OM No.2/2/75-ARC dated 12-04-1976
13. @@District Management Group	OM No.2/2/74-ARC dated 23-02-1974 as amended vide OM of even number dated 14-12-1976

[Authority:– Estt. Division's S.R.O. 798 (I)/2010, dated 16-8-2010].

\*Renamed as "Pakistan Audit & Accounts Service" vide Estt.Div.'s O.M.No.1/17/92-CP-II dated 10-12-2002.

\*\*Renamed as "Pakistan Customs Service" vide Estt.Div.'s O.M.No.6/2/2009 CP-II dated 12-09-2009.

\*\*\* Renamed as "Foreign Service of Pakistan" vide SRO 936(1)/83 dated 29-09-1983.

@ Now Inland Revenue Service vide Estt.Div.'s O.M.No.6/2/2009 CP-II dated 12-09-2009.

@@Renamed as "Pakistan Administrative Service" vide Estt.Div.'s O.M.No.6/3/2012 CP-II dated 21-05-2012



**[Enclosure to Sl. No. 23.5]  
(See para 4)**

**[REVISED GUIDELINES WITH ADDENDUM THERETO FOR DEPARTMENTAL  
PROMOTION COMMITTEES/CENTRAL SELECTION BOARDS]**

**I. General**

1. The DPC/CSB shall consider the cases of eligible civil servants in order of seniority and either:-

- (a) recommend a civil servant for promotion to the next higher post; or
- (b) recommend a civil servant for supersession; or
- (c) defer consideration of a civil servant's promotion provided that this step will be taken only if:-
  - (i) the CR dossier is incomplete or any other document/information required by the DPC/CSB for determining a civil servant's suitability for promotion is not available; or
  - (ii) disciplinary or departmental proceedings are pending against the civil servant whose promotion case comes up for consideration before the DPC/CSB; or
  - (iii) the civil servant is on deputation abroad to a foreign government, private organisation or international agency; or
  - (iv) the civil servant does not possess the requisite length of service; or
  - (v) the civil servant has not undergone the prescribed training or passed the departmental examination for reasons beyond his control; or
  - \*(vi) the civil servant's *inter-se-seniority* is subjudice.

\*\* [2. If a civil servant is superseded he will not be considered for promotion unless he has earned PERs for one full year. If he is again superseded, he shall lose eligibility for further consideration]. The following illustration/elaboration further clarify the position:-

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\* Sub para (vi) has been withdrawn vide Estt.Div.'s O.M. No. 1/1/2012-CP-II dated 29-01-2016. Please see footnote given at Sl.No.23.1 under para 1(b)(vi) of Revised Promotion Policy,2007.

\*\* Substituted vide Estt. Div.'s OM No. 1/1/2001-CP.II, dated 3-9-2005.

\*PERs for one full year shall imply, one full year PER(s) earned after consideration/supersession by the Selection Board and will include the PER which was neither due nor placed before the Selection Board even if it relates to the previous year.

#### **Illustration I**

If an officer 'A' is considered by the Selection Board in Jan, 2007 when his PER for 2006 is neither due nor placed before the Selection Board and superseded. He will be considered after earning one full year PERs for 2006.

#### **Illustration II**

If an officer 'B' is considered by the Selection Board in January, 2007 when his PER for 2006 is not due but placed before the Selection Board and superseded. He will be considered after earning one full year PERs for 2007.

#### **Illustration III**

If an officer 'C' is considered by the Selection Board in May, 2007 when his PER for 2006 is due and placed before the Board and superseded. He will be considered after earning the PER of 2007.

3. The civil servant whose promotion has been deferred will be considered as soon as the reason on the basis of which deferment took place ceases to exist provided that a civil servant falling in the category mentioned in 1(c) (iii) above will be considered for promotion only on his return to Pakistan. If such an officer fails to return on expiry of his approved deputation period, he will have to earn at least one PER after his return to Pakistan before he is considered for promotion.

4. For the purpose of consideration by the DPC/CSB the PERs will be quantified according to the formula given in the Addendum. The civil servants, who fail to come up to the qualifying score, shall not normally be considered for promotion. Relaxation of this condition may only be recommended by the DPC/CSB after recording detailed reasons for the approval of the competent authority.

## **II. Promotions on Seniority-cum-Fitness Basis**

1. Posts carrying basic pay scale 19 or below are non-selection posts. Promotions to these posts are to be processed by the Selection Board on the basis of seniority-cum-fitness *i.e.* 100% on PERs. The condition of successful completion of training courses shall continue, as heretofore. Fitness would be assessed primarily on the officer's work in the lower post.

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\*Added vide Estt. Div.'s OM. No. 1/1/2001-CP-II (Pt), dated the 17<sup>th</sup> April, 2007 and amended vide Estt. Div.'s No. OM No. 1/3/2007-CP-II, dated 24<sup>th</sup> October, 2007.

2. For promotion to a post in basic pay scale 18, however, a civil servant must fulfill the following additional requirements:

- (a) **Qualifying Service:** possess five years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.
- (b) **Eligibility Threshold:** attain a minimum score of 50 marks for his CRs in accordance with the formula given in the addendum.
- (c) **Departmental Examination and Training Courses:** The condition of passing the departmental examination and successful completion of training courses shall continue as heretofore.
- (d) **For Promotion to Posts in BPS 18 and 19:** a minimum of two officers per vacancy depending on the availability of eligible officers in the cadre.

3. If only 2 reports or less have been recorded on a civil servant's work against a post in basic pay scale 17, the reports earned by him in the next lower posts should also be included in the quantification.

4. Posts carrying basic pay scale 19 are generally supervisory posts. Supervision can be effective only if the supervisor has the relevant experience. These officers are also required to make contribution to policy-making at the lowest rung of the policy-making hierarchy. For promotion to these posts, therefore, a civil servant must fulfill the following requirements:-

- (a) **Qualifying Service:** possess 12 years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.
- (b) **Eligibility Threshold:** attain a minimum score of 60 marks in the CRs in accordance with the formula given in the addendum.
- (c) **Qualifications:** as prescribed by the relevant recruitment rules.
- (d) **Relevance of Experience:** possess experience relevant to the functions of the post to which promotion is being made.
- (e) **"Quality and Output of Work" and "Integrity":** marks calculated in accordance with the formula in the Addendum read with Promotion Policy, 2007 shall be important factors in determining the comparative merit of an officer.

### III. **Promotion to Selection Posts**

1. Posts in BPS 20 and 21 are selection posts. Promotion to these posts is to be processed through the Central Selection Boards.

2. In order to ensure that selection by these Boards does not amount to a mere elimination of the unfit, the Establishment Division shall place a larger panel of eligible officers before the Boards. Depending on the availability of eligible officers in a cadre, the number of officers to be included in the panel shall be as follows:-

For promotion to middle (BPS 20) and senior (BPS 21) management posts.	A minimum of 3 officers per vacancy depending in the availability of eligible officer in the cadre
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3. For selection posts, entries under "Quality and Output of Work" and "Integrity" in all the PERs recorded on the civil servant during his service as an officer will also be quantified in accordance with formula given in the Addendum. These marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts.

4. Posts carrying basic pay scale 20 are middle management posts. Field offices are generally headed by the officers in this scale. It is, therefore, essential that in addition to the relevance of experience these officers must also have a sufficient variety and width of experience so that:

- (i) they acquire an overview of the functions performed by these organizations within the broader framework of government's overall objectives/ activities to ensure smooth and effective management at the field level; and
- (ii) they can lend pragmatism to policy formulation in assignments at the Secretariat.

Variety of experience would include experience in the field, corporations, attached departments, different Ministries/Divisions and in our Missions abroad. For promotion to middle management posts, a civil servant must fulfil the following requirements:-

- (a) Qualifying Service: possess 17 years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.
- (b) Eligibility Threshold: attain a minimum score of 70 marks in the CRs in accordance with the formula given in the Addendum.
- (c) Qualifications: as prescribed by relevant recruitment rules.
- (d) Relevance of Experience: possess experience relevant to the functions of the post to which promotion is being made.

- (e) "Quality and Output of Work" and "Integrity": marks calculated in accordance with the formula in the Addendum shall be a crucial factor in determining the comparative merit of an officer.
- (f) Variety of Experience: the Selection Board should give due consideration to the nature of duties, duration and location of posts previously held by the officer. Depending on the post to be filled, an officer possessing well rounded experience should normally be preferred particularly if he has served with distinction in unattractive areas. While some exposure to a corporation, autonomous body or an ex-cadre assignment may be considered a positive feature, this would not be so where an officer has stayed away from his parent cadre for too long.
- (g) Training: should have successfully completed a regular course at NIM or an equivalent course in another institution.

5. Posts carrying basic pay scale 21 fall in senior management involving important policy-making or extensive administrative jurisdictions. In addition to the circulation value and variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management. This potential cannot be judged by mathematical formula. The Selection Board will have to apply its collective wisdom to determine the same. A civil servant must fulfil the following conditions for promotion to senior management post :-

- (a) Qualifying Service: possess 22 years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.
- (b) Eligibility Threshold: attain a minimum score of 75 marks in CRs in accordance with the formula given in the Addendum.
- (c) Qualifications: as are prescribed by relevant recruitment rules.
- (d) Relevance of Experience: possess experience relevant to the functions of the post being filled by promotion.
- (e) "Quality and Output of Work" and "Integrity": marks calculated in accordance with the formula in the Addendum shall be a crucial factor in determining the comparative merit of an officer.
- (f) Variety of Experience: the Selection Board should give careful consideration to the nature of duties, duration and location of posts previously held by the officer. At this level, a proper assessment

under the criterion may require some distinction between hard or taxing assignments (on account of workload or its complexity) *viz-a-viz* relatively routine, duties particularly in the secretariat. Depending on the posts to be filled, an officer possessing well-rounded experience with adequate exposure to difficult assignments should normally be preferred.

- (g) Training: should have successfully completed a regular course at the Pakistan Administrative Staff College/National Management College. This requirement will be waived for officers who :
- (i) have served as head of a training institution for at least one year; or
  - (ii) have served on the directing staff of a training institution for at least two years; or
  - (iii) have exceeded the age of 56 years.
- (h) Top Management Potential: since officers promoted to this level may be called upon to hold independent charge of a Ministry/Division or to head a major corporation, the Board should satisfy itself about the officer's maturity, balance and ability to assume such top management positions even at short notice.

#### IV. Specialist Cadres

Part II and III of the guidelines will not be strictly applicable to civil servants who are in specialist cadres such as doctors, teachers and professors, research scientists and incumbents of purely technical posts for promotion within their own line of specialism. The criteria for promotion in their case would continue to be the technical qualifications, experience and accomplishments (research, publications etc.) relevant to their specialism. However, for calculation of their comprehensive efficiency index, PERs shall carry 70% marks and consideration by the CSB 30%.

##### 23.11 Issuance of Revised PER Forms

This Division's OM No. F.1/1/2012-CP-2 dated 12<sup>th</sup> October, 2012 on the above subject and to invite attention towards para-2 (c) of the OM under reference whereby the decision to revive the relevant boxes in the PER forms, deleted in 2003, was circulated

2. It has now been decided that the PERs in respect of all officers in BS-17 & 18 as well as in BS-19 & 20 will be written on the revised PER Forms. The Revised Forms will be available on the website of the Establishment Division *id est* <http://www.establishment.gov.pk> for convenience of all concerned. The

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\* All Kinds of exemptions have been withdrawn on the basis of age w.e.f. 31<sup>st</sup> July, 2016 *vide* Estt.Div.'s O.M.No.F.10/1/2012- CP-II dated 30-12-2015.

PERs for the calendar year 2013 will be initiated on the Revised Forms. Similarly, in respect of FBR and its lower formations, the PERs for FY 2012-13 shall be initiated on the Revised Forms.

3. The Ministries/Divisions are requested to bring this decision to the notice of all Attached Departments/Sub-ordinate Offices under their administrative control for compliance.

*[Authority:-Estt. Div's OM No. 3/2/2012-CP-II dated 15-08-2013]*

### **23.12 Quantification for Quality and Output of Work**

With reference to Promotion Policy issued vide Establishment Secretary's d.o. letter No. 10(10)/85-CP-I, dated 15-5-1985, it is stated that a query has been raised about the quantification of marks for 'Quality and Output of Work' and 'Integrity'. It is clarified that the Promotion Policy is applicable only to overall grading under Part V of the confidential reports. As regards 'Quality and Output of Work' and 'Integrity', the entries remain the same and will carry their earlier marks except for 'Average (B)' rating which has been raised to 5 marks. The marks for the respective entries under these two items would, therefore, be as follows:-

<b>Entry</b>	<b>Marks</b>
A 1	10
A	7
B	5
C	1
D	0

2. In the Examples VIII & IX, the score for very good has incorrectly been shown as '8' which should be corrected to read as '10' and the examples should be re-worked accordingly.

3. These instructions may please be brought to the notice of all concerned.

*[Authority:- Estt. Division's O.M. No. 10(10)/85-CP-I, dated 11-8-1985].*

**QUANTIFYING THE CONFIDENTIAL REPORTS\*\*****I. OVERALL ASSESSMENT**

1. All Confidential Reports (CRs) recorded during service as an officer will be considered for promotion to posts carrying basic pay scales 18 to 21 or equivalent.

2. (a) The overall gradings in the CRs are allocated the following marks:

<u>Overall Grading</u>	<u>Marks</u>
(i) Outstanding	10
(ii) Very Good	8
(iii) Good	7
(iv) Average	5
(v) Below Average	1
(vi) Poor	0

(b) Separate grading of 'Outstanding' has now been introduced but for past reports, a 'Very Good' grading will be considered 'Outstanding' and carry 10 marks only if (i) all except 1 or 2 entries in parts II to IV of the current PER form or Part-II in the previous format are 'Very Good' (A-1) or (ii) accelerated promotion was recommended.

(c) If the overall grading in a CR is ambiguous e.g. placed between 'Good' and 'Average', the quantification will be based on the lower rating.

(d) In case the assessment of the countersigning officer differs from that of the reporting officer in any CR, the quantification will be based on the overall grading recorded by the countersigning officer.

(e) Where two or more confidential reports were initiated in a calendar year, the marks for that year will be worked out as their average or

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\* The calculations in the Addendum are subject to modifications as in Revision of Promotion Policy.

\*\* The Performance Evaluation Report (PER), at present categorized as 'Confidential' has been re-categorized as 'Restricted' and the word 'Confidential' appearing on top of Page 1 of PER forms substituted with the word 'Restricted'. In pursuance of this decision the existing para 5.3 of the Booklet 'A' Guide to Performance Evaluation (2004 Edition) has also been substituted as follows:

"5.3 Performance of the Officer reported upon shall be shown to him/her/on his/her request."  
[Ref. : Estt. Div.'s OM No. 3/18/2005-CP-II, dated 28<sup>th</sup> Nov., 2007]



arithmetic mean unless the officer was promoted during the year when the relevant part reports or their arithmetic mean, where required, would be treated as independent PERs for the respective levels.

3. The marks for CRs will be computed separately for each level of posts carrying the same basic pay scale and a weighted aggregate score will be worked out as follows:

➤ **First Step**

Arithmetic mean will be calculated for each calendar year containing 2 or more CRs vide 2(e) to derive the PER score for that year as follows:

$$M = \frac{\sum M_y}{N_y}$$

• **Where**

$M_y$  = marks vide para 2 (a) for each CR recorded in calendar year 'y'.  
 $N_y$  = Number of CRs recorded in year 'y'.  
 and  $\sum$  stands for summation.

➤ **Second Step**

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \frac{\sum M}{T}$$

• **Where**

M = Marks for PERs vide paras 2(a) and 2(e); and  
 T = Total number of PERs in posts at that level.

➤ **Third Step**

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 100 marks for promotion :

- (i) to post carrying basic pay scale 18  $10 \times A$
- (ii) to post carrying basic pay scale 19  $(6 \times B) + (4 \times A)$
- (iii) to post carrying basic pay scale 20  $(5 \times C) + (3 \times B) + (2 \times A)$
- (iv) to post carrying basic pay scale 21  $(5 \times D) + (3 \times C) + (A + B)$

- **Where**

A = Average marks for reports in posts carrying basic pay scale 17

B = Average marks for reports in posts carrying basic pay scale 18

C = Average marks for reports in posts carrying basic pay scale 19

D = Average marks for reports in posts carrying basic pay scale 20

➤ **Fourth Step**

\*The following additions/deductions shall be made in the total marks worked out in [third step]\*\*:-

**A. Additions:**

Officers who serve as members of the faculty in the government training institutions for a minimum of one year in continuity, shall be awarded extra points (maximum upto five points) towards their "blood count" for the purpose of promotion as per the following criteria:-

(a) National Management College (b) Executive Development Institute (c) National Institute of Public Policy (d) National Defence University (NDU) (e) Pakistan Administrative Staff College	3 Marks (a) to (e)
(f) National Institute of Management	2 Marks for (f)
(g) Civil Service Academy and all other Government Training Institutions including those meant for specialized training.	1 Mark for (g)

**B. Deductions:**

(i)	For each <u>major penalty</u> imposed under the Govt. Servants (Efficiency and Discipline) Rules, 1973	5 Marks
(ii)	For each <u>minor penalty</u> imposed under the Government Servants (Efficiency and Discipline) Rules, 1973	3 Marks
(iii)	For adverse remarks deductions be made for such remarks only as were duly conveyed to the officer concerned and were not expunged on his representation, or the officer did not represent.	1 Mark per CR containing adverse remarks.

\* Subs. & Added *vide* PMs Sectt (Public) u.o.No.106/GS/Estab/2005, dated 10.12.2005 and communicated *vide* Establishment Division's O.M.No.1/3/2004-CP.II, dated 2.1.2006

\*\* Amended *vide* Estt. Div.'s O.M. No. 10(10)/85-CP-I, dated 4-2-1986.

**C. \* [Clarification:**

- (a) The officers who had served in a government training institution, including those meant for specialized training in any particular cadre for a period of 2 years or more before 02-01-2006, would continue to get 2 additional marks as per policy in force at that time.
- (b) The officers who are posted on or after 02-01-2006 in the institutions, would get additional marks on the completion of one year in terms of modified policy. Similarly, the officers who were serving in training institutions but had not completed 2 years on 02-01-2006 would not get 2 additional marks, but get 3, 2 or 1 mark, as the case may be, in accordance with the modified policy.

## ➤ Example-I

A civil servant is being considered for promotion to a post carrying basic pay scale 20. He earned the following gradings during his service against posts carrying:

pay scale 17	4 Good and 1 Average
pay scale 18	2 Very Good, 6 Good and 1 Average of which the average report and two good reports were earned in one calendar year. The other reports covered full calendar years.
pay scale 19	1 Outstanding and 4 Good.

He has served for 3 years in a training institution. His marks for the CRs will be worked out as follows: -

## ➤ First Step

Average/arithmetical mean,  
for 2 'Good'  
and 1 Average report earned  
in one calendar year.

$$\frac{(7 \times 2) + (5 \times 1)}{3} = 6.3$$

## ➤ Second Step

Average marks for posts  
carrying basic pay  
scale 17.

$$\frac{(7 \times 4) + (5 \times 1)}{5} = 6.6$$

\* Added *vide* Establishment Division's O.M.No.1/3/2004-CP.II, dated 28-6-2006

Average marks for posts carrying basic pay scale 18.	$\frac{(8 \times 2) + (7 \times 4) + 6.3}{7} = 7.1$
--	---

Average marks for posts carrying basic pay scale 19.	$\frac{(10 \times 1) + (7 \times 4)}{5} = 7.6$
--	--

➤ Third Step

$$(5 \times 7.6) + (3 \times 7.1) + (2 \times 6.6) = 72.5$$

➤ Fourth Step

Marks for CRs	72.5
Add for service in a training institution	2.0
	-----
	74.5
	-----
<b>His final score for CRs will be.</b>	<b><u>74.5</u></b>

➤ Example-II

A civil servant is being considered for promotion to a post carrying basic pay scale 19. He earned the following gradings during his service against posts carrying;

pay scale 17	3 Good and 2 Average.
pay scale 18	5 Good and 2 Average.

A minor penalty under the Government Servants (Efficiency and Discipline) Rules, 1973 was imposed on him. He also earned adverse remarks in 2 reports.

His marks for the CRs will be worked out as follows:

➤ First Step:

Average marks for posts carrying basic pay scale 17.	$\frac{(7 \times 3) + (5 \times 2)}{5} = 6.2$
--	---

Average marks for posts carrying basic pay scale 18.	$\frac{(7 \times 5) + (5 \times 2)}{7} = 6.4$
--	---

➤ Second Step

$$(6 \times 6.4) + (4 \times 6.2) = 63.2$$

## ➤ Third Step

Marks for CRs	63.2
Less	
(i) for minor penalty	3
(ii) for adverse remarks	2
	<u>-5</u>
<b>His final score for CRs will be 58.2.</b>	<b><u>58.2</u></b>

4. The weightage in the second step at para 3 will be modified to correspond to the number of levels actually served in government in cases where:

- (i) the officer joined government service directly in a post carrying basic pay scale 18 or above; or
- (ii) the officer has not served against any post carrying an intervening basic pay scale.

## ➤ Example-III

A civil servant who has joined government service in a post in pay scale 18 is being considered for promotion to a post carrying pay scale 20. He earned the following gradings during his service against posts carrying:

pay scale 18    2 Very Good, 3 Good and 2 Average.  
 pay scale 19    2 Very Good and 3 Good.

His marks for the CRs will be worked out as follows:

## ➤ First Step:

Average marks for posts carrying basic pay scale 18     $\frac{(8 \times 2) + (7 \times 3) + (5 \times 2)}{7} = 6.7$

Average marks for posts carrying basic pay scale 19     $\frac{(8 \times 2) + (7 \times 3)}{5} = 7.4$

## ➤ Second Step

$$(6 \times 7.4) + (4 \times 6.7) = 71.2$$

## ➤ Third Step

Marks for CRs	71.2
	<u>      </u>
<b>His final score for CRs will be.</b>	<b><u>71.2</u></b>

## ➤ Example-IV

A civil servant is being considered for promotion to a post carrying basic pay scale 19 in a cadre where no post exists in basic pay scale 18, he has earned 1 Very Good, 7 Good, 5 Average and one Below Average reports (with adverse entries) in his present post carrying basic pay scale 17. His marks for CRs will be worked out as follows:

## ➤ First Step

Average marks for post carrying basic pay scale 17	$\frac{(8 \times 1) + (7 \times 7) + (5 \times 5) + (1 \times 1)}{14} = 5.9$
--	--

## ➤ Second Step

(10 x 5.9)	59
------------	----

## ➤ Third Step

Marks for CRs	59
Less	
for adverse remarks	<u>-1</u>
<b>His final score for CRs will be.</b>	<b><u>58</u></b>

5. Where only two reports or less are available on an officer against posts in a particular basic pay scale, these CRs will be added to the CRs earned in the lower post for calculating the average marks at that level and the principle laid down in para 4 will apply to the weightage to avoid any undue bias attaching to the reports in question.

## ➤ Example-V

A civil servant is being considered for promotion to a post carrying basic pay scale 20. He earned the following gradings during his service against posts carrying:

pay scale 17	4 Very Good, 4 Good and 2 Average.
pay scale 18	1 Average and 1 Below Average.
pay scale 19	2 very Good, 5 Good and 1 Average.

His marks for CRs will be worked out as follows:

➤ First Step

$$\begin{array}{l} \text{Average marks} \\ \text{for posts carrying} \\ \text{basic pay scale 17} \end{array} \quad \frac{(8 \times 4) + (7 \times 4) + (5 \times 2) + (5 \times 1) + (1 \times 1)}{12} = 6.3$$

$$\begin{array}{l} \text{Average marks for posts} \\ \text{carrying basic pay} \\ \text{scale 19} \end{array} \quad \frac{(8 \times 2) + (7 \times 5) + (5 \times 1)}{8} = 7.0$$

➤ Second Step

$$(6 \times 7) + (4 \times 6.3) = 67.2$$

➤ Third Step

Marks for CRs	67.2
<b>His final score for CRs will be</b>	<b>67.2</b>

Note: Independent weightage for only 2 reports against the post in basic pay scale 18 would have skewed his score to 58.

➤ Example-VI

A civil servant being considered for promotion to a post in basic pay scale 18 has earned only 2 reports against his present post but had served for 6 years against a post in basic pay scale 16. He earned the following gradings in his CRs:—

pay scale 17                      2 Good.

pay scale 16                      4 Good and 2 Average.

His marks for CRs will be worked out as follows:

➤ First Step

$$\begin{array}{l} \text{Average marks} \end{array} \quad \frac{(7 \times 2) + (7 \times 4) + (5 \times 2)}{8} = 6.5$$

➤ Second Step

$$(10 \times 6.5) = 65$$

➤ Third Step

Marks for CRs	= 65
<b>His final score for CRs will be.</b>	<b>65</b>

6. Where an officer appointed to a higher post on acting charge basis is considered for regular promotion to that post, the CRs earned during his acting charge appointment will be added to the CRs earned in the lower post for calculating average marks.

➤ Example-VII

A civil servant appointed on acting charge against a post carrying basic pay scale 19 is to be considered for regular promotion against that post. He has earned 2 good reports in his assignment on acting charge and the following gradings against earlier posts :

pay scale 17	3 Good and 2 Average.
pay scale 18	2 Very Good, 4 Good and 2 Average.

His marks for CRs will be worked out as follows :

➤ First Step

$$\begin{array}{l} \text{Average marks for} \\ \text{posts carrying} \\ \text{basic pay scale 17} \end{array} \quad \frac{(7 \times 3) + (5 \times 2)}{5} = 6.2$$

$$\begin{array}{l} \text{Average marks} \\ \text{for posts carrying} \\ \text{basic pay scale 18} \end{array} \quad \frac{(8 \times 2) + (7 \times 4) + (5 \times 2) + (7 \times 2)}{10} = 6.8$$

➤ Second Step

$$(6 \times 6.8) + (4 \times 6.2) = 65.6$$

➤ Third Step

Marks for CRs	65.6
<b>His final score for CRs will be</b>	<b>65.6</b>

## II. QUALITY AND OUTPUT OF WORK

7. Paragraphs 1 & 2 of the above computation will apply *mutatis mutandis* to quantification of grading recorded on 'Quality and Output of Work' in the CRs.

8. The aggregate score for 'Quality and Output of Work' will be calculated as follows:



$$\text{Aggregate score} = \frac{\Sigma (\text{Marks} \times \text{No. of CRs containing the respective grading})}{\text{Total No. of CRs.}} \times 10$$

➤ Example-VIII

In 17 CRs as civil servant earned the following gradings against the entry for 'Quality and Output of Work'

Very Good	5
Good	8
Average	4

His aggregate score in 'Quality and Output of Works' will be as follows:

$$\text{Aggregate score} = \frac{*[(10 \times 5)] + (7 \times 8) + (5 \times 4)}{17} \times 10 = 74.12$$

### III. INTEGRITY

9. Similarly, the aggregate score of 'Integrity' will be calculated as follows:—

$$\text{Aggregate score} = \frac{\Sigma (\text{Marks} \times \text{No. of CRs containing the respective grading})}{\text{Total No. of CRs}} \times 10$$

➤ Example-IX

In 22 CRs a civil servant earned the following gradings against the entries on 'Integrity'

	<u>Very Good</u>	<u>Good</u>	<u>Average</u>
Moral	4	12	6
Intellectual	5	12	5

His aggregate score in 'Integrity' will be as follows:—

$$\text{Moral} = \frac{[(10 \times 4)] + (7 \times 12) + (5 \times 6)}{22} \times 10 = 70$$

---

\* Corrected vide Estt. Div.'s OM No. 10(10/85-CP.I, dated 11-8-1985.

$$\text{Intellectual} \quad \frac{[(10 \times 5)] + (7 \times 12) + (5 \times 5)}{22} \times 10 = 72.27$$

Note: The Promotion Policy has been revised which reflected two changes viz-

- (i) PERs in respect of two preceding grades (BPS) or the last 15 years whichever is more are to be quantified.
- (ii) Quantification of PERs relating to present grade (BPS and previous grade(s) (BPS) 60%:40% have been awarded 70 marks.

[End]

### 23.13 Quantification of Two or More Confidential Reports Pertaining to a Calendar Year

Reference Establishment Division's D.O. No.10(10)/85-CP.I, dated 15-5-1985. The question of quantification of two or more confidential reports initiated in a calendar year on the basis of average or arithmetic mean has been under consideration in the Establishment Division. It has been observed that quantification of part report of smaller period overrides the report of larger portion of the year, when calculated on the basis of average or arithmetic mean as is illustrated in the following example:-

- |   |          |
|---|----------|
| (a) Report for 9 months as "Average":     | Marks=05 |
| (b) Report for 3 months as "Outstanding": | Marks=10 |

$$\text{Mean: } \frac{\text{Total marks for each CR recorded in the year}}{\text{Number of CRs recorded in the year.}} \\ = \frac{5+10}{2} = 7.5$$

2. To make the formula of quantification more realistic, it has been decided with the approval of the competent authority that, in future, part reports written on an officer in a calendar year will be quantified on the basis of weighted average/proportionately instead of their average or arithmetic mean. The same is illustrated in the following example:-

- |   |          |
|---|----------|
| (a) Report for 9 months as "Average" :    | Marks=05 |
| (b) Report for 3 months as "Outstanding": | Marks=10 |

---

\* Corrected vide Estt. Div.'s OM No. 10(10)/85-CP.I, dated 11-8-1985.

[Weighted average: Marks for each CR multiplied by No. of  
months as covered by part reports.

12

(No. of months a calendar year)]

$$\frac{5 \times 9}{12} = \frac{45}{12} \dots\dots\dots 3.75$$

$$\frac{10 \times 3}{12} = \frac{30}{12} \dots\dots\dots 2.50$$

Total 6.25

3. However, where there is only one report available on an officer in a calendar year and he could not earn another in the same year owing to the factors beyond his control such a report should be treated as report for full one year.

4. Para 2(e) and 3 of the Addendum to the Promotion Policy issued vide Establishment Division's D.O. No.10(10)/85-CP.I, dated 15-05-1985 referred to above will stand amended to this extent.

5. The competent authority, with a view to maintaining 100% accuracy in the process of quantification of the PERs, has further been pleased to direct as under:-

- (a) the quantification sheets shall be signed by the official designated to do so, besides its countersignature by a responsible supervising officer; and
- (b) that any incorrect quantification identified during the course of inspection or re-verification shall be treated as an act of inefficiency and misconduct punishable under the Efficiency and Discipline Rules, besides liability under the criminal law.

6. The Ministries/Divisions/Departments are, therefore, requested to bring the above instructions to the notice of all concerned for strict compliance.

[Authority:- Estt. Division's O.M.No.10/1/97-CP.I, dated 12-11-1998].

#### **23.14 Clarification Regarding Quantification of Part PERs in Case of Incomplete Record**

Reference para 3 (Second Step) of the Addendum to Promotion Policy issued vide Establishment Division D.O. No.10(10)/85-CP.I, dated 15-5-1985 amended vide Establishment Division O.M.No.10/1/97-CP.I, dated 12-11-1998 and dated 16-11-1998. It is clarified that where some part PERs due for a calendar year are not available on record (e.g. three part reports were due in a

calendar year and only one or two of them are available on record), the denominator I would be calculated taking into account the ratio of the period for which the part PERs were written with the full calendar year as per formula of X/12 where X is the number of months for which each part report was written.

➤ EXAMPLE-1:

A civil servant is being considered for promotion in May, 2002 for a post carrying BPS 18. His record shows the following availability of PERs:

1997 Average	(full year)
1998 Good	(full year)
1999 Very Good	(full year)
2000 Very Good	(Jan – Apr)
Good	(May – 15 Aug)

Part PER for the remaining period of the Calendar year is due but not available on record.

2001 Good	(full year)
-----------	-------------

His marks for each year will be worked out as follows:—

<u>Year</u>	<u>Marks of the reports</u>
(1) 1997	05
(2) 1998	07
(3) 1999	08
(4) 2000	08 x $\frac{4}{12}$ + 07 x $\frac{3.5}{12}$
	56      12
	<u>56.5</u> 4.71
5) 2001	12
	07

His total quantification will be worked out as follows:

$$\frac{(8 \times 1) + (7 \times 2) + (5 \times 1) + 4.71}{1 + 2 + 1 + \frac{7.5}{12}} = \frac{31.71}{4.625} = 6.86 \text{ (Say 6.9)}$$

**His overall score will be 69**

Quantification of higher posts shall be calculated in the same manner as illustrated in the next example:

## ➤ EXAMPLE-2:

A civil servant is being considered for promotion to a post carrying BPS 20. He earned the following grading during his service against posts carrying.

BPS 17	=	4 'Good' and 1 Average
BPS 18	=	2 'Very Good', 4 'Good', and 1 'Average' which is a part report for 8 months. The remaining part report for 4 months is due but not initiated by the Reporting Officer.
BPS 19	=	2 'Outstanding', 5 'Good', and 2 'Average'. A perusal of his Dossier reveals that in addition to the above cited 9 PERs, the officer also earned three part reports during one calendar year. Of these, only two part reports, one 'Very Good' for 4 months, and one 'Good' report for 3 months and 15 days for that calendar year is available in the dossier and while the report for the remaining 4 ½ month period is not available on record.

His marks for PERs will be worked out as follows:

## ➤ First Step

- Weighted average for 1 'Average' (part) report earned in BPS 18 in one calendar year

$$\begin{aligned}
 &= \frac{(5 \times 8)}{12} \\
 &= \frac{40}{12} \\
 &= 3.33
 \end{aligned}$$

- Weighted average for 1 'Very Good' (4 months part report) and 1 'Good' (3 months 15 days part report) during one calendar year in BPS 19.

$$\begin{aligned}
 &= \frac{(8 \times 4) + (7 \times 3.5)}{12} \\
 &= \frac{56.5}{12} \\
 &= 4.71
 \end{aligned}$$

## ➤ Second Step

- Average marks for post carrying BPS 17

$$\begin{aligned}
 &= \frac{(7 \times 4) + (5 \times 1)}{5} \\
 &= \frac{33}{5} \\
 &= 6.6
 \end{aligned}$$

- Average marks for post carrying BPS 18

$$\begin{aligned}
 &= \frac{(8 \times 2) + (7 \times 4) + (3.33)}{6 + 8} \\
 &= \frac{47.33}{12} \\
 &= 6.67 \\
 &= 7.09 \\
 &= (X/12)
 \end{aligned}$$

- Average marks for post carrying BPS 19

$$\begin{aligned}
 &= \frac{(10 \times 2) + (7 \times 5) + (5.2) + (4.71)}{9 + 7.5} \\
 &= \frac{69.71}{12} \\
 &= 9.625 \\
 &= 7.24 \\
 &= (X/12)
 \end{aligned}$$

## ➤ Third Step

$$\begin{aligned}
 \text{BS 17} &= 2 \times 6.6 = 13.2 \\
 \text{BS 18} &= 3 \times 7.09 = 21.27 \\
 \text{BS 19} &= 5 \times 7.24 = 36.2 \\
 &= 70.67 \text{ (say 71)}
 \end{aligned}$$

His final score for PERs will be 71.

[Authority:- Estt. Div.'s O.M.No.10(1)/97-CP.I/CP.II, dated 7.5.2002].

### 23.15 Clarifications Regarding Quantification Procedures

Reference the Addendum to Promotion Policy issued vide Establishment Division D.O.No.10(10)/85-CP.I, dated 15.5.1985 amended vide Establishment Division O.M.No.10/1/97-CP.I, dated 12-11-1998 and dated 16-11-1998, and

clarified vide Establishment Division O.M.No.10(1)/97-CP.I/CP.II, dated 7.5.2002. The following clarifications are issued with respect to implementation of the quantification procedure:-

- **Clarification No. 1**

2. Para 5 of the Addendum of the Promotion Policy provides that where only 2 reports or less are available on an officer against a post in a particular BPS, these CRs will be added to the CR earned in the lower post for calculating the average marks at that level and the principle laid down in para 4 will apply to the weightage to avoid any undue bias attaching to the reports in question.

3. It has been noted that provision of para 5\* may sometimes work to the disadvantage of officers who have earned 2 or less reports in a particular Basic Pay Scale. Since the intention of the policy makers was to ensure that no negative bias enters into the quantification of an officer, it is hereby clarified that the provision of para 5\* of Addendum shall be applied only if it works to the advantage of an officer. If, however, the quantification of an officer gets reduced as a result of the provision of para 5\*, the procedure specified in para 5 of the Addendum shall not be followed.

**Example**

Two officers are being considered for promotion to (posts in) BPS 20 and 21 respectively. They earned the following grades during their service against posts carrying:—

Officer No. 1	Officer No. 2
<ul style="list-style-type: none"> <li>• Pay scale 17 (4 'Very Good', 1 'Good', 2 'Average').</li> <li>• Pay scale 18 (1 'Average', 1 Below 'Average')</li> <li>• Pay scale 19 (2 'Very Good', 5 'Good' and 1 'Average')</li> </ul>	<ul style="list-style-type: none"> <li>• Pay Scale 17 (1 'Good' &amp; 1 'Average')</li> <li>• Pay Scale 18 (1 'Outstanding', 3 'Very Good' and 4 'Good')</li> <li>• Pay Scale 19 (2 'Very Good')</li> <li>• Pay Scale 20 (2 'Outstanding' &amp; 6 'Very Good')</li> </ul>
<ul style="list-style-type: none"> <li>• Quantification without application of para-5 <span style="float: right;">58</span></li> <li>• Quantification after application of para-5 <span style="float: right;">67</span></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Quantification without application of para-5</u> <span style="float: right;">= 80</span></li> <li>• Quantification after application of para-5 <span style="float: right;">= 78</span></li> </ul>
<p><u>NOTE:</u> The officer gains 9 marks with application of para-5. The procedure provided in para-5 of the Addendum shall be followed in this case.</p>	<p><u>NOTE:</u> The officer loses 2 marks with application of para-5 of the Addendum to Promotion Policy. Hence, the procedure provided in para-5 of the Addendum shall not be followed in this case and quantification of the officer shall be worked out without adding his BPS 19 CRs to the CRs earned in BPS 18</p>

\* Para 5 of Addendum to Revised Guidelines – Concept of Quantification in Promotion Policy (May, 1985).

- **Clarification No. 2**

4. Para 3 of the Addendum prescribes 4 steps for calculation of the PER quantifications. The Fourth step provides that the following deductions shall be made from the total quantification of an officer.

(1) For each major penalty	5 marks
(2) For each minor penalty	3 marks
(3) For adverse remarks	1 mark per CR containing adverse remarks

5. It has been the general practice to deduct these marks each time an officer's quantification is being worked out. This practice was challenged by certain officers and it has been held by the Federal Service Tribunal as well as the Supreme Court of Pakistan that it does not appear to be the intention of the rule makers that deductions on account of penalties on adverse remarks should be made each time the case comes up for consideration by the Board. While deciding the appeal of a civil servant, the competent authority also gave its concurrence to the above and directed the Establishment Division to work out the officer's quantification without deduction of marks due to penalty.

6. In view of the above, it is hereby clarified that deduction of marks due to penalty or adverse remarks shall be done only once *i.e.* when an officer's case comes up for consideration for promotion to the next higher \*grade. Once the officer has been promoted to the higher grade no deduction shall be made subsequently.

**Example No. 1**

An officer is being considered for promotion to BPS 19. He was awarded a minor penalty in BPS 18. Deduction of 3 marks shall be made from his total quantification whenever his case comes for promotion to BPS 19. Till such time that he is promoted to the next \*\*grade (*i.e.* BPS 19 in this case), his overall quantification shall be worked out with deduction of 3 marks.

**Example No. 2**

The same officer is now being considered for promotion to BPS-20\*\*. He was awarded minor penalty in BPS 18 and was subsequently promoted to BPS-19\*\*. While calculating his quantification for promotion to BPS-19\*\*, deduction of 3 marks was made from his total quantification. However, now that the officer has been promoted to BPS 19\*\* and is being considered for promotion to BPS-20\*\* no deduction shall be made from his total quantification.

[Authority:— Estt. Div.'s O.M.No.10(1)/97-CP.I (Pt), dated 20.9.2003].

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\* BPS

\*\* [a post in]



### **23.16 Promotion Policy Enhancement of Minimum Threshold for Promotion to BPS 21**

Attention is invited to the Establishment Secretary's D.O. letter No.10(10)/85.CP-I, dated 15-5-1985 under which the revised promotion policy was circulated.

2. Keeping in view the importance and seniority of the posts in BPS 21, it has been decided with the approval of the competent authority that henceforth the minimum score for 'Overall Assessment' as well as 'Quality and Output of Work' in respect of promotion to these posts would be 75. However, in the case of smaller cadres where only 2 or 3 officers are eligible for consideration and they do not meet the revised standard, the Selection Board may recommend the cases of officers who possess consistently good record but whose score is between 70 to 75, for special consideration.

3. Guidelines **annexed** to the Promotion Policy referred to above may please be amended accordingly. Other provisions of the policy remain unchanged.

*[Authority:-- Estt. Division's O.M.No.10(10)/85-CP-I, dated 12-11-1987].*

#### **Sl. No. 24**

#### **Exemption from NIMs and Staff College/NDC\* Course**

Reference Establishment Division's d.o. letter No. 10(10)/85-CP.I, dated the 15th May, 1985 it is stated that apart from those who have crossed the age of \*\*56 years, training requirement at NIM/PASC/NDC\* can only be waived for the following categories of officers:-

- (i) For Promotion to BPS 20: those who have served on directing staff in BPS 19 for 2 years in NIM, Staff College, \*NDC, Civil Services Academy and the specialized training institutions imparting training to officers in BPS 17 and above.
- (ii) For Promotion to BPS 21: those who have served on directing staff in BPS 20 for two years in the Staff College, \*NDC, NIM and Civil Services Academy or have served for one year as head of NIM/specialized training institutions imparting training to officers in BPS 17 and above.

*[Authority:-- Estt. Div.'s O.M.No.10(5)/91-CP-I, dated 8-5-1991].*

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\*National School of Public Policy (NSPP), National Management College (NMC) and National Defence University (NDU).

\*\*All Kinds of exemptions have been withdrawn on the basis of age w.e.f. 31<sup>st</sup> July,2016 vide Estt.Div.'s O.M.No.F.10/1/2012- CP-II dated 30-12-2015.

### **24.1 Withdrawal of Exemptions from Training Extension in Cut-Off-Date**

Reference Establishment Division's Office Memoranda of even number dated 04-01-2005 & 22-03-2005 regarding withdrawal of exemptions waivers granted for mandatory training at NIM, PASC & \*NDU. The competent authority has been pleased to extend the cut-off date mentioned therein (*i.e.* 04-01-2005) upto 27-12-2005. Therefore, the exemptions may now be deemed to have been withdrawn w.e.f.27-12-2005. The rest of the conditions will remain the same.

[Authority: Estt. Div's OM No. 1/3/2001-CP.III, dated 27-09-2005].

### **24.2 Modification in Condition of Training for Promotion**

Reference is invited to the Establishment Secretary's d.o. letter No.10(1)/85-CP-I, dated the 15th May, 1985 and subsequent O.M.No.10(5)/91-CP-I, dated the 8th May, 1991.

2. In partial modification of the above promotion policy, it has been decided with the approval of the competent authority that the mandatory condition for completion of the prescribed training at NIM and PASC will be waived off in respect of officers of Foreign Service of Pakistan during their posting abroad at the time of consideration of their promotion cases by the respective CSB. However, they will undergo the required training at the existing institutions or Foreign Service Academy (FSA) later during the home phase of their posting.

[Authority:- Estt. Div.'s O.M.No.10/2/98-CP.I, dated 10-11-1998].

### **24.3 Allocation of Marks for MID Career Management Course (MCMC) Mandatory Training for Promotion to BS-19**

Establishment Division O.M of even number dated 24-10-2007 and to state that the Competent Authority, has been pleased to approve the following changes in the Revised Promotion Policy, 2007 for promotion to BS-19 on the analogy of promotions to BS-20 and BS-21:-

- (a) The PERs of regular BS-18 officers for promotion BS-19 will now have weightage of 70 marks.
- (b) MCMC is assigned 15 marks.
- (c) Evaluation by Departmental/Selection Board will have 15 marks. The DSB will however continue to determine the fitness of person for promotion from BS-18 to BS 19 on the selection basis.

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\*National School of Public Policy (NSPP), National Management College (NMC) and National Defence University (NDU).

- (d) Exemptees from the mandatory training course of MCMC will be evaluated by the Departmental Selection Board against 30 marks (inclusive of 15 marks in lieu of Training).

2. All Ministries/Divisions are requested to note the above decisions and also bring the same to the notice of their Attached Departments/Sub-ordinate Offices, Autonomous/Semi-Autonomous Bodies/Corporations for their information and strict compliance.

[Authority: Estt. Div's OM No. 1/3/2007-CP-2 dated 02-03-2012]

#### **24.4 Promotion Related Capacity Building of Civil Servants in BPS 17 to BPS 19 of Various Occupational Groups/Services**

In order to ensure an optimum development of human resources available to the government, it is imperative that a continuous process of capacity building is so engineered that training becomes a regular, mandatory requirement, directly linked to vertical growth of civil servants. In this context, the \*Chief Executive of Pakistan was pleased to decide that officers be trained in regular, short courses to equip them with skills and expertise relevant to their job. It has, therefore, been decided by the government that:-

- (a) Civil servants prospectively appointed to all Occupational Groups/Services be required to undergo twelve days of short training course, each year after completing the initial common and specialized training programmes, in a pre-determined progressive mix of skills and concept courses;
- (b) Special focus will be given in Public Finance, Budget Preparation, Accounts etc., in addition to the relevant courses of each Occupational Group\*\*. Sample lists of which are **annexed**;
- (c) Officers presently serving in BPS 17 to BPS 19 be required to undergo twelve days of training, starting year, 2002 [till the year of their consideration for promotion to the next higher BPS]; and
- (d) Promotion to BPS 18, BPS 19 and BPS 20 be conditional, amongst other criteria, to an assessment of satisfactory participation in these courses.

A sample list of short courses in skills and concepts development identified in consultation with various Ministries/ Divisions/Departments is **annexed**. All the administrative Ministries/ Divisions/Departments controlling the regularly constituted Occupational Groups, except Ministry of Foreign Affairs (in whose case policy would be announced later) are requested to arrange short training courses for their officers serving in BPS 17 to BPS 19, every year.

[Authority.-Establishment Division's O.M.No.1/6/2002-CP.II, dated 5-4-2002].

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\* Now Prime Minister.

\*\* Add 'and service'

**(Annex 1)****1. COMMERCE AND TRADE GROUP**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institute</b>
1.	a) Basis for International Trade	One week	Foreign Trade Institute of Pakistan (FTIP)
	b) International Marketing		
2.	a) Trade Policies	One week	Foreign Trade Institute of Pakistan (FTIP)
	b) Trade Strategies		
3.	a) National Trade Laws and Institution	-do-	-do-
	b) International Trade Laws and Institutions		
4.	a) Marketing Management	-do-	-do-
	b) Marketing Research		
	c) Integration Marketing/Planning Execution		
5.	Products Development	-do-	-do-
6.	a) Promotion of Trade and Investment	12 days	-do-
	b) Managing Trade Fairs/Exhibitions abroad for Trade promotion		
	c) Post fairs follow-up & Analysis		
7.	Organization Role and Functions of WTO* and its Implications on Pakistan's Trade and Investment	-do-	FTIP/IBA**
8.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

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\* World Trade Organization.

\*\* Institute of Business Administration.

## 2. \*CUSTOMS AND EXCISE GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Customs laws and procedures	One week	Directorate of Customs & Excise & Sales Tax Karachi/Lahore/ Islamabad and other training institutes where the facility of training is available.
2.	Levy and Assessment of duties/taxes, Exemption, Repayments, Warehousing, Transit and Transshipment	-do-	
3.	Import & Export Policies and Procedures and Concepts related to International Trade.	-do-	
4.	Sales Tax Laws & procedure	-do-	
5.	Prevention of Smuggling, Search, Seizure & arrest-Inquiries and Investigations	-do-	
6.	Central Excise Law and procedure	-do-	
7.	Financial Accounting for Tax Officers	-do-	
8.	Customs Baggage Rules	-do-	
9.	Basic Investigation Techniques	-do-	
10.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

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\* Now Pakistan Customs Service.

## 3. \*DISTRICT MANAGEMENT GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Development Planning/Plan formulation, Planning Machinery in Pakistan	One week	Civil Services Academy NIMs, any other Training Institutes where the facility of Training is available.
2.	Feasibility Study, Project Preparation, Implementation Monitoring and Evaluation	-do-	
3.	Public Finance & Finance Management	-do-	
4.	Public Income, its Sources, Effects of Taxation on Production & Distribution	-do-	
5.	Public Expenditure, Objects & Classification, Effects of Public Expenditure on Production & Distribution	-do-	
6.	Public Debts General Characteristics	-do-	
7.	Principles of Audit & Role of Public Accounts Committee	3 days	
8.	Public Administration, Sector Management and concept of Public Governors	-do-	
9.	Decision Making	-do-	
10.	Devolution Plan	-do-	
11.	District Tehsil Administration	-do-	
12.	Local Government and Rural Development	-do-	
13.	Role of NGO in Development	-do-	
14.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

\*Renamed as "Pakistan Administrative Service" vide Estt. Div.'s O.M.No. 6/3/2012 CP-II dated 21-05-2012.

## 4. ECONOMISTS AND PLANNERS GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Course on Macro Economic Planning	12 days	PIDE*
2.	Course on Employment Income and Resource Mobilization	-do-	Pakistan Manpower Institute (PMI)
3.	Course on Human Resource Management	-do-	-do-
4.	General Course on Management	-do-	Pakistan Planning & Management Institute (PPMI)
5.	Course on Balance of Payments	-do-	*PIDE
6.	Course on Debt Management	-do-	*PIDE
7.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

## 5. \*\* INCOME TAX GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Income Tax Law	One week	Directorate of Training and Research (Income Tax), Lahore
2.	Investigative Techniques and Commercial Practices	-do-	-do-
3.	Accountancy, Book Keeping and Auditing	-do-	-do-
4.	Knowledge of Computers/ Information Technology	-do-	-do-
5.	Advance Management Programme	12 days	Pakistan Institute of Management Karachi/Lahore
6.	Financial Management Course	One week	-do-

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\* Pakistan Institute of Development Economics.

\*\* Now Inland Revenue Service.

7.	Skills in Administrative Matters	One week	Pakistan Institute of Management Karachi/Lahore
8.	Streamlining Administrative Procedure and Paperwork	-do-	-do-
9.	Course in Financial Management for DDOs* or Equivalent Rank	-do-	NIM, Karachi
10.	Finance and Accounting for non Financial Executives	-do-	Pakistan Institute of Management, Lahore/Karachi
11.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

#### 6. INFORMATION GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Duties of Press Officers Abroad	One week	Information Service Academy, PTV Academy or any other Training Institute where the facility of Training is available.
2.	Projecting Kashmir Abroad	One week	
3.	Conflict Resolution	One week	
4.	Mass Communication As Agent of Socio-Cultural Change	3 days	
5.	International Media and Dealing with Foreign Correspondents	3 days	
6.	Publicity, Public Relations and International Relations	One week	
7.	Media Diplomacy and New World Order	One week	
8.	International News Agencies and their Role in World Politics	One week	
9.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

\* Drawing and Disbursing Officer. See for reference 'A Hand Book for Drawing & Disbursing Officers', PPARC, Management Services Wing, Establishment Division.



### 7. MILITARY LANDS & CANTONMENTS GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Cantonment Act, 1924	One week	NIMs, CSA* or any other training institute where the facility of training is available.
2.	Cantonment Property Rules	-do-	
3.	Cantonment Servants Rules, 1955	-do-	
4.	Cantonment Election Petition Rules 1997	-do-	
5.	Administration & Management of Government Land Inside and Outside Cantonment	-do-	
6.	Acquisition & Requisitioning of Land or Property for the purpose of Federation	-do-	
7.	Resumption, Requisitioning Sale of Property for Defence Services	-do-	
8.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

### 8. OFFICE MANAGEMENT GROUP

Sl. No.	Training Course	Duration	Training Institute
1.	Financial Management	One Week	STI**, PCB***, NIM, PIM@ or any other Training Institute where the facility is available.
2.	Cash Management	-do-	
3.	Office Management	-do-	
4.	Stress Management	3 days	
5.	Time Management	3 days	
6.	Budgeting & Financial Control	One week	
7.	Communication Skills	-do-	
8.	Legal drafting	-do-	
9.	Service Rules	12 days	
10.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

\*Civil Services Academy.

\*\* Secretariat Training Institute.

\*\*\* Pakistan Computer Bureau.

@ Pakistan Institute of Management.

## 9. \* PAKISTAN AUDIT &amp; ACCOUNTS SERVICE

Sl. No.	Training Course	Duration	Training Institute
<b>I. ACCOUNTING</b>			
1.	Introduction to Chart of Classification	3 days	Audit & Accounts, Training Institutes, Lahore, Islamabad, Peshawar, Karachi & Railways Accounts Academy, Quetta.
2.	Compilation of Monthly & Annual Accounts	-do-	
3.	Reconciliation of Accounts	-do-	
4.	Appropriation and Finance Accounts	-do-	
<b>II. AUDIT</b>			
1.	Value for Money Audit	3 days	
2.	Issue in Managing Performance Audit	2 days	
3.	INTOSAL Auditing Standards	-do-	
4.	Stage of Development of Project	-do-	
5.	Planning for Performance Audit	-do-	
6.	Audit Execution	5 days	
7.	Financial Analysis	2 days	
8.	Audit of Programme	-do-	
9.	Certification Audit	6 days	
10.	Evaluation of Internal Controls	-do-	
11.	Report Writing	2 days	
12.	Reporting Reviewing Concept & Practical	-do-	
13.	Audit of Revenue Receipts	3 days	
14.	Any other subject considered Relevant by the controlling Division/Agency	During not more than 12 days	

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\* Renamed vide Establishment Division OM No. 1/17/92-CP.II, dated 10.12.2002.

**10. POLICE SERVICE OF PAKISTAN**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institute</b>
1.	Crisis Management	3 days	National Police Academy, or any other Training Institute where facility of training is available.
2.	Traffic Management & Road Safety	3 days	
3.	Relation with Prosecution & Prison Administration	3 days	
4.	Usage of Information Technology in Policing Welfare	3 days	
5.	Various Systems of Policing	One week	
6.	Policing by Objectives	3 days	
7.	Crime Scene Management/Major Disorder(s)	3 days	
8.	Modern Concepts and Methods of Patrolling	3 days	
9.	Interviewing & Interrogating Skills	3 days	
10.	Preparation & Scrutiny of Challans	3 days	
11.	Monitoring of Bails, Acquittals and Conviction in Important Cases	One week	
12.	Native & Scope of Criminology, Modern Theories of Crime	One week	
13.	White Collar Crime & Penology*	One week	
14.	Any other subject considered relevant by the controlling Ministry/Division/ Agency	Duration not more than 12 days	

\* The study of punishment in relation to crime; the management of prisons [Chambers 20<sup>th</sup> Century Dictionary, 1981]

**11. POSTAL GROUP**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institute</b>
1.	Budgeting & Financial Management	One week	Postal Staff College or any other training institute where the training facility is available.
2.	Labour Management Relations	-do-	
3.	Post Office Costing Studies	-do-	
4.	Postal Management	-do-	
5.	Postal Statistics	-do-	
6.	Establishment of Special Services with reference to (a) State of Existing Services (b) Competition with Courier Services	-do-	
7.	Importance of Post – Socio-Economic Development	-do-	
8.	Any other subject considered relevant by controlling Division/Agency	Duration not more than 12 days	

**12. RAILWAYS (COMMERCIAL AND TRANSPORTATION) GROUP**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institute</b>
1.	Project Management	One week	PIM/LUMS**, or any other training institute where the training facility is available.
2.	Presentation Skills for Management	One week	
3.	Preparation of Marketing Plan	One week	
4.	Development Marketing Skills	One week	
5.	Management Course for Junior Executives	One week	
6.	Financial Management for Non-Financial Management	One week	
7.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

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\*Pakistan Institute of Management.

\*\*Lahore University of Management Services.

**13. SECRETARIAT GROUP**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institute</b>
1.	Rules/Laws Applicable to Civil Servants (Module-I)	One week	Secretariat Training Institute/ NIM/CSA* or any other Training Institute where the facility is available.
2.	Rules/Laws Applicable to Civil Servants (Module-II)	One week	
3.	Economy of Pakistan	One week	
4.	Preparation of Development Schemes	One week	
5.	Project Appraisal, Formulation & Monitoring	One week	
6.	International Relations	One week	
7.	Human Resource Management	One week	
8.	Management Information System	One week	
9.	Legal Drafting	One week	
10.	Financial Management & Budgeting	One week	
11.	Decision Making	One week	
12.	Any other subject considered relevant by the controlling Division/Agency	Duration not more than 12 days	

**(ANNEX-2)****SHORT COURSES FOR CONCEPT DEVELOPMENT FOR OFFICERS  
IN BPS 18 AND 19 OF ALL GROUPS/SERVICES**

<b>Sl. No.</b>	<b>Training Course</b>	<b>Duration</b>	<b>Training Institution</b>
1.	Reconciliation of Accounts	3 days	Audit & Accounts Training Institute, Karachi/ Lahore/Islamabad/Peshawar, Railways Accounts Academy Quetta.
2.	Financial Analysis	2 days	-do-
3.	Planning for Performance Audit	2 days	-do-
4.	Communication Skills	3 days	P.I.M, NIM
5.	I.T & E.Govt.	One week	P.C.B, NIMs, PASC

\* National Institute of Public Administration; Civil Services Academy.

6.	Human Resource Management	One week	NIM/STI
7.	Introduction of Customs Laws	3 days	Directorate of Customs & Excise & Sales Tax
8.	Sales Tax & Procedure	3 days	-do-
9.	Central Excise Laws	3 days	-do-
10.	Import & Export Policies	3 days	-do-
11.	Total Quality Management	3 days	CSA/NIMs/PIM
12.	Devolution Plan	3 days	-do-
13.	Local Government & Development	3 days	-do-
14.	Problem Solving & Decision-Making	3 days	CSA/NIMs/PIM
15.	Macro Economic Planning	3 days	PIDE
16.	Basic Income Tax Laws	3 days	Directorate of Training (Income Tax Lahore)
17.	Mass Communication	One week	Information Academy
18.	Media Diplomacy & New World Order	One week	-do-
19.	Financial Management	One week	NIM, CSA,STI
20.	Office Management	One week	Information Academy.
21.	Legal Drafting	One week	-do-
22.	Preparation of Budget	One week	-do-
23.	Stress Management	One week	NIM/CSA/PIM
24.	Crisis Management	One week	National Police Academy, CSA, NIMs
25.	Labour Management	One week	NILAT Karachi
26.	Marketing Skills	One week	PIM, Karachi/NIM
27.	Civil Servants Act and (APT*) Rules	One week	STI/NIMs
28.	Efficiency & Discipline Rules & **Removal from Service (Special Powers) Ordinance 2000	One week	-do-
29.	Preparation of Development Schemes	One week	NIMs/PIDE
30.	Project Appraisal, Formulation & Monitoring	One week	NIMs/PIDE
31.	Management Information System	One week	NIM/PASC
32.	International Relations	One week	CSA/Staff College FSA

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\* Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Hence APT.

\*\* Removal from Service (Special Powers) Ordinance, 2000 has been ceased to exit.

33.	Investment Analysis & Economic Management	One week	PASC/NIMs/PIDE
34.	Training of Trainers	One week	PASC/NIMs
35.	Environmental Preservation	One week	NIM/PASC
36.	Role of Women in Rural Development	One week	PARD/NCRD*
37.	Rural Development Administration	One week	PARD/NCRD*
38.	International Economics	One week	NIMs/PIDE
39.	Financial Management of Development Projects	One week	-do-
40.	Business Communication	One week	PIM/NIMs
41.	Human Rights	One week	NIMs/STI
42.	Poverty & Public Policy	One week	CSA/NIM/PASC/NCRD*
43.	Public Relations	One week	CSA/NIM/PASC
44.	Production & Operation Management	One week	-do-
45.	Ethics & Public Policies	One week	-do-
46.	Social Welfare Policies	One week	-do-
47.	Role of NGOs in Rural Development	One week	PARD/NIM/NCRD*
48.	Gender & Governance	One week	NIMs/CSA/PASC
49.	Communicating Effectively through Print Media	One week	Information Academy
50.	Negotiation Skills	One week	NIM/PIM
51.	Human Resource Planning	One week	NIM/PASC
52.	Training Need Assessment	One week	NIM/PASC
53.	Internet Training	One week	PCB/NIM/PASC
54.	Effective Record Management	One week	STI/NIM/PIM
55.	Stores/Purchase Procedure	One week	STI/NIM
56.	Time Management	One week	NIM/CSA/PIM
57.	Concept of ISO, 9000	One week	PIM
58.	Treasury Rules	One week	STI/NIMs
59.	General Financial Rules	One week	NIM/PIM

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\* National Centre for Rural Development

60.	Principles of Good Management	One week	-do-
61.	Interpersonal Communication	One week	-do-
62.	Public Relations for Front Line Officials	One week	-do-
63.	Management of Public Records	One week	-do-
64.	Organizational Behaviour	One week	-do-
65.	General Principles of Modern Government with Special Reference to Global Capitalism & Role of World Bank, IMF <i>Vis-à-Vis</i> , UNO	One week	NIM/CSA/PIM
66.	The Genesis and Applications of the Idea of Good Governance versus Bureaucracy	One week	NIM/CSA/PIM
67.	Human Resource Development	One week	STI, PIM, NIM
68.	Information Technology and Office Automation	12 days	PCB/NIM
69.	Management Concept and their Application in Third World Countries	One week	NIM/PIM
70.	Concept of Privatisation of Post Merits & De-Merits	One week	Postal Staff College
71.	Computer Literacy/Office-2000	One week	PCB/NIM
72.	Constitution of Pakistan	One week	NIM/CSA
73.	Microsoft Office	One week	PCB/NIM
74.	Out-look	2 days	-do-
75.	Web-page Designing	2 days	-do-
76.	Local Area Network (LAN)	2 days	-do-
77.	Management Theory & Practice	One week	NIM/PIM
78.	(a) Financial Management	6 days	FTIP/PIM/IBA
	(b) Information Technology, & E-Commerce and MIS	6 days	

**[Note—** The list of above training institutions is tentative. Training may be arranged as per available training facilities at any training institutions in the relevant field at the nearest station].



#### **24.5 Nomination of Officers of Autonomous/ Semi-Autonomous Bodies Equivalent to BS-18, BS-19 & BS-20 for MCMC, SMC & NMC**

Refer to above subject and to state that it has been decided that if the Autonomous / Semi-Autonomous Bodies under the administrative control of Federal Government/Provincial Government/AJ&K Government intend that their officers equivalent to BS-18, BS-19 & BS-20 undergo training courses like MCMC, SMC and NMC at National School of Public Policy alongwith Civil Servants, they shall be allowed, as and when these courses are circulated subject to fulfillment of the prescribed criteria. The nominations of such officers should be forwarded through administrative Ministries/Divisions.

*[Authority:- Establishment Division's O.M. No. 8/5/2014-T-VI dated 13-05-2015].*

#### **24.6 Withdrawal of Exemption from NIM Training Course**

Reference Establishment Division's OM No.10(5)/91-CP.I, dated 8<sup>th</sup> May, 1991 regarding the Promotion Policy-exemption from NIM & Staff College/NDU Course. In view of the introduction of Entrance Examination, the competent authority has been pleased to withdraw exemption from NIM training, except in the case of those officers who have already completed two years of posting in the training institutions by April 15, 2002.

*[Authority:- Establishment Division's O.M.No.1/3/2001-CP.II, dated 17.5.2002].*

#### **24.7 Withdrawal of Exemptions from Training for Promotion with Exceptions**

Reference Establishment Division's O.M No.10(5)/91-CP.I, dated 8<sup>th</sup> May, 1991 and all other subsequent Office Memoranda, issued from time to time, related to the subject issue. It has been decided that, henceforth, all exemptions/waivers granted for mandatory training at NIM, PASC and NDU, shall be withdrawn with immediate effect and that no officer shall be considered for promotion to the higher grade until he/she has successfully completed the specified course at the required institution. This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

2. The withdrawal of these exemption shall have no retrospective effect.

*[Authority:- Estt. Div.'s O.M.No.1/3/2001-CP.II, dated 4.1.2005].*

**24.8 Promotion Related Administrative Staff Course (ASC) / Mid Career Management Course (MCMC) for BPS 18 Officers**

Ref. instructions contained in “Guidelines for Departmental Promotion Committees/Central Selection Boards” annexed to the Promotion Policy have been reviewed and a new sub-para (f) in para 4 of Part III thereof has been added, which reads as under:-

“(f) Training: should have successfully completed Administrative Staff Course (ASC) / Mid Career Management Course (MCMC) at NIM”

2. The promotion related Administrative Staff Course (ASC) / Mid Career Management Course (MCMC) for BPS 18 officers for promotion to BPS 19 would apply in the same manner as NIM and Staff College/National Defence College Courses apply to BPS 19 and BPS 20 officers promotion to higher posts. All officers who successfully complete this Training Course for promotion to BPS 19 except civil servants who are in specialist cadres such as Doctors, Teachers and Professors, Research Scientists and incumbents of purely technical posts will become eligible for promotion.

3 The successful completion of Administrative Staff Course (ASC)/Mid Career Management Course (MCMC) by BPS 18 Officers shall be a mandatory condition for promotion to BPS 19 w.e.f. 1<sup>st</sup> January, 2008.

*[Authority:- Estt. Division's O.M.No. 1/7/2006-CP-II, dated 9-1-2007].*

**24.9 Annual Medical Examination Reports- Fitness of a Civil Servant for Posting, Training and Retention in Service**

Refer to the instructions contained at paras 4.14 to 4.26 of the Booklet “ A Guide to Performance Evaluation,2004” regarding Annual Medical Examination Reports in respect of the officers in BS-17 & above in the Federal Government. It has been observed that the said instructions are not being complied with, therefore, it becomes difficult to monitor an officer's health for the purpose of posting, training and retention in service. Besides, several cases have been observed where officers nominated for mandatory training fell seriously ill during training and had to be sent back without completing the training.

2. It is, therefore, advised that the instructions referred in pre-para may be complied with and Annual Medical Examination of every officer be ensured. As the Annual Medical Examination Reports are to be placed in the C.R. dossiers, copy of the Reports may be forwarded to the authorities responsible for maintaining C.R. dossiers.

3. Apropos to above, it has been decided that the latest Medical Report shall henceforth be a compulsory requirement at the time of nomination of officers for mandatory training i.e. MCMC, SMC and NMC/NDU. While sending nomination of officers for mandatory training, their latest Annual Medical Examination Report may also be furnished to the Establishment Division. However, the said requirement shall be applicable w.e.f. 1<sup>st</sup> January, 2014.

4. The Ministries/Divisions are requested to bring the aforesaid decision of the Competent Authority to the notice of all concerned including Attached Departments/Sub-ordinate Offices under their administrative control for information and compliance.

*[Authority:— Estt. Division's O.M.No.10/1/2012-CP-II dated 17-07-2013]*

#### **24.10 Promotion Policy- Grant of Exemption from Mandatory Training on Medical Grounds**

Refer to the instructions issued from time to time in respect of mandatory trainings and to say that with the approval of the Competent Authority, it has been decided that the Civil Servants in BS-18, BS-19 and BS-20, if declared medically unfit to undergo training/travel by the Central Medical Board and placed in "B" Category in line with para 4.17 of AGPE, 2004, henceforth shall not be nominated for mandatory training viz (a) Mid Career Management Course (MCMC) (b) Senior Management Course (SMC) (c) National Management Course (NMC) and National Defence Course (NDC) respectively. Their promotion will be deferred by the successive Departmental Selection Boards (DSBs) and Central Selection Boards (CSBs) till the attainment of exemption age as provided under the Policy.

2. The Ministries/Divisions are requested to bring the aforesaid decision of the Competent Authority to the notice of all concerned including Attached Departments/Sub-ordinate Offices under their administrative control for information and compliance.

*[Authority:- Establishment Division's O.M.No.10/1/2012-CP-II dated 11-07-2014].*

#### **Sl. No. 25**

#### **Setting-Up of the Departmental Promotion Committees for Promotion to Posts Upto and Including BPS 18**

For promotion to BPS upto and including 18 and direct recruitment to posts in grades 1 to 15, the Ministries/Divisions will set up one or more Departmental Selection Committees and Departmental Promotion Committees the composition of which will be determined by the Ministry/Division concerned in consultation with the Establishment Division. Proposals for composition of Departmental Selection and Departmental Promotion Committees in respect of each Ministry/Division and Departments and offices under its administrative control may be forwarded to the

Establishment Division. Broadly, the composition of the Committees should be as follows :-

Sl. No.	BPS	Composition of the Committee	Remarks
(i)	Departmental Promotion Committee for BPS 17 and 18.	Secretary or Additional Secretary, a Joint Secretary and a Senior Deputy Secretary. If the posts are in an Attached Department or a Subordinate Office, the Head of the Attached Department or Head of Office may be appointed as Member in lieu of Joint Secretary/Deputy Secretary.	There should preferably be one D.P.C. for posts in BPS 17 and BPS 18 for the Ministry/Division and the Attached Departments and Subordinate Offices under it.
(ii)	Departmental Selection or Departmental Promotion Committees for BPS 11 to 16.	An officer of BPS 20 and two officers of BPS 19.	There may be separate Committees for posts in the Ministry/Division and Attached Departments/ Subordinate Offices under the Ministry/ Division.
(iii)	Departmental Selection or Departmental Promotion Committees for BPS 10 and below.	An officer of BPS 19 and two officers of BPS 18.	

[Authority:- Extract from para 6 of Estt. Secretary's d.o. letter No.1/9/73-F.IV, dated 22-10-1973].

### 25.1 Composition of Departmental Promotion/ Selection Committees

According to rule-4 (1) of the Civil Servants (Appointment, Promotion and Transfer) Rules 1973, the composition of a Departmental Promotion/Selection Committee is to be determined by the Ministry or Division concerned in consultation with the Establishment Division. However, the level at which the composition is to be approved in the Ministry concerned has not been specified.

2. It has, therefore, been decided that composition of the Departmental Promotion Committee for BPS 11 to 18 may be approved at the level of Secretary of a Ministry/Division and the composition of Departmental Promotion Committees for BPS 10 and below may be approved by the Joint Secretary. Each Secretary may, in his Division, authorize Joint Secretary (Admn) in respect of Departmental Promotion/Selection Committees for BPS 10 and below.

[Authority:- Estt. Division's Letter No. 26/1/80-DV, dated 12-10-1980].

### **25.2 Post in BPS 18 Which Carry Special Pay**

It is stated that the proviso to rule 7 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 requiring that posts in BPS 18 which carry a special pay would also be referred to the Central Selection Board if proposed to be filled by promotion or transfer has since been deleted vide Establishment Division's Notification No. S.R.O. 46(I)/84, dated 9th February, 1984. It is clarified that all cases in which a post in Basic Pay Scale 18 carrying some special pay is filled by promotion will be placed before the appropriate Departmental Promotion Committee\*. Where post in Pay Scale 18 carrying a special pay does not fall in the promotion ladder, it would be filled by departmental heads through normal posting and transfer.

*[Authority:- Estt. Division's O.M. No. 3/6/84-R. 2 dated. 3-7-1984].*

### **25.3 Proposals for Promotions**

The Ministries/Divisions/Departments while sending proposals for promotion do not furnish the complete information to the Establishment Division. It has, therefore, been desired that in all cases of promotions the Departmental Promotion Committee should also be provided with the following information:-

- (a) List of total posts.
- (b) Number of posts filled by promotion and initial recruitment.
- (c) A confirmation that requisition has been sent to the FPSC for those posts required to be filled in by initial recruitment.

*[Authority:- Estt. Division's Circular No.477/80-CP-4, dated 24-9-1990].*

### **25.4 Appointments Not Exceeding Four Months**

With reference to para 8 of this Division's O.M. No. F-33/I/47-Ests (SE II), dated the 29th January, 1948, it is clarified that the approval of Departmental Promotion Committees is necessary even for appointments for a period not exceeding four months of the officers not in the list or not next in order of the list prepared by the Departmental Promotion Committee.

*[Authority:- Estt. Division's O.M. No. 13/I/69-D.III, dated 19-9-1970].*

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\*BPS. Promotion is to posts/BPS.

### **25.5 DPC to Make Selection on the Basis of Record**

The committees should make their selections in the light of past record of the persons concerned (where available) and the quality of their present work, and with due regard to seniority where other considerations are equal.

*[Authority:– Para 5 of Estt. Division O.M.No. 33/I/48-Estt. (ME), dated 15-3-1948].*

### **25.6 DPC Not Competent to Recommend Demotion**

It appears from references made recently to the Establishment Division that the scope and functions of Departmental Promotion Committees are not clearly understood. In certain cases Government servants officiating without any condition in higher BPS have been demoted on the recommendation of Departmental Promotion Committees. It is necessary, therefore, that the position should be clarified.

2. As their name indicates, the function of Departmental Promotion Committees is to make recommendations in respect of promotions and there is nothing in Establishment Division Office Memorandum No. 33/I/47-Ests(SE.II), dated the 29th January, 1948 which relates to the constitution of these Committees, to suggest that these Committees have been given the power to recommend the demotion of an officiating officer.

3. What Departmental Promotion Committees should do is to prepare a list of officers whom they consider fit for promotion. They should revise this list periodically which means that they can either add to, or subtract from it. An officer who has been substantively promoted to a higher BPS will not of course figure in this list. Similarly, an officer who has been promoted to officiate in a substantive vacancy for an indefinite period should not appear in the list because he is for all practical purposes to continue in the higher BPS. In other words, the officers whose names will be shown in the list maintained by these Committees will be those who have not been promoted to higher BPS in any capacity or who have officiated off and on or who are officiating against leave vacancies or in temporary posts of short duration and are, therefore, liable to revert in the normal course to the lower BPS.

*[Authority:– Estt. Division's O.M. No. F. 33/49-SE, dated 18-6-1949].*

### **25.7 Names of the Selected Persons to be Arranged in the Order of Seniority**

In accordance with the Establishment Division Office Memorandum No. 1/16/69-D.II, dated 31st December, 1970, regarding general principles of seniority, persons approved by the competent authority, on regular basis for promotion to higher posts in the same batch shall retain the same seniority on the higher BPS as they were enjoying in the lower grade.

*[Authority:– Para 1 of Estt. Division's O.M.No. 13/1/67-D.III, dated 15-7-1972].*

### 25.8 DPC can Interview Candidates

The question of interviewing candidates, by Departmental Promotion Committee, at the time their cases for promotion are being considered, has been examined in this Division, and it has been decided that a DPC can interview the candidates, if it so desires.

[Authority:— Estt. Div.'s O.M.No.13/1/69-D.III, dated 25-3-1969].

### 25.9 Minutes of the DPC

The proceedings of the Departmental Promotion Committees are very often drawn up in a sketchy manner and do not give the essential details.

2. It is necessary that detailed minutes should be drawn up to show why certain persons have been approved and what are the reasons for declaring certain other persons unfit for promotion. In promotion for selection posts, mere average reports should not be considered sufficient and greater emphasis should be placed on merit according to the existing instructions.

[Authority:— Estt. Div.'s O.M.No.13/1/69-D.III, dated 3-11-1970].

### 25.10 Reconstitution of Selection Board for Posts in Basic Pay Scale-19

The competent authority has been pleased to re-constitute the Selection Board for posts in \*BPS 19 and equivalent under the Federal Government as under: -

(1)	Secretary of the Administrative Ministry/ Division concerned.	Chairman
(2)	A representative of Establishment Division not below BPS 21.	Member
(3)	Head of the respective Department in case of posts in Attached Departments and Subordinate Offices.	Member
(4)	Chief Secretaries of Provincial Governments for cases of PAS and Inspector Generals of Police for cases of PSP officers.	Member
(5)	A representative of Law Division not below BPS 21	Member
(6)	Additional Secretary/Senior Joint Secretary of the concerned Ministry/Division and Joint Secretary where there is no Additional Secretary/Senior Joint Secretary	Member/ Secretary

[Authority: Estt. Div.'s OM No. 3/14/2000-R.2, dated 27th June, 2000]

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\* See Revision of Promotion Policy, 2007.

**25.11 Constitution of Selection Board for  
Promotion of PAS/PSP and OMG Officers  
to BS-19 and Equivalent Posts**

In supersession of Establishment Division's O.M. of even number dated 10<sup>th</sup> October, 2007 and in pursuance of this Division's O.M.No.3/17/2000-R-2 dated 27-06-2000 the revised composition of the DSB of the Establishment Division constituted to consider promotion cases of PAS, PSP and OMG officers from BS-18 to BS-19 or equivalent posts is as under:-

- |   |  |
|---|--|
| a. Establishment Secretary  | Chairman                                       |
| b. Chief Secretaries of the Provinces<br>(Punjab, Sindh, Khyber Pakhtunkhwa<br>& Balochistan)                           | Members (Ex-officio)<br>(For PAS and PSP only) |
| c. IGPs of the Provinces<br>(Punjab, Sindh, Khyber Pakhtunkhwa<br>& Balochistan)  | Member (Ex-officio)<br>(For PSP only)          |
| d. A BS-21 Officer (Additional Secretary Member (Ex-officio)<br>/Draftsman) Ministry of Law, Justice<br>& HR, Islamabad |  |
| e. Additional Secretary-II<br>Establishment Division, Islamabad   | Member (Ex-officio)                            |
| f. Joint Secretary(E)<br>Establishment Division   | Member (Ex-officio)                            |
| g. Joint Secretary (CP-II)<br>Establishment Division  | Member (Ex-officio)                            |
| h. Joint Secretary (CP-I)<br>Establishment Division   | Member/Secretary<br>(Ex-officio)               |
| i. Head/Incharge of the concerned<br>attached department  | Member (Ex-officio)                            |

[Authority:- Establishment Division's O.M.No.1/8/2007-CP-3 dated 17-06-2015].

**25.12 Revision of Promotion Policy  
Vis-à-Vis Selection Board for  
Posts in BPS 19**

Ref. Establishment Division's O.M. No. 1/3/2007-CP-II, dated 24-10-2007 circulating the Revised Promotion Policy to all Ministries/ Divisions. It is



to clarify that in terms of new Promotion Policy, BPS 19 posts may be taken out of the category of "Non-Selection Posts" and henceforth may be treated as selection posts. Promotion from BPS 17 to BPS 18 posts, being non-selection posts should be based on seniority-cum-fitness *i.e.* on 100% on the PERs. Condition of passing the Departmental Examination or successfully completion of training courses, as the case may be, shall continue as heretofore.

[Authority: Estt. Div.'s O.M. No. 1/1/2012-CP-II, dated 02-10-2015]

### **25.13 Guidelines for Submission of Proposals for Consideration of the Central Selection Board**

The proposals received from various Ministries/Divisions for the consideration of the Central Selection Boards are generally deficient in one aspect or the other. Establishment Division has therefore to write back to the sponsoring Division requesting for the missing information/details. Usually, the following deficiencies are noticed in the proposals:-

- (i) Proposal form is not signed by the Secretary/Additional Secretary incharge of the Division.
- (ii) Complete recruitment rules are not furnished.
- (iii) ICP Charts/PER dossiers are not complete. No explanation about the missing reports is available in the dossier.
- (iv) Full particulars of officers are not furnished in the seniority list.
- (v) Quantification of PER gradings is not correct.
- (vi) Number of clear vacancies is not indicated.
- (vii) Training status of the officers on the panel is not indicated.

2. Furnishing complete information/details and calculation of score of the officers with accuracy is the responsibility of the sponsoring Division. All the Ministries/Divisions are, therefore, requested to ensure that documents in regard to the proposals for promotion are prepared with utmost care so that the information submitted to the Board is complete and accurate in all respects.

[Authority:- Paras 1 & 2 of Estt. Division O.M No.45/1/88-CP-3(Pt), dated 13-1-1988].

### **25.14 Proposals for Central Selection Board – Prescribed Forms and Check List (March, 1990)**

Deficiencies have been occasionally noticed in the documents sent for submission of promotion proposals to the Central Selection Boards. It will be appreciated that submission of complete and accurate documents (including the correctly calculated quantified scores of PERs) is a pre-requisite for consideration of promotion cases by the Boards.

2. A set of the following prescribed forms is given as specimen, indicating the number of copies required, so that the Ministries/ Divisions/Departments concerned may be able to submit complete proposals for promotion:-

- |                         |  |
|-------------------------|--|
| (i) Proposal form       | (CP-I) One copy.                               |
| (ii) Panel form         | (CP-II) 20 Copies.                             |
| (iii) Synopsis form     | (CP-III) 20 Copies.                            |
| (iv) Seniority form     | (CP-IV) One copy for each proposal.            |
| (v) Quantification form | (CP-V) One copy for each officer on the panel. |

\*[ ]

3. It is requested that the required number of copies of these forms, cyclostyled or photo copied legibly, must be attached to each proposal for promotion.

4. For each vacancy, a panel of at least five eligible officers is required. However, in case of smaller cadres where only a few officers are eligible for promotion, complete list, in order of seniority, of all the eligible officers should be enclosed.

5. A check list has been drawn up and enclosed for the guidance of the Ministries/Divisions/Departments.

6. Instructions already issued vide Establishment Division's O.M.No.45/1/88-CP-3(Pt), dated 13th January, 1988 shall be treated to have been amended to the extent mentioned above.

*[Authority:- Estt. Division's O.M.No.45/6/90-CP.3, dated 3-3-1990].*

#### **CHECK LIST OF REQUIREMENTS REGARDING PROPOSALS FOR PROMOTION OF OFFICERS**

To ensure that:-

- (i) the proposal form (CP-I) has been signed by the Secretary/Additional Secretary Incharge of the Division;
- (ii) for each vacancy a panel of at least five officers has been submitted and all columns have been accurately filled in the form (CP-II);
- (iii) training status of the officers on the panel has been indicated (CP-II);

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\*CP Forms No. vi, vii and viii excluded vide Estt. Div. OM No. 45/1/88-CP.3, dated 10-3-1999.

- (iv) ICP Charts/CR dossiers are complete, explanation about the missing reports is available in the dossiers and all columns have been accurately filled in the synopsis form (CP-III);
- (v) seniority list is un-disputed, complete and duly authenticated and indicates full particulars of officers (CP-IV);
- (vi) quantification of PER gradings is correct and quantification form is enclosed in respect of each officer on the panel (CP-V);
- (vii) a copy of relevant Recruitment Rules has been furnished; and
- (viii) requisite number of copies of each form has been sent with the proposal.

**25.15 Proposal for Central Selection Board –  
Revised Forms (March, 1999)**

Reference Establishment Division's O.M. of even number dated 13.1.1988 with which different forms required to accompany the proposals for promotion were circulated. In view of the past experience the Proposal Form (CP-I) and Panel Form (CP-II) have been revised. In the light of the revised Proposal Form (CP-I), the following documents will not be required to be attached separately in future:-

- (i) Vacancies certificate form. (CP-VI)
- (ii) Disciplinary/Court case certificate form. (CP-VII)
- (iii) Prescribed length of service certificate form (CP-VIII)

2. In view of the above, all Ministries/Divisions/ Departments are requested to bring the above position to the notice of all concerned and in future the promotion cases may please be prepared on the revised Proposal Form (CP-I) and Panel Form (CP-II) and sent to the Establishment Division alongwith the following documents for consideration by the CSB concerned:-

- (i) Synopsis Form (CP-III)
- (ii) Seniority Form (CP-IV)
- (iii) Quantification Form (CP-V)

*[Authority:- Estt. Div.'s O.M.No.45/1/88-CP.3, dated 10-3-1999].*

**PROPOSAL FORM**

Ministry/Division/Department

1. Name of the post(s) to be filled in by promotion  
Basic Pay Scale and the Occupational Group/  
Ex-cadre.
- -----  
-----  
-----
2. Total sanctioned strength of the cadre.
- |   | Direct | Promotion | Transfer |
|---|--------|-----------|----------|
|   | -----  |           |          |
| (a) Percentage of share.  | -----  |           |          |
| (b) Number of posts allocated to each category.                             | -----  |           |          |
| (c) Present occupancy position. List of officers to be attached.            | -----  |           |          |
| (d) Number of vacant post(s) in each category.                              | -----  |           |          |
| (e) Whether any roster is being maintained for allocation to each category? | -----  |           |          |
|   | -----  |           |          |
| If so, copy to be enclosed.   | -----  |           |          |
| (f) How the post(s) under promotion quota fell vacant and since when?       | -----  |           |          |
|   | -----  |           |          |
|   | -----  |           |          |

In case of more details separate  
papers be enclosed

- (g) Whether to be promoted on regular basis or for a limited period due to deputation/long leave *etc.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3.
  - (a) Recruitment Rules framed or not. If so, copy to be attached. \_\_\_\_\_  
\_\_\_\_\_
  - (b) In the absence of Recruitment Rules whether the method of recruitment got approved by the Establishment Division. If so, copy to be attached. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - (c) Person(s) eligible for promotion against vacant post(s). \_\_\_\_\_  
\_\_\_\_\_
  - (d) Prescribed length of service/experience for promotion. \_\_\_\_\_  
\_\_\_\_\_
  - (e) Prescribed Qualification, if any. \_\_\_\_\_  
\_\_\_\_\_
  - (f) Mandatory Training/ Course, if any. \_\_\_\_\_  
\_\_\_\_\_
  - (g) Minimum required qualification. \_\_\_\_\_
- 4. Seniority list(s) duly verified to be attached. \_\_\_\_\_  
\_\_\_\_\_
- 5. Panel of eligible officer(s) duly signed by a responsible officer to be prepared on the prescribed form. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 6. Number of PERs/ICP Charts. \_\_\_\_\_

7. Certified that the officers included in the panel are eligible in all respect and possess the requisite length of service required for promotion. If not, please give details, and reasons for submission of the case to CSB.
8. Also certified that no disciplinary action under Government Servants (E&D) Rules, 1973 or proceedings on criminal charges in the court of law is pending against any officer included in the panel. If otherwise, indicate the names of officers, seniority number on the panel and brief description/nature of the case.

(To be signed by the Secretary/  
Additional Secretary Incharge  
of the Division)

**FOR PROMOTION TO BS-20 POSTS**

(AS ON.....)

In respect of Mr. \_\_\_\_\_

Personnel No. \_\_\_\_\_

Domicile: .....		Service/Group: .....			Sen. No.:.....		
Educational Qualification				Date of Birth		Date of Superannuation	
<b>SERVICE PARTICULARS</b>							
Date of joining Academy (CSA)/SERVICE	Date of promotion in			Length of Service		Eligibility for Consideration	
	Present Scale	Lower Ranks		Total	In present Scale		
	BS-19	BS-18	BS-17				
<b>Important Appointments held in the present Rank/Post:</b>							
1.						2.	
3.						4.	
5.						6.	
Extra Ordinary Leave (EOL) (if any) : .....							
Deputation with International Organizations (if any) : .....							
Penalties / Adverse Remarks in BS-19 (if any) : .....							
Training Courses (other than mandatory Training) : .....							
Gradings of mandatory training at ..... : .....							
<b>Number of PERs in preceding Two Scales / 15 years</b>							
Basic Scale	Outstanding	Very Good	Good	Average	Below Average	Cumulative period of PERs (in Months)	Adverse Report/ Remarks
BS-19							
BS-20							
<b>Total</b>							
<b>Awaited Reports (PERs)</b>		<b>Additional Information (if any)</b>					
<b>EFFICIENCY INDEX</b>							
<b>Required threshold</b>		<b>Score of PERs+ Training Reports</b>			<b>Marks awarded by CSB</b>		<b>Total</b>
<b>Recommendations of CSB</b>							
<b>Promoted</b>			<b>Deferred</b>			<b>Superseded</b>	

Prepared by: \_\_\_\_\_

Checked by: \_\_\_\_\_

**FOR PROMOTION TO BS-21 POSTS**  
(AS ON.....)

In respect of Mr. \_\_\_\_\_

Personnel No. \_\_\_\_\_

Domicile: .....		Service/Group: .....			Sen. No.:.....		
Educational Qualification				Date of Birth		Date of Superannuation	
<b>SERVICE PARTICULARS</b>							
Date of joining Academy (CSA)/SERVICE	Date of promotion in			Length of Service		Eligibility for Consideration	
	Present Scale	Lower Ranks		Total	In Present Scale		
	BS-20	BS-19	BS-18				
<b>Important Appointments held in the present Rank/Post:</b>							
1.						2.	
3.						4.	
5.						6.	
Extra Ordinary Leave (EOL) (if any)				: .....			
Deputation with International Organizations (if any)				: .....			
Penalties / Adverse Remarks in BS-20 (if any)				: .....			
Training Courses (other than mandatory Training)				: .....			
Gradings of mandatory training at ..... : .....							
<b>Number of PERs in preceding Two Scales / 15 years</b>							
Basic Scale	Outstanding	Very Good	Good	Average	Below Average	Cumulative period of PERs (in Months)	Adverse Report/ Remarks
BS-19							
BS-20							
<b>Total</b>							
<b>Awaited Reports (PERs)</b>		<b>Additional Information (if any)</b>					
<b>EFFICIENCY INDEX</b>							
Required threshold	Score of PERs+ Training Reports				Marks awarded by CSB	Total	
<b>Recommendations of CSB</b>							
Promoted			Deferred			Superseded	

Prepared by: \_\_\_\_\_

Checked by: \_\_\_\_\_



**SENIORITY FORM  
CP-IV****SENIORITY LIST**

Sl. No.	Name of Officer	Domicile	Promotee/ Direct	Date of Birth	Date of first appointment in Govt. service	Date of regular appointment in Basic Pay Scale-17	Date of regular appointment in present pay scale.	Present posting
1	2	3	4	5	6	7	8	9

Signature \_\_\_\_\_

Designation \_\_\_\_\_

Date \_\_\_\_\_

CP-V

QUANTIFICATION FORM

SENIORITY NO. \_\_\_\_\_

NAME \_\_\_\_\_

NPS NO.	YEAR	O.A	Q&OW	INTEGRITY MORAL IN TEL.	NPS NO.	YEAR	O.A	Q&OW	INTEGRITY MORAL IN TEL.
	1965					1978			
	1966					1979			
	1967					1980			
	1968					1981			
	1969					1982			
	1970					1983			
	1971					1984			
	1972					1985			
	1973					1986			
	1974					1987			
	1975					1988			
	1976					1989			
	1977					1990			

**QUANTIFICATION**

OVER ALL ASSESSMENT					QUALITY & OUTPUT OF WORK				
NPS NO.	No. of Gradings				Mean Score of broken periods	No. of Gradings			Mean Score of broken periods
	OS	VG	G	A		Very Good	Good	Average	
17									
18									
19									
20									
<b>Average Marks:</b>					<b>INTEGRITY (GENERAL/MORAL)</b>				
B - 17					No. of Gradings			Mean Score of broken periods	
B - 18					Very Good	Good	Average		
B - 19									
B - 20					Score <input type="text"/>				
Score					<b>INTEGRITY (INTELLECTUAL)</b>				
Marks for ACRS: <input type="text"/>					No. of Gradings			Mean Score of broken periods	
Addition for serving in a Training Institution from to :					Very Good	Good	Average		
Deduction for penalty/adverse remarks. :									
Final Score : <input type="text"/>					Score <input type="text"/>				

To be checked and verified by the officer Incharge of the Ministry/Division.

For guidance please see overleaf,

Signature

**INSTRUCTIONS FOR GUIDANCE**

(See CP-V)

While filling in the quantification form overleaf and working out quantification marks the following factors may be kept in view to avoid any error:-

- (i) The annual confidential reports carry marks as under:-

Category of reports	Overall Assessment	Quality and output of work	Integrity	
			Moral	Intellectual
Very good	8	10	10	10
Good	7	07	07	07
Average	5	05	05	05
Below Average	1	01	01	01

“Outstanding Report” was introduced in 1985. So an ‘Outstanding Report’ earned for the calendar year 1985 and that during the subsequent years would carry 10 marks. A ‘Very Good’ report earned during the years proceeding the calendar year 1985 would, however, carry 10 marks provided (i) all except 1-2 entries made in the report are in column A-1 or (ii) the recommendations made in the report are for “accelerated promotion”.

- (ii) The equivalence of the ‘Overall, PER gradings for Civilian Officers serving in Defence Organizations *vis-à-vis* those in the Civil Organizations is as under:-

	PER gradings in the Defence Organizations		PER gradings in Civil Organizations
(a)	Outstanding		Outstanding
(b)	Above Average		Very Good
(c)	High Average		Good
(d)	Average		Average
(e)	Low Average		Below Average
(f)	Below Average/Unfit for promotion		Poor

- (iii) DEDUCTIONS are to be made from the total of ‘overall marks’ as indicated below:-

- (a) One mark for each adverse report;  
 (b) 3 marks for each minor penalty imposed on a civil servant in a disciplinary case under (Efficiency and Discipline) Rules, 1973;  
 (c) 5 marks for each major penalty imposed on a civil servant in a disciplinary case under (Efficiency and Discipline) Rules, 1973.

- (iv) Addition of 2 marks is to be made for service in a \*[specified training] institution for a period of 2 years or more;
- (v) If more than one confidential reports have been initiated on an officer during a calendar year, their average marks would be the marks for the whole calendar year;
- (vi) Writing of a confidential report covering part periods of two calendar years is not permissible;
- (vii) If the period of a report is less than 3 months, it shall be ignored for purposes of quantification;
- (viii) Quantification marks should in round figure;
- (ix) If the overall grading in a CR is ambiguous e.g. placed between 'Good' and 'Average' the quantification will be based on the lower rating;
- (x) Where only two reports or less are available on an officer against posts in a particular basic pay scale, these CRs will be added to the CRs earned in the lower post for calculating the average marks.
- (xi) Where an officer appointed to a higher post on acting charge basis is considered for regular promotion that post, the CR earned during acting charge appointment will be added to CRs earned in the lower post for calculating average marks.

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\* Subs. vide Estt. Division's d.o. letter No. 45/1/88-CP-3, dated 18-1-2000.

### **25.16 Guidelines for Submission of Proposals for Consideration of \*Central Selection Board (CSB)**

Reference Establishment Division's O.M.No.45/6/90-CP- 3, dated 3.3.1990 wherein guidelines/check-list for submission of proposals for consideration of \*CSB were intimated to the Ministries/Divisions. Under the said guidelines, the proposals signed by the Secretary/Additional Secretary Incharge and accompanied by prescribed documents duly authenticated/stamped by responsible officer, are required to be forwarded to the Establishment Division for submission to the \*CSB.

2. It has been observed in some cases, however, that the proposals for the Central Selection Boards do not fully conform to the laid down requirements on the subject. In some cases, the proposals are not duly signed by the concerned Secretary/ Additional Secretary Incharge while, in others, the accompanying documents are either unattested and/or carrying incorrect/ incomplete information. All this leads to avoidable delays on account of back references to the concerned Ministries/Divisions.

3. It has also been observed in many cases that the documents are forwarded at the Section Officer's level and addressed to his counterpart in this Division. Since the Joint Secretary (Admn) of the Ministry/Division concerned is the focal point there, such proposals for \*CSB must invariably be forwarded under his covering letter after ensuring that all the requisite documents relevant to this exercise have been prepared and duly signed by the concerned officers. Moreover, with a view to enforcing secrecy as well as prompt attention, all such references should, henceforth, be addressed to the Additional Secretary (CP&R)\*\* , Establishment Division, and delivered under a sealed cover. Replies to any query on the part of the Establishment Division (which would not be below the level of Deputy Secretary) should also be furnished at least at the same level if not at the level of Joint Secretary (Admn).

4. All Ministries/Divisions are requested to kindly ensure that their promotion proposals for the consideration of \*CSB are forwarded in the light of the position/requirements of paras 2 & 3 above.

*[Authority:- Estt. Division's O.M. No.45/6/90-CP-3, dated 3-5-1995].*

### **25.17 Promotion Policy - Cases Where Disciplinary or Departmental Proceedings are Pending**

Attention is invited to Para-1 (c) (II) of the Guidelines for Departmental Promotion Committees/Central Selection Boards issued under Establishment Division's D.O. letter No. 10(10)/85-CP-I, dated 15.5.1985 on Promotion Policy. It is stated that DPC/CSB is required to defer consideration for promotion of officers

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\* Note:-

As CSB-I & CSB-II are no more in practice.

\*\* Career Planning & Regulations.

against whom disciplinary or departmental proceedings are pending. It has been noticed that while forwarding proposals for placement before DPC/CSB or soliciting approval of the competent authority to the promotion of officers, the Ministries/ Divisions do not indicate whether disciplinary or departmental proceedings are pending against any of officers under consideration. This causes avoidable delay in processing cases through the Selection Board and obtaining the orders of the competent authority.

2. It is, therefore, emphasized that while forwarding cases of officers for placement before Central Selection Board or seeking approval of the competent authority to the proposed appointments, a certificate should invariably be recorded that no disciplinary/ departmental proceeding is pending against the officers under consideration. This may be brought to the notice of all concerned dealing with such cases.

*[Authority:- Estt. Division's O.M.No.45/3/89-CP-3, dated 21-5-1989].*

### **25.18 Procedure for Referring Cases to the Selection Board**

It has been observed that proposals relating to the Central Selection Board are not being sent alongwith the required number of copies each of the essential documents, like the "proposal proforma" properly filled in, complete C.R. dossiers of the officers, their particulars of service, bio-data, latest seniority lists (arranged according to the new gradation system) etc. Moreover, government servants having (former). East Pakistan domicile and the repatriated PSOWs need to be cleared first by the D.I.B. It is also observed that the particulars of service of the government servants are generally not prepared carefully and the C.R. dossiers are not checked to find out the precise reasons for the missing reports. This has to be ensured in all cases and the latest reports have to be invariably attached to the proposals or the reasons for not attaching such reports have to be clearly indicated.

2. At times, big bundles of C.R. dossiers are sent to the residence of the Secretary, Central Selection Board. This involves great risk (apart from inconvenience) as bulky bundles, of C.R. dossiers have to be carried from residence to the office. Moreover, the CR dossiers received just before the meeting cannot be properly checked. In view of this, it is imperative that the C.R. dossiers should be sent to the Establishment Division well in advance of the date of the meeting of the Central Selection Board after due scrutiny insuring that these are complete in all respects. However, if under extraordinary circumstances the CR dossiers have to be sent just before the meeting, the Ministries/Divisions may kindly arrange to deliver these CR dossiers through special messengers in the office of the Secretary, Central Selection Board before the meeting of the Board in which other items are to be discussed.

3. The above mentioned requirements should be invariably kept in view while sending proposals for the consideration of the Central Selection Board.

*[Authority:- Estt. Div.'s D.O. Letter No.25/7/74-AV, dated 3-10-1974].*

**25.19 Consideration of Cases by Central Selection Board –  
Furnishing of Full Particulars of Candidates  
for Promotion**

It has come to the notice of the Central Selection Board that in certain cases a particular candidate or candidates is/are recommended out of the total number of candidates considered by the Ministry/Division, without mentioning the full particulars of all the candidates. The proper procedure in such cases is to place the full particulars of ALL the candidates before the Central Selection Board so that the Board may decide which of the candidates are not suitable for the post in question. It is accordingly requested that the full particulars of ALL the candidates in the field of selection or those who may have been considered by the administrative Ministries/Divisions, should be placed before the Central Selection Board in all such cases.

*[Authority:– Estt. Division's O.M. No.24/3/75-AV, dated 12-2-1975].*

**25.20 Re-appointment to Posts  
Within the Purview of  
Selection Board**

It has been decided that if the re-appointment of an officer to a post took place after more than one year of the reversion from that post the case should be placed before the Central Selection Board for determining the continued fitness of the officer to hold the post. After approval of the Central Selection Board, it would not be necessary to refer the case to the Prime Minister/President again.

*[Authority:– Estt. Division's O.M.No.3/20/70-D.III, dated 16-9-1971].*

**25.21 Short-Term Appointments and Direct  
Appointments to Higher Secretariat  
Posts-under the Present Orders**

Short-term appointments and direct appointments to higher Secretariat posts-under the present orders are as under.-

- (i) it is not necessary to refer to the Selection Board acting appointments made as a purely temporary arrangement for a period not expected to exceed 4 months; and
  - (ii) the Board is not concerned with appointments made from sources other than from government service.
2. It has been decided that:-
- \* (a) the period upto which appointment may be made without consulting the Selection Board should be reduced from 4 months to one month; and

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\* Note.- See rule 8B(4) of Civil Servants (Appointment, Promotion and Transfer) Rules 1973, in the present context.

(2) The Selection Board should deal with appointments to higher posts in the Secretariat even in the rare cases when such appointments are made from persons not in Government service, *i.e.* all appointments which are within the purview of the Selection Board will be made on the recommendations of the Board irrespective of the fact whether or not they are made from among persons already in Government service.

[Authority:— Estt. Division's O.M. No.33/7/49-SEI, dated 13-8-1951].

### **25.22 Convention Regarding Acceptance of Recommendations of the Selection Board**

The Administrative Enquiry Committee reviewed the working of the Selection Board and in their report made the following recommendations:-

- (a) that both for protection to Ministers and in the interests of efficient working, the rules about the Selection Board be closely adhered to; and
- (b) that there should be a \*convention whereby the advice of the Selection Board should be accepted quickly and automatically except in wholly exceptional cases.

2. Government considered these recommendations and their orders are as follows:-

- (a) Accepted.
- (b) Government have decided that there should be a convention whereby the advice of the Selection Board should be accepted quickly save in exceptional cases; and that if the Prime Minister or the Minister concerned disagrees with the view of the Selection Board, the case should be returned to the Board for further consideration, and a decision taken by the Prime Minister only after the further views of the Board have been placed before him.

\*\*[The above instructions are neither a law nor a rule and are subservient in the provisions of the Civil Servants Act, 1973 specially with reference to powers of the "competent authority" for giving final approval regarding appointment by promotion. These powers are unfettered and the competent authority may accept, reject or refer back the matter to the Central Selection Board for reconsideration. All these options are available to the Competent Authority whose powers are unfettered to choose any one of the options].

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\* The contents of the OM No. 33/3/54-SEI, dated 22-09-1954 have been upheld by the Lahore High Court, Lahore in Writ Petition No. 7735 of 2005 titled Major Fateh Sher Vs Government of Pakistan and others (Supreme Court: Civil Appeal No. 1017 of 2005). Ref. Estt. Div.'s OM No. 3/23/2007-R-2, dated 22<sup>nd</sup> June, 2007.

\*\* Clarification vide OM No. 3/2/2005-CP.6, dated 21-9-2005.



3. In dealing with Selection Board cases, these orders of government must be strictly followed.

[Authority:- Estt. Division's O.M.No.33/3/54-SEI, dated 22-9-1954].

### **25.23 Promotion of an Officer during Pendency of the Departmental Proceedings**

It is the responsibility of the departmental representatives who attend the meetings of the Departmental Promotion Committee/Central Selection Board to apprise the Committee/Board whether or not any departmental proceedings are pending against the government servants whose cases are being considered by the Committee/Board. A serious view should be taken if the departmental representatives do not give information to the committee/board and it later comes to notice that a government servant was promoted notwithstanding the fact that disciplinary proceedings were pending against him. The Ministries/Divisions are requested to strongly impress upon the officers who serve as members of Departmental Promotion Committees or who attend meetings of the Central Selection Board as departmental representatives to scrupulously observe these instructions.

2. The Supreme court of Pakistan vide its judgment dated 16-12-2009 had, *inter alia*, clarified that any judgment, conviction or sentence recorded under section 31-A of the NAB Ordinance shall hold the field subject to law and since the NRO stands declared as void *ab-initio*, therefore, any benefit derived by any person in pursuance thereof is also declared never to have legally accrued to any such person and consequently of no legal effect.

3. Despite presence of the self-explanatory instructions mentioned at para-I above, somehow conviction of an officer under NAB Ordinance could not be brought to the notice of the Central Selection Board (CSB) on 22<sup>nd</sup> December, 2009. This resulted in promotion of the officer to higher position. Honorable Supreme Court of Pakistan took *suo moto* notice of the case. Corrective measures were taken by all concerned. The matter is under adjudication in Supreme Court of Pakistan.

4. Meanwhile, the instructions mentioned at para – I are reiterated with the request that the same should be brought to the notice of all concerned once again. The responsibility for default, if any, continue to vest in Ministries/ Divisions/Departments/Departmental Representatives concerned submitting the proposals for promotion/attending the CSB/ DSB/DPC meetings.

5. While forwarding proposals for consideration of CSB, the Ministries/Divisions/Departments are also required to provide the following additional details/certificates:-

- (a) Details of penalties, if any, awarded to the officer(s) on the panel during the entire career (BS-17 & above).

- (b) Details of punishments under any criminal laws including NAB Ordinance, if any, awarded to the officer(s) on the panel during the entire career (BS-17 & above).
- (c) Certificates to the following effects that:  

“None of the officers on the panel derived any benefit in pursuance of NRO in the entire career (BS-17 & above) within the meaning of Supreme Court of Pakistan judgment dated 16-12-2009 on NRO.
- (d) No punishment has been awarded to any of the officer(s) on the panel under any criminal law including National Accountability Bureau Ordinance in the entire career (BS-17 & above).

6. All Ministries/ Divisions are requested to note the above position for strict compliance and also bring the same to the notice of their Attached Departments/Sub-Ordinate Offices, Autonomous/Semi-Autonomous Bodies/Corporations for their information /strict compliance.

[Authority:--Estt. Division's O.M.No.1/3/2007- CP-II (Main), dated 23-07-2010].

#### **25.24 Meetings of the Central Selection Board**

Reference Cabinet Secretary's d.o. letter No. 25/1/72-AV, dated the 27th November, 1972 in which it was stated that only Secretaries should represent their Ministries/Divisions at the meetings of the Central Selection Board. If a Ministry/Division is not headed by a Secretary or the Secretary is away on foreign tour, then the most senior officer (Additional Secretary/Joint Secretary) in that Ministry/Division could represent the administrative Ministry. The instructions contained in the Cabinet Secretary d.o. letter dated 27-11-1972, were reiterated in d.o. letter No. 25-1/72-AV, dated the 17th January, 1974 and it was further stated that a Secretary/Additional Secretary was not at all in a position to attend the meeting of the Board, the specific clearance of the Establishment Secretary may please be obtained before deputing some other officer to attend the meeting of the Board. In order to make it convenient for the administrative secretaries to so arrange their engagements as to find time for attending meetings of the Central Selection Board, it was decided to hold meetings of the Board on alternate Thursdays.

2. It has, however, been noticed that even now the Secretaries/Additional Secretaries Incharge of Ministries/Divisions frequently do not attend the meetings of the Board. In future, if the Secretaries/Additional Secretaries incharge of the Ministries/ Divisions concerned do not attend the meetings of the Board, the proposals would be returned to those Ministries/ Divisions unconsidered.

[Authority:-- Addl. Secretary(Estt) d.o. letter No.25/4/76-AV, dated 8-10-1976].

### **25.25 Holding-in-Abeyance Posts for which Suitable Candidates are not Available**

The attention of the Ministry of Finance, etc. is invited to the recommendations made by a recent meeting of the Secretaries which considered the question of holding in abeyance posts for which suitable candidates are not available. The relevant extract from the minutes of the Secretaries' meeting is reproduced below for information and guidance:

"As the Selection Board often faced with the problem of filling a high post simply because the post is lying vacant, it was proposed that it would be preferable to keep such posts in abeyance when capable men of sufficient seniority are not available to fill them rather than to promote junior men who are not fully qualified."

"In the course of discussion it was pointed out that there was no objection to the proposal but in practice one difficulty was likely to be encountered. Past experience has shown that in certain cases where a higher post had been held in abeyance because it was not possible to find a suitable person to fill it and a lower post had been created, temporarily in its place, the Ministry of Finance had raised objection to the subsequent revival of the post when a suitable officer became available to fill it. It was then pointed out that if the higher post existed on a regular basis and it was temporarily held in abeyance for a specified time it could be automatically revised on the expiry of that period without reference to the Ministry of Finance. This apprehension should not, therefore, deter us from making appointments in lower \*grades against sanctioned appointments of higher grades. It was decided that if any Ministry encountered any difficulty in reviving such a post, the case might be brought to the personal notice of the Secretary of the Ministry of Finance."

2. It is requested that Ministry of Finance, etc., should keep this recommendation in view, when higher posts with which they are administratively concerned, are proposed to be filled.

*[Authority:- Cabinet Secretariat, Estt. Branch O.M.No.25/40/50-SEI, dated 8-7-1950].*

### **25.26 Follow-up of Recommendations of Central Selection Board**

It has been observed that the recommendations of the Central Selection Board regarding promotions of officers to higher grade are not followed up expeditiously by the administrative Ministries and Divisions, who are required to

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\* To be read as 'post(s)/BPS.

submit summaries for the Minister of State for Establishment, \*seeking approval to the promotions etc. recommended by the Central Selection Board. Summaries are \*\*received after a lapse of a great deal of time resulting in delayed promotions and consequently representations from the officers affected. It is, therefore, requested that steps may kindly be taken to ensure that the recommendations of the Central Selection Board are followed up without undue delay.

[Authority:— Additional Secretary (Estt) D.O. letter No.25/3/75-A.V, dated 11-3-1975].

## **Sl. No. 26**

### **Promotion/Direct Recruitment Quota**

A question has arisen as to how the quota for promotion and direct recruitment if prescribed in the ratio of 50:50 in the recruitment rules is to be maintained when the number of available posts is odd and not equally divisible. The matter has been considered in consultation with the FPSC and it has been decided that in such cases weightage may be given to promotion quota. For example, where an odd number of posts, say 9, are to be filled in the ratio of 50:50, five posts should be earmarked for promotion and four for direct recruitment.

[Authority:— Estt. Division's O.M. No. D. 210/84.R.5, dated 3-6-1986].

#### **26.1 Filling-up of Vacancies – Distribution According to Quota for Promotion, Transfer and Direct Recruitment**

A question has arisen as to how the vacancies caused by resignation, transfer, etc. of the persons appointed against the quota of departmental candidates or direct recruits, before confirmation of such persons should be filled. The matter has been considered in consultation with the Federal Public Service Commission and it has been decided that the vacancies in various services/posts caused by any reason, should be filled on the basis of the quotas fixed for promotion, transfer and direct recruitment. For this purpose the total number of posts in a cadre should be distributed in accordance with the fixed quotas and the vacancies in such posts should be filled so as to achieve the overall quotas fixed for departmental candidates and direct recruits etc.

2. Suitable amendments should be made in the recruitment rules where necessary, in consultation with the Establishment Division and the Federal Public Service Commission.

[Authority:— Estt. Division's O.M. No. 5(1)11/67-D.V., dated 21-3-1968].

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\* In the present context it would mean the Prime Minister or any other competent authority, depending on the BPS of the posts as well as the Occupational Group/Service it belongs to.

\*\* In view of \*, all summaries are not to be sent to Establishment Division.

## 26.2 Maintenance of Roster for Application of Promotion/ Initial Appointment Quota

In continuation of Establishment Division's O.M. of even number dated 30<sup>th</sup> September, 2015 on the subject cited above; in order to avoid diversity in maintaining of roster for a post to be filled through (a) Promotion (b) initial appointment, or / (c) transfer in accordance with the Recruitment Rules; it has been desired that roster should be maintained, under the signature of Joint Secretary (Admn.) or equivalent, in a single way i.e. by sharing/distribution of sanctioned strength of a post, in whole numbers, to promotion quota and transfer quota or/direct appointment quota, according to the following format:-

### Roster

As on 00.00.0000(date)

For the post of ----- BS-----under notified Recruitment Rules vide SRO-----

A.	Total Sanction Strength:	00	
B.	Quota/Share for Promotion:	00%=	00 Posts
C.	Quota/Share for Transfer:	00%=	00 Posts
D.	Quota/Share for Direct Appointment	00%=	00 Posts

Sl.No. (must be equal to sanctioned strength 'A' above)	Post allocated (to promotion/transfer/ Direct appointment Quota)	Name of officers	Present status of the post (filled/vacant)	Remarks: e.g. how the post become vacant/filled
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*Note:— In case of any change in the sanctioned strength of the post/or share in the promotion transfer/direct appointment quota for recruitment in the relevant Recruitment Rules, the above roster will be revised.*

2. It is further clarified that a circle of roster may be started/completed by filling the vacancies in the first instance through promotion then by transfer/or direct appointment (as per the requirement of the rules framed for the post), before another circle for promotion(s) be started. Besides, if any violation has been made in maintaining roster it must be rectified in the first instance, accordingly.

[Authority:— Estt. Division's O.M.No.21/1/90-R-5 dated 12-11-2015].

### Sl.No. 27

#### Proforma Promotions

The Ministries and Divisions as well as Attached Departments and Subordinate Offices, have, in the past, been ordering proforma promotions (also called promotions in absentia) of persons serving on deputation on foreign service,

or in ex-cadre posts as a matter of course on the sole ground that the deputationist had been approved for promotions by the D.P.C. of the parent department and a person junior to him had been promoted. This has resulted in the deputationists serving away from their parent department or cadre for unduly long periods as such persons not only enjoy better emoluments while on deputation but also feel secure that their interests are being fully protected in their own department.

2. The intention underlying 'proforma promotions' is to protect the interests of the government servant only in circumstances where the government servant is required to serve away from his parent cadre because of a definite requirement of public interest and not merely to suit his own interest. Normally, therefore, a deputationist, as soon as he becomes due for promotion should be required to revert to his parent department or cadre so that he is promoted to the next higher post for which he may have been declared fit. In case an offer of promotion is made to him and he declines to revert, he may be allowed to remain in the outside post on the clear understanding that he will not ask for 'proforma promotion'. Only in exceptional cases where the borrowing department or organization expresses its inability to spare the officer, and the head of the parent department records in writing why he considers it necessary to keep the government servant on deputation in the ex-cadre appointment, may proforma promotions be made. Even in such cases, the period for which the officer is allowed to continue to remain on deputation, with the benefit of proforma promotion, should be judiciously fixed so that the officer reverts to his cadre and is appointed to the post for which he has been approved for promotion, as early as possible. Such period should not normally exceed 6 months. All cases where 'proforma promotions' are allowed for a period exceeding 6 months should be reported to the Establishment Division with full justification.

3. The Ministries/Divisions are also advised that in future whenever they send an officer or member of the staff on deputation to an ex-cadre post, or on foreign service, they should settle in advance the period of deputation with the borrowing office/organization on the expiry of which the government servant should revert to his parent cadre. While selecting persons for deputation, care should also be taken not to depute officers who would soon be coming up or promotion to the next rank in their own cadre and may have to be re-called. In the majority of cases, officers and staff are sent on deputation on their application or request. They should be warned that in case they fall due for promotion, they will have to revert to their parent cadre and they will not be allowed promotions in absentia.

4. The above instructions do not apply to senior appointments in international organizations such as the United Nations, the R.C.D. \*Sectt., etc. to which officers are nominated by government having regard to their qualifications, experience and suitability. In such cases, it may be presumed that the services of the officer have been placed on deputation with the foreign organization in the public interest, and 'proforma promotion' when called for, may be made.

[Authority:— Estt. Div.'s O.M. No. 1/28/71-D.II, dated 29-7-1971].

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\* Or the successor organization i.e. E.C.O.

### **27.1 Consideration for Promotion of a Person on Transfer to Another Office**

A permanent ministerial government servant, who is temporarily transferred from one office to another in the public interest, should be considered for promotion to a higher BPS in his parent office as and when a vacancy occurs in the higher BPS and if he is selected for promotion in accordance with the relevant rules, he should be appointed proforma to the higher BPS so that when he reverts to his parent office he can count, for seniority and increments in the higher BPS, the period for which he remained on deputation. No monetary benefit in respect of his proforma promotion in the parent office shall be allowed to him while he is on deputation. Proforma promotion in such cases should be made with effect from a date determined in accordance with the 'next below rule and not from any earlier date.

*[Authority:- Finance Division's O.M. No. F.1.(5)-RI-(R.W.P.)/62, dated 21-4-1962].*

### **27.2 Proforma Promotions – Review of Cases**

The question has been raised whether the instructions issued in the Establishment Division O.M. No. 1/28/71-D. II, dated 29th July, 1971 regarding proforma promotion apply also to past cases where proforma promotions had already been made prior to the issue of these instructions. The Ministries and Divisions are advised to review all such cases. If the officer had been allowed to proceed on deputation for a specific period, he should be requested to revert to the parent department on expiry of that period. In case no period was specified, the parent department should examine the propriety of re-calling the officer to the parent cadre as it is not administratively desirable that officers and staff should remain away from their parent cadre for unduly long period, say more than 3 years in the case of gazetted officers and 5 years in the case of non-gazetted staff. However, if in the case of a particular department the number involved is large, the recall of the deputationist should be judiciously staggered so that no large scale reversions are caused in the parent office consequent on the re-call of the deputationists. Priority in re-call should be given to those who have been allowed proforma promotion in the parent cadre. Where, however, the borrowing departments are prepared to confirm such officers and staff on their own establishment (provided this is admissible in accordance with the recruitment rules applicable to the post) and the officer or staff is also willing to be so absorbed, reversion to parent cadre may not be insisted upon.

*[Authority:- Estt. Division's O.M.No.1(28)/71-D.II, dated 28-3-1972].*

### **27.3 Reversion of Deputationists to Parent Departments**

Cases have come to the notice of the Establishment Division where officers whose services were obtained on deputation for a specific period were not returned by the borrowing department when the parent department asked for their reversion. Attention in this regard is invited to the Establishment Division's O.M.No.1(28)/ 71-D.II, dated the 28th March, 1972, wherein it was laid down that officers obtained on deputation should be reverted to their parent department on the expiry of the period of deputation. It was further laid down therein that the period of deputation should normally be 3 years in the case of officers in BPS 16 and above 5 years in the case of staff in BPS 15 and below.

2. In the interest of efficient administration, it is reiterated that the above mentioned instructions should be followed rigidly and the deputationists reverted to their parent department on the expiry of the period of deputation unless the intention is to permanently absorb the deputationist in the cadre or department where he is serving on deputation and the recruitment rules for the post provide for such a course. In such cases, the consent of the deputationist to the suspension or termination of lien on his permanent post in the parent department, as well as the agreement of the parent department, should be obtained. With the completion of these formalities the deputationist will be treated as regular member of the establishment of the borrowing department.

3. Where, however, it is not intended to permanently absorb the deputationist in the borrowing department the deputationist must not be allowed to remain away from his parent cadre for unduly protected period; he should be reverted to the parent department on expiry of the period of deputation as originally fixed. If the borrowing department needs the services of another officer having the qualifications or experience possessed by the deputationist, a request should be made to the lending department to depute some other officer in his place possessing the same qualifications or experience as far as possible. The borrowing department in no case should insist on retaining a particular individual beyond the original period of deputation.

4. All Ministries, Divisions and Departments are requested to examine the cases of deputationists with them and take necessary action in the light of the above instructions. If relaxation of these orders is required in any individual case, it may be referred to Establishment Division with full justification.

*[Authority:— Estt. Div.'s O.M.No.1(28)/75-D.II, dated 6-3-1975].*



**27.4 Revised Guidelines for the FR-17(I) Committee/High Level Committee to Consider the Cases of Proforma Promotion on the Basis of Antedated Seniority**

**Part-I Rule Provisions**

The F.R.17(I) reads as under:-

F.R.17(I) subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

[Provided that the appointing authority, may if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through proforma promotion or up-gradation arising from the antedated fixation of his seniority].

**Part-II Relevant Committee/TORs**

2. A Committee was constituted vide Finance Division's (Regulation Wing) O.M.No.F.3(I)R-2/94 dated 28-05-2001 to examine the claims under proviso to FR-17 and to advise the Appointing Authority (s) in decision making. The revised composition of the Junior Level Committee on FR-17(1) is as follows:—

Joint Secretary (Regs), Finance Division	Chairman
Joint Secretary (Regs), Establishment Division	Member
A BS-20 officer of Law, Justice and Human Rights Division to be nominated by the Law Secretary.	Member
Joint Secretary of the Ministry/Division concerned. [also for the organizations under the administrative control].	Co-opted Member
Deputy Secretary (Regulations) Finance Division	Secretary

3. A High Level Committee was also constituted vide Finance Division (Regulation Wing) O.M. No.3(1)R-2/94-1029-(Pt) dated 10-12-2010 to above

recommendations for cases in the respect of Civil Servants in BS-20 and above under proviso to FR-17(I). The revised composition of the High Level FR-17(I) Committee is as under:-

Secretary, Finance Division	Chairman
Secretary, Establishment Division	Member
Secretary, Cabinet Division	Member
Secretary, Law, Justice & Human Rights Division	Member
Additional Secretary-I, Establishment Division	Member
Secretary of the Ministry/Division Concerned.	Co-opted Member
Additional Secretary (Regulations), Finance Division	Member/Secretary

4. The mandate of the Committee is as under:—

- (j) The Junior Level Committee on FR-17(1) headed by Joint Secretary (Regs.) Finance Division shall also make initial scrutiny in cases of civil employees in BPS-20 and above and submit its report to the above High Level Committee for firming up of its recommendations.
- (ii) The recommendations of High Level Committee shall be submitted to the appointing authority i.e. Prime Minister for approval.
- (iii) The Junior Level Committee on FR-17(1) headed by Joint Secretary (Regs.) Finance Division shall continue to consider/ recommend cases in respect of civil servants in BPS-19 and below.

**Part-III Types of cases not to be considered by the FR-17(I) committee(s)**

5. The Committee(s) shall refer the following types of cases to the respective DPC/Selection Board for consultation before consideration by the Committee:—

- (a) A Civil Servant who has not yet been recommended for promotion to higher post by respective Selection Board/ Committee except the cases of retired civil servants who could not be considered for

promotion for no fault of their own and retired on attaining the age of superannuation.

- (b) A Civil Servant requesting for proforma promotion in Service Cadre to which he/she does not belong.
- (c) A Civil Servant who had been superseded on the recommendation of respective DPC/Selection Board and approved by Competent Authority and the said supersession is still intact.
- (d) A Civil Servant requesting for proforma promotion on the ex-cadre posts he/she was not nominated for mandatory training but his/her authority was nominated at the relevant point of time and such nominations for training pertains to period beyond one year.
- (e) The Civil Servants who were superseded on the recommendations of respective Selection Board/Committee for the recorded reasons having been approved by the Competent Authority.

**Part-IV Types of Cases to be Considered by the  
FR-17(I) Committee(s)**

6. The respective Committee shall consider the cases of Civil Servants for proforma promotion to the next higher post in their own cadre or service/group who have been granted antedated seniority within the meaning of proviso below FR-17:—

- (a) A Civil Servant who was deferred for any of the reason indicated in the promotion policy but subsequently it is found that the said reason was wrongfully mention. For instance Mr. 'A' was deferred for the reasons that he had not undergone the prescribed training or passed departmental examination. Subsequently it came to notice that he had undergone the mandatory training or passed the departmental examination but the training evaluation report or result of examination could not be submitted to the respective Selection Board/Committee at the relevant point of time.
  - (a) (i) Cases of retired civil servants who could not be considered for promotion for no fault of their own and retired on attaining the age of superannuation.
  - (b) A Civil Servant who was not superseded previously on the recommendations of the respective DPC/Selection Board duly approved by Competent Authority but his/her claim has arisen for any other reason.

- (c) A Civil Servant recommended by respective Selection Board/ Committee for supersession and the recommendations were approved by Competent Authority provided that the said supersession has been converted into deferment for reasons, what so ever, either by Count of Law or Competent Authority.
- (d) A Civil Servant who was not recommended initially for promotion to higher post by the respective DPC/Selection Board as his/her score was below the minimum threshold for various reasons including.
  - (i) non-inclusion of additional marks for serving in training institutions.
  - (ii) non-inclusion of marks for any PER in the PER score.
  - (iii) non-inclusion of marks of the Selection Board.
  - (iv) wrong deletion of marks on account of penalty/adverse remarks etc.
  - (v) any other reason deemed by the Committee to be a reason for wrongful prevention to hold higher post.
- (e) The cases at (d) above to be considered if the respective DPC/Selection Board subsequently took note of said omission(s) and had recommended such Civil Servant for promotion to higher post.
- (f) The FR-17 Committees shall not consider the cases beyond the scope of FR-17.

*[Authority:—Finance Division's O.M.No.4(6)Imp/FR-17/2013-277 dated 18-09-2015].*

### **27.5 Promotion on Temporary/Regular Basis**

At times, Establishment Division receives proposals for regularising the promotion of those promoted earlier against deputation, leave, etc. vacancies, on the grounds that regular vacancy has since occurred.

2. The matter has been considered in the Establishment Division in light of the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, read with the Promotion Policy covering promotion upto BPS 21. It is clarified that an officer recommended for promotion on temporary basis by the Central Selection Board/Departmental Promotion Committee and approved by the competent authority is liable to reversion to lower post in case the higher post is subsequently either abolished or ceases to exist or its original incumbent joins back. However, if a temporarily promoted officer continues working against the higher post without any break and, in the meanwhile, a regular vacancy in the

cadre becomes available, no fresh clearance of the Central Selection Board/DPC and approval of the competent authority is required for his promotion to higher post on regular basis. The officer will, therefore, be deemed to have been promoted on regular basis with effect from the date of occurrence of the vacancy on regular basis in the cadre, subject to the following conditions:-

- (a) No disciplinary/criminal proceedings have been initiated against him/her during the period from the date of temporary promotion till the occurrence of vacancy on regular basis.
- (b) His/her up-to-date service record would form the basis for assessing fitness for promotion on regular basis i.e. quantified score should not be less than minimum threshold prescribed for the purpose.

[Authority:- Estt. Div.'s O.M.No.30/2/90-CP-3, dated 18-2-1997].

#### CLARIFICATION

Refer to Establishment Division's O.M. No.30/2/90-CP-3 dated 18-02-1997 which inter alia provided for regularizing the promotion of officers who were earlier promoted against deputation, leave etc vacancies on the ground that regular vacancy has occurred subject to satisfaction of the conditions prescribed under the above referred O.M. A number of references are received in the Establishment Division regarding clarification for extending the applicability of this O.M. to the cases of initial appointments made against temporary vacancies.

2. The matter was considered in the Establishment Division and it has been decided to extend the applicability of instructions contained in the above referred O.M. dated 18-02-1997 to cases of initial appointment as well subject to the following conditions:—

- (i) The initial appointment against the temporary vacancy is made in the manner prescribed for appointment against regular vacancy duly observing regional/provincial quota and qualification & experience prescribed in the Recruitment Rules of the post concerned.
- (ii) The incumbent has continuously worked on the temporary vacancy during the period from appointment to the occurrence of the regular vacancy.
- (iii) No disciplinary/criminal proceedings have been initiated against him/her during the said period.
- (iv) His/her up-to-date service record would form the basis for assessing fitness for the continuation of subject appointment.

[Authority:- Establishment Division's O.M No.30/2/90-CP-3/R-2 dated 14-04-2014].

## 27.6 Promotion of Officers while on Deputation on Foreign Service

The position regarding \*promotion, in their parent cadres, of government servants transferred to \*\*foreign service' [as defined in Fundamental Rule 9(7)], and the benefits accruing to them from such promotion does not appear to be clear in some quarters.

2. Cases of promotion, in their parent cadres, of government servants who are transferred to foreign service and the emoluments admissible to them are regulated by the provisions of Fundamental Rules 113 and 114 which fall in Chapter XII of Section I of the Fundamental and Supplementary Rules, Vol. I, and not by the proviso to the 'next below rule' (Note below) ' *i.e.*, the second proviso below FR 30 which falls in Chapter IV of that rule and applies in cases of Government servants serving outside their ordinary line within Government service.

3. Under FR 113 a Government Servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in these cadres as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to FR 114, read with orders issued thereunder, which have been printed in Appendix No. 11 to the Fundamental and Supplementary Rules, Vol. II, a Government servant transferred to 'foreign service' in Pakistan shall, unless his duties in foreign service involve a decided increase in work or responsibility in comparison with duties of his post in Government service, be allowed the same remunerations as he would have received, from time to time, in Government service before his transfer to foreign service. It follows from these orders that if a government servant who is on deputation to foreign service is promoted in his parent cadre, he should, if he continues to remain in foreign service, be allowed the remuneration which he would have received in the higher post in government service to which he is promoted. The higher remuneration would, of course, be payable by the foreign employer.

[Authority:— Estt. Division's O.M.No.F.6(4)-R-2/65, dated 9-2-1966].

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[Note: (a) The cases of the civil servants on deputation to autonomous/semi-autonomous bodies and corporations under Federal Government & Provincial Governments are regulated under FR 113 and 114 (Chapter XII of Section I of FR and SR Vol I). Under FR 113, a government servant on deputation shall remain in the cadre in which he was included in a substantive or officiating capacity immediately before his transfer on deputation and may be given such substantive or officiating promotion in his own cadre as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to FR 114, read with the Orders issued thereunder, Appendix No. 11 to the FR and SR, Vol. II, a government servant transferred or on deputation shall, unless his duties involve a decided increase in work or responsibility in comparison with duties of his post in government service, be allowed the same remunerations as he would have

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\*Note.- Please see also para 2(7) of the Establishment Secretary's d.o letter No. 10(3)81-CPI(Pt), dated 31-10-82 regarding Promotion Policy.

\*\* deputation.

received, from time to time, in government service before his transfer on deputation. If a government servant who is on deputation is promoted in his parent cadre, he should, if he continues to remain on deputation be allowed the remuneration which he would have received in the higher post in government service to which he is promoted. The higher remuneration would, of course, be payable by the employer i.e. autonomous/semi-autonomous body, corporation or a state owned enterprise.

(b) The cases of the civil servants serving outside the ordinary line within government departments, are covered under FR 30 according to which a government servant appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those of his own post.]

(c) Next Below Rule: In initial substantive appointment of a government servant, his pay is fixed, if he holds a lien, on a permanent post in this manner; if the appointment involves assumption of duties and responsibilities of greater importance than those of the permanent post, he will draw as initial pay the stage of time scale next above substantive pay in respect of old post. When appointment to the new post does not involve such assumption, he will as initial pay at the stage of the time scale equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, till he earns an increment in the time scale of the old post or in the time scale of the new post, whichever, is less, but if the minimum in the time scale of the new post is higher than his substantive pay he will draw that minimum as initial pay. The guiding principle for the working of the next below rule, as given in FR 30(10) is that an officer outside his regular line should not suffer by forfeiting acting promotion had he remained in his regular line. Thus a fortuitous acting promotion of an Junior Officer to an officer outside the line of promotion, does not give rise to claim under the next below rule].

(d) Procedure for regulating pay under the 'next below rule': The Governor General has sanctioned the adoption of the following guiding principle in regard to the working in future of the 'next below' rule. The intention of the so-called rule was apparently that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of someone junior to an officer who is out of the regular line does not, in itself, give rise to a claim under the 'next below' rule. Before such a claim is established it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, some other officer, even more junior should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

**(Late Govt. of India Finance Department Endst. No. F.27(1)-EX-I/36, dated the 20<sup>th</sup> February, 1936 and Home Department No. F. 52/36, dated the 6<sup>th</sup> February, 1936).**

The Ministry of Finance has had under consideration the question of operation of the 'next below rule' in the offices of the Government of Pakistan. The "next below rule" was a temporary expedient designed to protect government servants from monetary loss and, in effect, meant the temporary upgrading of posts. It was originally intended that the expediency should not last more than six months in individual cases. Whatever may have been the held advantage in the past to leave a man undisturbed in the post by him if the exigencies of the public service required it, the need for such considerations does not exist at present. It is the considered opinion of this Ministry that the concessions of the 'next below rule' should not be permitted except in very exceptional circumstances and that, too, for very short periods. It has been decided, therefore, that the cases wherein the benefit of the 'next below rule' has been conceded should be reviewed forthwith. The Ministry of Interior/etc. should take steps either to obtain the approval of this Ministry for the continuance of that benefit or to revert the government servant concerned to his parent office.

(Ministry of Finance O.M. No. 1196-R.E.-G./47, dated the 7th December, 1947)

### **27.7 Promotion of Officers Deputed for Training Abroad**

According to para (ii) of the Finance Division O.M. No. F.8(2)/R/II (II)/58, dated the 31st October, 1958, officers proceeding abroad for training are entitled to the pay which would have been admissible to them in Pakistan but for their deputation abroad. It has been brought to the notice of this Ministry that in some cases the officers, while under training abroad, are considered and approved for promotion to higher posts in Pakistan. In this connection, a question has arisen as to what extent the benefit of such promotion should be given to such officers. The matter has been considered and it has been decided that if an officer is on training abroad and his turn for promotion arrives in his parent department or cadre in Pakistan, he should be considered for promotion alongwith other officers, and if he is approved for promotion in accordance with the relevant rules, he should be appointed formally (not actually) to the post in the higher BPS. This would enable him to occupy, on his return to Pakistan, the position which he would have occupied, had he not gone abroad on training. No financial benefit of the 'next below rule' should be allowed to him in respect of his promotion. He should be allowed to count seniority and increment from the date of such promotion, but the actual pay of the higher post should be given to him only when he resumes the duties of the higher post on his return from training.

*[Authority:— Finance Division's O.M. No. 361-R 4/65, dated 25-3-1965].*

### **27.8 Promotion Policy Governing Civil Servants on Training Abroad**

The civil servants who are otherwise eligible for promotion but for their being on training abroad, shall, therefore, be considered for promotion by the competent promotion Committees/Boards provided they fulfill the prescribed criteria of promotion. However, on approval by the competent authority, the promotion of these officers shall actualize only on the successful completion of foreign training and on their return to their parent organization in Pakistan.

2. The instructions contained in Sl. No. 213 of Estacode (1989 Edition) **(Annex)** stand amended accordingly.

3. All Ministries/Divisions are requested to bring the above instructions to the notice of the promotion Board/Committees under their control.

*[Authority:— Estt. Div.'s O.M. No.F.10(10)/85-CP.I, dated 11.10.2000].*

### **(ANNEX)**

“Promotion of officers deputed for training abroad:- According to para (ii) of the Finance Division O.M. No. F. 8(2)/R/(II)/58, dated the 31<sup>st</sup> October, 1958, officers proceeding abroad for training are entitled to the pay which would have been admissible to them in Pakistan but for their deputation abroad. It has been



brought to the notice of this Ministry that in some cases the officers while under training abroad are considered and approved for promotion to higher posts in Pakistan. In this connection, a question has arisen as to what extent the benefit of such promotion should be given to such officers. The matter has been considered and it has been decided that if an officer is on training abroad and his turn for promotion arrives in his parent department or cadre in Pakistan, he should be considered for promotion alongwith other officers, and if he is approved for promotion in accordance with the relevant rules, he should be appointed formally (not actually) to the post in the higher grade. This would enable him to occupy, on his return to Pakistan, the position which he would have occupied had he not gone abroad on training. No financial benefit of the 'next below rule' should be allowed to him in respect of his promotion. He should be allowed to count seniority and increment from the date of such promotion, but the actual pay of the higher post should be given to him only when he resumes the duties of the higher post on his return from training.

*[Authority: Finance Division's OM No. 361-R 4/65, dated the 25th March, 1965) Note.-For promotions in absentia admissible to temporary government servants who have joined Pakistan Army, Navy or Air Force Reserves, see Government orders in Chapter IX, Establishment Manual, Vol.I].*

### **27.9 Promotion of an Officer/ Official During LPR**

A question has arisen whether an officer/official who is on LPR can be considered for promotion against a higher post or otherwise.

2. The matter has been considered and the view held is that LPR is one of the types of leave to which a government servant is entitled. As he continues to be a government servant and can be called even for duty, he can, therefore, be considered for promotion against a higher post during LPR.

3. All Ministries/Divisions are requested to bring these instructions to the notice of all concerned.

*[Authority:- Estt. Division's O.M.No.10/62/98-R.2, dated 26-6-1998].*

### **27.10 Bar against Promotion of Ad-Hoc Appointees**

The following further instructions are issued for regulating ad-hoc appointments:-

- (i) Persons appointed on ad-hoc basis should possess the required qualifications and experience prescribed for posts.
- (ii) Persons appointed on an ad-hoc basis should not be promoted to higher posts.

*[Authority:- Estt. Division's O.M.No.3/29/70-D.III, dated 7-1-1971].*

**V. INDUCTION OF COMMISSIONED OFFICERS AND OTHER  
RANKS RECRUITED OR INDUCTED ON REGULAR OR  
CONTRACT BASIS IN CIVIL POSTS**

**Sl. No. 28**

**Provisions Relating to Commissioned Officers and Other Ranks Recruited or Inducted on Regular Basis or on Contract in Civil Posts-Terms and Conditions**

It has been decided that armed forces officers seconded to Civil Ministries (other than Defence), Departments of the Federal/ Provincial Governments, autonomous/semi- autonomous bodies and corporations *etc.* will be governed by the following terms and conditions:-

1. Tenure
  - (a) Officers will normally be seconded for a period upto three years extendable, in exceptional circumstances, by one year by the government, after which the officer will normally either be recalled to the parent service or released. No extension in service will be allowed to officers who complete age/service limits for retirement during secondment.
  - (b) If the deputation of an officer tends to become indefinitely prolonged, permanent absorption of the officer concerned in the civil cadre by retiring him from the parent service, would be considered.
  - (c) In case of an emergency, the parent service will have the option of withdrawing a deputed officer without notice, if necessary.
  - (d) An officer will have the option to request for return to his parent service if he feels that his service career is adversely affected by continued deputation.
2. Pay and Allowances
  - (a) The deputationists will be entitled to pay of rank, Command/ Staff/Charge Pay, Instructional Pay, Qualification pay, Flying Pay/Submarine Pay/Special Service Group Pay/Technical Pay/ Disturbance Pay, Kit Allowance and Non-Practicing Allowance drawn by them in the Military service immediately before their secondment in addition to 20% of pay of the rank as special compensatory allowance.
  - (b) Entertainment Allowance.— Entertainment Allowance may be allowed according to the equivalence of rank formula at the rate admissible on the civil side.

- (c) Senior Post Allowance.– This allowance will not be admissible in addition to Command/Staff/Charge/ Instructional pay etc.
3. Pension-Including Disability/Family Pension
    - (a) Pension, including disability/family pension, will be granted to officers under relevant Military Pension Rules. They will count the period of service with the borrowing Ministries/Departments etc. as qualifying service for pension in the Army/Navy/Air Force.
    - (b) The claims that the officers or their families may have in respect of the disability or death during the period of their employment under the borrowing Ministry/Department etc., or arising out of any disability contracted in such service, shall be determined solely in accordance with the relevant Military Pension Rules, as amended from time to time, and the entire cost of any such pension shall be borne by borrowing Ministries/Departments etc. These Ministries/Departments will also be liable to bear proportionate share of any gratuities/ pensions that may be admissible to these officers in respect of their service under Military Rules. In case of officers on deputation to a Non-Government body, the pension contribution for pension admissible to them under relevant Military Pension Rules, in respect of Service rendered by them on deputation will be payable by the borrowing agency.
  4. Leave
    - (a) The officers will continue to be governed by Military Leave Rules.
    - (b) Leave account of the officers will be maintained by the parent services in consultation with the borrowing organisations and leave will be granted by the appropriate authorities in borrowing organisations under intimation to Service HQ/CORO\*/Record Office concerned. Leave earned in the borrowing organisations will be availed of, as far as possible, before reversion to the services.
  5. Rank.– Acting/temporary rank will be retained/relinquished as if the officers had continued in Military Service in the appointment last held.
  6. Promotion in the Services.– While on secondment they will not be entitled to acting/temporary promotions. However, substantive/ substantive temporary promotions will be made upto the rank held at the time they were seconded to civil department. This paragraph does not apply to AMC officers.
  7. Traveling Allowance/Daily Allowance/Conveyance Allowance.– As admissible under civil rules.

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\* CORO: Chief Officers' Record Office.

8. Accommodation etc.
  - (a) Government accommodation will be provided under civil rules and rent will be paid under those rules.
  - (b) Normal water/electricity charges prevalent at the station will be paid.
  - (c) No Service accommodation/furniture will be provided.
9. Purchase of Rations from Service Sources and other Purchases from Canteen Stores Dep'ts/Officers' Shops etc.– They will not be entitled to make the above purchases.
10. Provision of Batman.– Batman will not be provided.
11. Cost of Passage/TA for joining post in the Ministry/ Department and returning therefrom.– This will be borne by the borrowing Ministry/ Department etc.
12. Defence Services Officers Provident Fund Contribution.– The officers will continue to contribute towards DSOP Fund.
13. Advance.– The officers may be allowed House Building Advance/ Motor Car Advance from the relevant Services Budget as permissible under relevant Service Rules.
14. Discipline.– The officers will continue to be governed by the provisions of their respective Service Act/Rules/Laws. Day to day conduct and discipline will be governed by the rules of the borrowing Ministries/Departments etc. concerned.
15. In addition to the above, all other special concessions or perquisites such as free residential accommodation, use of transport at government expense etc. which, otherwise normally go with a particular appointment to which the officer may happen to be seconded, will also be admissible to him.
16. The above perquisites are without prejudice to any improvements which the borrowing department may sanction in individual cases under special circumstances in consultation with their financial authorities.
17. Government letters containing the above terms will be issued in individual cases by the borrowing Ministries/ Departments etc.
18. The provisions of this \*JSI are not applicable to:-
  - (a) officers serving in the civil armed forces (who will continue to be) governed by their existing rules; and
  - (b) officers who are absorbed in the civil department.

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\* Joint Services Instructions.

19. This JSI\* shall take effect from 14-12-1981.

20. JSI\* No. 46/59, PAC-666/60 and Ministry of Defence letter No. 401/64/PS-3 (a) 4005/D-2-A dated the 5th June, 1965 may be treated as superseded by this JSI\*.

[Authority:— JSI 4/85-case No.F-2/70/D-24,(C-IV)/83,ASMF Dy.No.164/S/ASMF of 1985]

### **28.1 Terms and Conditions of Service of Army Engineer Officers Transferred to the Survey of Pakistan**

1. **General.**— A fixed quota of 1/3rd of the available regular vacancies in the Central Service, Class I\*\*, of the Survey of Pakistan in the grade of Assistant Superintendent of Survey shall be reserved for the officers of the Corps of Engineers, Pakistan Army. Normally, the Corps of Engineers officers shall be of 5-6 years commissioned service, including antedate, if any, at the time of appointment in the Survey of Pakistan.

2. **Selection.**— The Surveyor-General shall intimate to the Military Secretary at General Headquarters the number of vacancies in the grade of Assistant Superintendent of Survey reserved for army officers as and when they fall vacant. The Military Secretary shall then ask for volunteers from the Corps of Engineers and, in consultation with the Engineer-in-Chief, recommend suitable candidates to the Surveyor General. The appointment shall be made by the Government of Pakistan on the recommendations of the Surveyor-General.

#### **3. Probation.**—

(a) On first appointment, officers shall be on probation for a period of two years. If an officer is found unsuitable and the Surveyor-General desires his reversion to the army or his services are required by the army during this period he may be reverted to the army by mutual agreement. The officers will have the option to revert to the army during the probationary period.

(b) On successful completion of the probationary period, the officer shall be confirmed as Assistant Superintendent of Survey in the Survey of Pakistan.

4. **Training.**— The officers shall be exempted by General Headquarters from passing any army promotion examinations, etc. This concession shall, however, cease upon their reversion to the Army either during or on completion of the probationary period, when they may be given a maximum of two chances to pass the appropriate promotion examination.

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\* Joint Services Instructions.

\*\* BPS 17. Technically, Class I refers to BPS 1-22. Here the nomenclature of the post given implies BPS 17.

5. **Conditions of Service During Probationary Period.**— During the probationary period, the officers shall remain on the effective list of the Army and shall be counted as supernumerary to the authorised strength of the Corps of Engineers, and shall be governed by the following rules :-

- (a) Rank.—
  - (i) They shall retain rank (including temporary rank) held at the time their services are placed at the disposal of the Survey of Pakistan.
  - (ii) The grant of time-scale substantive promotion during this period shall be governed by the normal army rules, as may be in force from time to time. Temporary promotions will be allowed on the basis of the 'next below rule with the prior approval of the Military Secretary.
- (b) Pay and Allowances (other than TA/DA).— They shall receive the pay and allowances (other than TA/DA) which they would have received in the army on duty.
- (c) TA/DA.— They shall get TA and DA as are admissible to the officers of corresponding status in the Survey of Pakistan.
- (d) Pension.— Any claim that these officers or their families may have in respect of their disablement or death during this period of service with the Survey of Pakistan or arising out of any disability contracted in such service shall be determined solely in accordance with the Central Civil Services (Extraordinary Pension) Rules, or any modification or amendment to those rules for the time being in force, and the entire cost of meeting such claim shall be borne by the Survey of Pakistan. The Survey of Pakistan shall also be liable to pay the proportionate share of any service gratuity/pension that may be admissible to the officers in respect of their service with that Department.
- (e) House Rent.— Rent for accommodation provided by the government shall be recovered under the army rules.
- (f) Medical Treatment.— The officers and their families shall be entitled to the same medical facilities as their civilian counterparts in the Survey Department.
- (g) Leave.— Leave shall be admissible as provided in the Military Leave Rules.
- (h) Zonal Allowance.— The officers, if posted to the zone other than the zone of their domicile shall be entitled to receive a zonal allowance

at the rate and subject to the conditions laid down by the Ministry of Defence.

- (i) **Discipline.**— For the purposes of discipline the officers shall be governed by the provisions of Rule 346 of the Army Regulation Volume I (Rules), 1960.
- (j) **Confidential Reports.**— Performance Evaluation Reports on the officers shall be rendered on the same forms as are in use in the Survey of Pakistan. A copy of the report shall be sent to the Military Secretary.

6. **Rules Applicable After Confirmation.**— The officers shall be released from the army without any pensionary benefits from the date of the confirmation in the Survey of Pakistan, and placed in the Pakistan Regular Reserve of Officers (PARRO) under the normal rules.

7. **Seniority.**— On first appointment, an officer shall be appointed as Assistant Superintendent of Survey in the Central Service, Class I\*, of the Survey of Pakistan. His seniority in the Service shall count from his date of first commission, including antedate, if any.

8. **Recall to Active Duty.**— If the service of any military officer transferred to the Survey of Pakistan are required by the Army the Commander-in-Chief, Pakistan Army, may, at discretion order his recall to the Army.

9. **Pay.**— Their pay on confirmation in the Survey of Pakistan shall be fixed under F.R. 22. For this purpose, the pay in the Army shall be taken to include pay of rank, Staff/Command/ Charge/Instructional Pay, Qualification Pay and Disturbance Pay.

10. **Medical Treatment.**— On confirmation in the Survey of Pakistan, the officers shall be entitled to medical treatment under the rules and on the scale applicable to officers of the Central Government paid from the civil estimates.

11. **Leave.**— Officers permanently absorbed in the Survey of Pakistan shall be permitted to carry forward their privilege leave earned during Army service.

12. **Confidential Reports.**— \*\*Annual Confidential Reports on officers permanently absorbed in the Survey of Pakistan shall be rendered on the same forms as are in use in the Survey of Pakistan.

13. **Option.**— Army officers already transferred to the Survey of Pakistan shall have the option to accept the terms and conditions circulated to them vide Engineer-in-Chief's Branch, General Headquarters O.M. No.1454/II/El, dated 14th April 1952, or the new ones prescribed above.

[Authority:— Food & Agriculture Division Notification No.S.R.O.81(K)/65, dated 22-1-1965].

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\* BPS 17.

\*\* Performance Evaluation Report.

### **28.2 Use of Military Ranks by Military Personnel and Designation of Civil Employment**

Military personnel who are employed in civil posts may use their military ranks in conjunction with their signature on official documents in the manner illustrated below:-

Major A.B.C.  
or  
Lieutenant Commander A.B.C., P.N.,  
or  
Squadron Leader A.B.C., P.A.F.

The rank and signature should, in each case, be followed by the designation in civil employment.

2. The provisions of paragraph 1 do not apply to officers of the Regular, the Supplementary and the Volunteer Reserves of Officers and the Territorial Army. Such officers may use their military ranks with their signature on official documents only while they are serving in a military capacity with the Army, Navy or Air Force.

*[Authority:- Estt. Division's O.M. No. 6/4/61-F.I, dated 4-12-1961].*

### **28.3 Employment of Released/Retired Armed Forces Officers/ Personnel in Civil Posts**

The Ministry of Defence desires that they should be consulted in regard to the employment of released/retired military officers, in civil posts under the various Ministries/Divisions. Accordingly, it has been decided that whenever any Ministry/Division, or any authority under them propose to employ a released/retired military officer as a result of an application made to them direct (and not through the Ministry of Defence) the Ministry of Defence should be consulted by the Ministry/Division etc. concerned before such an officer is employed by them. The Ministry of Home Affairs etc. are, therefore, requested kindly to bring this decision to the notice of all concerned under them for their information and guidance.

*[Authority:- Estt. Division's O.M. No. 10/4/60-E.XIII, dated 3-6-1961].*

### **28.4 Preference to Released/Retired Armed Forces Officers in Ex-Cadre Posts in the Civil**

The Government of Pakistan have decided that:-

- (i) in filling ex-cadre posts, released/retired officers of the armed forces should be preferred to candidates from the open market, provided they possess the requisite educational and other qualifications and are otherwise suitable, and



- (ii) the maximum age limit, if any, may be relaxed upto a maximum of 10 years or the number of years an officer has actually served, whichever is less.

2. The decision is brought to the notice of all Ministries, Divisions with the request that all concerned under them may be informed of the decision for compliance.

*[Authority:— Estt. Division's O.M. No. 10/5/60-D.V., dated 6-11-1962].*

### **28.5 Employment of Armed Forces (Non-Commissioned Personnel) in Civil Posts**

The question of employment of armed forces (non- commissioned) personnel in civil posts has been under consideration for some time past and it has now been decided that in filling civil posts, released/retired personnel of the armed forces should be preferred to candidates from the open market, provided they possess the requisite educational and other qualifications and are otherwise suitable. It has further been decided that the maximum age limit, if any, may be relaxed up to a maximum of 10 years or the number of years a person has actually served the Armed Forces, whichever is less.

2. It is requested that the above decisions may please be brought to the notice of all concerned, for compliance.

*[Authority:— Estt. Division's O.M. No. 10/2/60-D.V., dated 17-9-1964].*

### **28.6 Employment of Armed Forces Officers/Personnel – Provisions in Recruitment Rules**

Attention of the Ministries/Divisions is invited to the Establishment Division O.M. No. 10/5/60-D.V., dated 6th November, 1962, and Memo. No.10/2/60-D.V, dated 17th September, 1964. It is stated that in the light of the decisions contained therein provisions on the following lines may be made in the recruitment rules.

- (i) In Case of Ex-Cadre Gazetted Posts:

“The maximum age limit will be relaxed in the case of released/retired officers of the armed forces of Pakistan upto a maximum of 10 years or by the number of years an officer has actually served the armed forces, whichever is less.”

- (ii) In Case of Non-Gazetted Civil Posts which are Filled Otherwise Than by a Competitive Examination Held by FPSC:

“The maximum age limit will be relaxed in the case of released/retired personnel of the armed forces of Pakistan upto a maximum of 10 years or by the number of years a person has served the armed forces, whichever is less.”

- (iii) In Case of Both Ex-Cadre Gazetted Posts and Non-Gazetted Civil Posts:

Released/retired officers/personnel of the armed forces will be preferred to candidates from the open market provided they possess the requisite educational and other qualifications and are otherwise suitable.

Note.- For the purpose (i) above, ex-cadre posts means odd jobs or isolated posts.

[Authority:- Estt. Div.'s O.M. No. 5(1)/2/65-D.V., dated 10-3-1966].

### **28.7 Employment of Ex-servicemen in Government Departments against Posts in BPS 1-4**

Attention is invited to the government decision notified in 1962 to the effect that in filling ex-cadre posts, released/retired officers of the armed forces should be preferred to candidates from the open market provided they possess the requisite educational and other qualifications and are otherwise suitable. Instructions were also issued in 1964 for according preference to released/retired armed forces (Non- Commissioned) personnel for employment in civil posts over candidates from the open market provided they possessed the educational and other qualifications and were otherwise suitable. The instructions provide that the maximum age limit may be relaxed up to a maximum of 10 years or the number of years a person has actually served in the Armed Forces whichever is less. In respect of Class IV jobs, and Class III posts of staff car drivers, the instructions provide for reservation of 50% vacancies for ex-servicemen.

2. The Ministry of Defence have reported that despite these instructions, the efforts of GHQ to provide employment for the maximum number of ex-servicemen have not achieved the desired result. The above instructions are brought to the notice of all Ministries/Divisions, the Attached Departments and the Subordinate Offices with the request that all appointing authorities should ensure strict observance of these instructions so that the maximum possible number of ex-servicemen are absorbed in civil posts.

3. There may also be vacancies both under the Federal Government and the Provincial Governments for which suitably-qualified and experienced candidates from the open market may not be readily available. GHQ is of the view that released/retired armed forces personnel who are not only experienced, energetic, discipline and reliable but also dutiful and willing to work under abnormal conditions, can be suitably employed in the existing vacancies. It is, therefore, requested that vacancies for which suitable departmental/direct recruits are not available should be reported to the Ministry of Defence, Rawalpindi, so that GHQ may be asked to provide a panel of suitable ex-servicemen for selection by the appointing authorities.

4. The instructions in para 3 above do not apply to posts recruitment to which is required to be made, under the relevant rules, through the Federal Public Service Commission. All vacancies in such posts should continue to be reported to the Commission. The eligible ex-servicemen may apply direct to the Commission when the posts are advertised. However, the Ministries/Divisions and the various Departments under them some time do make ad-hoc appointments against posts which are normally required to be filled through the Federal Public Service Commission, subject to replacement by the Federal Public Service Commission nominees and in accordance with the instructions regarding ad-hoc appointments issued by Establishment Division from time to time. It is requested that particulars of vacancies which are intended to be filled on ad-hoc basis, by appointment of persons not already serving in the department, may also be communicated to Ministry of Defence. The ex-servicemen, if appointed on ad-hoc basis, shall be subject to replacement by the F.P.S.C. nominees.

5. It is also requested that suitable instructions may be issued by the Ministries/Divisions to the various autonomous bodies and semi-autonomous bodies under them to employ ex-servicemen in as large a number as possible and for this purpose, details of the posts and the qualifications and experience required may be communicated to Ministry of Defence so that names of suitable ex-serving officers and men may be communicated to them for selection.

*[Authority:— Estt. Division's O.M. No. 17/1/68-D.III, dated 18-10-1971].*

#### **28.8 Employment of Ex-Servicemen and Pakistan Armed Services Board (PASB)**

In supersession of the existing practice when a vacancy occurs against the quota reserved for ex-servicemen, the demand for filling in such a vacancy should be placed on the Pakistan Armed Services Board Secretariat in the Ministry of Defence. The P.A.S.B. Secretariat will meet the required demand from its own pool or its Provincial Directorate. In case an ex-serviceman with the required qualifications etc. is not available, the P.A.S.B. Secretariat will inform the department, who has placed the demand of the non-availability of such a person.

*[Authority:— Estt. Division's O.M. No. 14/1/76-D. III, dated 4-6-1976].*

#### **28.9 Employment of Ex-Servicemen and Placement of Demand with PASB**

Reference Office Memo of even Number dated 4th June, 1976. The demand for filling vacancies reserved for ex-servicemen should be placed on the Pakistan Armed Services Board Secretariat in the Ministry of Defence. A copy of the Defence Division Office Memo No. 52/D. 14(W)/1177/76, dated 30th September, 1976 is enclosed (**Annex**) for further guidance in the matter.

*[Authority:— Estt. Division's O.M. No. 14/1/76-D. III, dated 22-11-1976.]*

**(ANNEX)**

**[Copy of Government of Pakistan, Ministry of Defence (Defence Division), Rawalpindi, O.M. No. 52/D-14 (W)/1177/76, dated the 30th September, 1976].**

Reference is invited to the Establishment Division O.M.No. 14/1/76-D.III, dated the 4th June 1976 under which demand for re-employment of ex-servicemen are to be placed on the Pakistan Armed Services Board, Ministry of Defence, GHQ, Rawalpindi. The Board is in the process of instituting a system for providing suitable ex-servicemen for the required jobs. It will be appreciated that to meet the demand for re-employment of ex-servicemen at least one month's time is needed to enable the Board to call up candidates from their villages, conduct their interviews, select suitable personnel and forward their names to the requisitioning departments. At present the requisitioning departments are giving the Pakistan Armed Services Board only 3 to 4 days time within which all these formalities are to be completed. It is well nigh impossible to complete the required formalities within such a short time.

2. In case the demand is large it would always be available for the requisitioning departments to contact the Pakistan Armed Services Board and its subordinate offices at the provincial/district level, seek their advice and chalk out a coordinated plan for the accomplishment of the task.

3. It is requested that the Federal Ministries/Divisions may kindly be advised to instruct the departments/organizations under their control to allow a minimum period of one month to the Pakistan Armed Services Board for providing the names of suitable ex-servicemen for re-employment.

**28.10 Reservation of 50% Vacancies in BPS 1-3  
and in BPS 4 of Staff Car Driver/Despatch  
Rider for Armed Forces Personnel**

Reference Establishment Division Office Memorandum No. 25/86/52-SE I, dated the 10th November, 1953. The decision contained in the Office Memorandum under reference has recently been reviewed by government and it has now been decided that 50% of the vacancies in Class IV posts and the Class III posts of Staff Car Driver should be reserved for discharged, retired or demobilized armed forces personnel. The remaining 50% vacancies should be treated as open to all. However, ex-armed forces personnel may compete alongwith others for these vacancies as well.

2. The Ministries/Divisions are requested to bring this decision to the notice of all concerned under them for their information and guidance.

*[Authority:-- Estt. Division's O.M. No. 1/8/58-D.V., dated 19-10-1962].*

### **28.11 Employment of Ex-Servicemen from Other Regions if Locally Not Available**

According to the existing instructions, the vacancies reserved for ex-servicemen should not be filled by other persons unless the employing authority obtains a certificate from the Welfare and Rehabilitation Directorate, General Headquarters, Rawalpindi to the effect that suitable ex-servicemen are not available for employment. The vacancies in some of these grades are filled locally.

2. It has now been decided that if ex-servicemen are not available locally the vacancies reserved for them may be filled by ex-servicemen from other regions.

*[Authority:- Estt. Division's O.M. No. 14/1/74-D.III, dated 23-12-1975].*

### **28.12 Despatch Rider**

In accordance with the instruction contained in the Establishment Division Office Memorandum No. 1/8/58-D.V., dated 19th October, 1962 50% vacancies in Class IV posts and Class III posts of Staff Car Drivers were to be reserved for discharge, retired personnel of Armed Forces.

2. After introduction of the National Pay Scales, such posts have been mentioned in terms of grades.

3. A question has arisen whether the posts of Despatch Riders (now in BPS 4) are governed by the instructions contained in the above mentioned circulars.

4. It is clarified for information of all the Ministries/Divisions that the posts of Despatch Riders in BPS 4 are governed by the above instructions as well as those contained in this Division circulars issued subsequently.

*[Authority:- Estt. Division's O.M. No. 14/4/75-D. III, dated 31-3-1976].*

### **28.13 Submission of Returns in Respect of Employment of Released/ Retired Armed Forces Personnel**

The Ministries/Divisions were directed vide Establishment Division Office Memoranda No. 1/18/58 D.V., dated 19th October, 1962, No. 1/14/63-D.V., dated 28th February, 1964 and No. 1/14/63-D.V., dated 14th January, 1965 that 50% of the vacancies in BPS 1 to 3 posts and the posts of Staff Car Drivers (in BPS 4) should be reserved for discharge/ retired or demobilized armed forces personnel, and the procedure to be followed in this connection was described.

2. The Ministries/Divisions are requested that a half yearly return relating to the main Ministry/Division, its Departments and offices giving the following information in respect of grades\* 1 to 4 should be sent to the Establishment Division on 31st July and 31st January:-

- (1) Grade\*.
- (2) Total number of posts.
- (3) Total number of ex-servicemen in the grade\*.
- (4) Number of vacancies occurred during the preceding six months.
- (5) Number of vacancies filled in.
- (6) Number of ex-servicemen employed during the preceding six months.
- (7) In case ex-servicemen are not appointed against the vacancies reserved for them, the reasons therefor.

[Authority:- Estt. Division's O.M. No. 17/1/68-D. III, dated 9-5-1974 read with O.M. of even number dated 22-6-1974].

#### **28.14 Employment of Ex-Servicemen in Civil Posts in BPS 1 to 4**

It has been observed that certain Ministries/Divisions are not implementing in letter and spirit the instructions issued by this Division regarding employment of ex-servicemen on 50% posts in \*Grades 1 to 4 under the Federal Government. In this connection attention is invited to Establishment Division O.M. No. 17/1/68-D. III, dated 9th May, 1974, (-) and subsequent instructions issued vide Establishment Division O.M. Nos. 17/1/68-D. III, dated 22-6-1974; 14-1-74-D.III, dated 16-8-1974; 14-1-73-D.III, dated 28-1-1975; 14-1-74-D.III, dated 23-12-1975 14-1-76-D. III, dated 4-6-1976 14-1-76-D. III, dated 22-11-1976 14-4-75-D. III, dated 31-3-1976 and 14-1-73-D. III, dated 10-6-1977.

2. In Establishment Division O.M.No.17-1-68-D. III, dated 22-6-1974, the returns in the prescribed form were required to be sent on half yearly basis so as to reach this Division by the 31st July and 31st January each year. The returns should now be sent in the enclosed proforma in accordance with the already laid timetable.

3. The Ministries/Divisions are also requested to send a consolidated statement of these returns relating to the Division as a whole including the information relating to their Attached Departments and Subordinate Offices, etc., by the due date as mentioned in para 2 above, with a copy to the Ministry of Defence.

[Authority:- Estt. Division's O.M. No. 14/1/73-D.III, dated 19-9-1977].

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\* BPS.

**28.15 Employment of Ex-Servicemen in  
Civil Posts in BPS 1 to 4:  
Representation to be Ensured**

The returns received in the Establishment Division show that ex-servicemen have not been employed in \*grades 1-4 posts to the extent of the reservation made for them. Ministries/Divisions are, therefore, requested to ensure that the posts reserved for ex-servicemen are filled by such persons as far as possible. The Departments/Offices under the administrative control may please be instructed accordingly.

[Authority:— Estt. Division's O.M. No. 14/1/73-D.III, dated 29-5-1978].

**28.16 \*\*Induction/Re-employment of  
Officers of Armed Forces of  
Pakistan in Civil Posts**

The question of institutionalizing the induction and re-employment of officers of the armed forces of Pakistan in civil posts has been under consideration for sometime past. The President has now been pleased to decide that induction of officers of the armed forces of Pakistan and their re-employment, as the case may be, shall be regulated by the following instructions:-

**PART-I**

2. Induction of young officers of armed forces of Pakistan upto 8 years commissioned service in civil posts shall be made in accordance with Part II.
3. Induction of officers of the rank of Major or equivalent who may retire or may have retired on completion of the prescribed age or service limit shall be made in accordance with Part III.
4. Re-employment of officers of the rank of Major or equivalent who may retire or may have retired before completion of the prescribed age or service limit and of retired officers of the rank of Lieutenant Colonel and above and equivalent shall be made in accordance with Part IV.

**PART-II**

5. Young officers of the armed forces upto 8 years of commissioned service will be eligible for induction in \*grade 17 on regular basis upto 10% of the annual direct recruitment vacancies in the specified occupational groups direct recruitment to which is made through the combined competitive examination held by the FPSC annually.

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\* BPS.

\*\* [Note.- The instructions reproduced under this Serial Number may please be read with subsequent amendments/clarifications].

6. Induction will be made through the High Powered Selection Board constituted by the President for the purpose. The High Powered Selection Board will also determine the Occupational Groups to which the officers are allocated. For this purpose, each Service Chief may be asked to recommend by the 30th June every year names of officers for induction in \*grade 17 in various groups, keeping in view their educational qualifications and experience. For each vacancy, a panel of preferably 3 officers may be recommended. The recommendations will be scrutinised by the Ministry of Defence before they are placed before the Board.

7. Officers inducted in various groups will be adjusted against vacancies allocated to the province or provinces to which they belong.

8. The officers will be appointed on regular basis, and the probation period shall be deemed to have been waived. On appointment to the civil post, the officers will sever their connection with the armed forces.

9. The officers will receive the same training as is given to the probationers appointed on the results of the competitive examination held by the FPSC and will be required to pass completely the prescribed examinations during or on conclusion of the training. Their promotion to the higher \*grade will be governed by normal rules, and will be subject to the further condition that they have completely passed the prescribed examinations during or on conclusion of the training.

10. The inducted officers will count their seniority from the year in which they are inducted, recruits of the same year retaining their seniority, inter se. They will be placed above the competitors of the year with whom they receive the training.

11. (a) The pay of the inducted officers in civil \*grade will be fixed on the basis of their pay in the substantive rank or temporary rank, if held for one year.

(b) Service rendered in Armed Forces will count towards civil pension.

### **\*\*PART-III**

12. The officers of the rank of Major and equivalent who may retire or may have retired on completion of the prescribed age or service limit will be eligible for induction in \*grade 18 on regular basis upto 10% of the annual vacancies in the various groups and cadres in that \*grade, as may be specified.

13. Induction will be made through the High Powered Selection Board in accordance with the procedure laid down in para 6.

14. In selecting officers for induction, provincial quotas will be kept in view.

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\* BPS.

\*\* Please see revised instructions vide Estt. Div.'s O.M.No.1/19/80-IC.I, dated 4-12-1980.



15. The inducted officers will count seniority in the \*grade in which they are inducted from the date of their induction.

16. The pay of inducted officers will be fixed in the civil \*grade on the basis of their pay of the substantive rank or temporary rank, if held for one year.

17. The inducted officers will continue to draw their military pension but it shall be deducted from the civil pay. In addition to the military pension, the officers will be entitled to a civil pension on their retirement from civil employment if they have completed the prescribed qualifying service (i.e. 10 years of minimum service). They will be entitled to receive gratuity if they have rendered more than 5 years and less than 10 years of service in the civil post.

#### **PART-IV**

18. Officers of the rank of Major/ equivalent who retire or may have retired before completion of the prescribed age or service limit and officers of the rank of Lieutenant Colonel and above and equivalent who may retire or may have retired either after completion of prescribed service or age limit or before such completion will be eligible for re-employment on contract for 3 to 5 years, renewable upto the age of 60, upto the maximum of 10% of annual vacancies in various groups and cadres, as may be specified, on the terms and conditions mentioned hereinafter.

19. Re-employment will be made in \*grades equivalent to their substantive rank, or temporary rank, if held for one year, in accordance with the Army rank-civil grade equivalence formula already approved by the President. However, the officers will be eligible for being considered for a subsequent contract in higher grade. \*\*[Re-employment of officers may be considered for a higher grade\* either at the time of subsequent contract or after completing service of three years in the existing contract whichever is earlier].

20. Re-employment on contract basis will be made through the High Powered Selection Board which will also determine the group or cadre in which re-employment is to be made. The procedure for selection will be the same as prescribed in para 6.

21. In selecting officers for re-employment provincial quotas will be kept in view.

22. Re-employment on contract in various \*grades shall be made by the authorities competent to make appointment to these \*grades in accordance with rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

23. The re-employed officers will be eligible for such training as is given to their civilian counterparts.

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\* BPS/post.

\*\* Added *vide* Estt. Division O.M.No.1(25)/80-IC.I, dated 7.3.1982.

24. Re-employed officers will not have any seniority and will not be placed on the regular Seniority list.

\*[25. Pay of the retired officers of the armed forces, who are re-employed in civil posts on contract in \*\*grades equal to the substantive rank or temporary rank, if held for one year, may be fixed at the minimum of the grade in which re-employment is made and full service pension should be paid in addition. Service rendered on civil side shall not qualify for a second pension.]

26. The armed forces officers re-employed on contract shall be liable to serve anywhere within or outside Pakistan, in any post under the Federal Government or Provincial Government or local authorities, or a corporation or body set up or established by such government provided that nothing contained in this paragraph shall apply to an officer re-employed specifically to serve in a particular area or region and further provided that where such an officer is required to serve in a post other than the post in which he has been re-employed, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

27. \*\*\*[Omitted].

28.\*\*\*[In case no orders are received by the date on which the contractual period expires the contract shall be deemed to have been terminated; unless otherwise ordered].

29. The conduct of re-employed contract officer shall be regulated by rules made, or deemed to have been made or instructions issued, by Government or a prescribed authority as for civil servants under section 15 of the Civil Servants Act, 1973.

30. A re-employed contract officer shall be liable to such disciplinary action and penalties in accordance with the rules made or deemed to have been made under section 16 of the Civil Servants Act, 1973.

31. The armed forces officers re-employed on contract shall be governed by the leave rules contained in the Finance Division O.M. No. F. 1(2)-Rev. I/78, dated the 21st September, 1978 (Note 1 & 2 below). However, provisions contained in para 3(ii) and (iii), 5, 6, 10, 11 and 17 shall not apply.

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[Note 1: The Revised Leave Rules, 1980 will be applicable. Leave Rules, 1978: 3(ii) (Leave on half Pay) (iii) Leave Preparatory to Retirement, 5 (Leave not due), 6 (Special Leave); 11 (Extraordinary Leave, Leave Without Pay), 10 (Encashment of refused leave); 12 (In-service death), 17 (Authorities refusing leave preparatory to retirement).

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\* Substituted *vide* Estt. Division's O.M. No. 14/5/78-D.III, dated 5-5-1980.

\*\* BPS.

\*\*\* Omitted & substituted *vide* Estt. Division's O.M.No. 1(3)/86/CP-6, dated 1-1-1987.

*Note 2:* Revised Leave Rules, 1980: 6 (Leave on half pay), 9 (Extraordinary Leave, Leave without pay), 11 (Leave not due), 12 (Special leave), 16 (Leave preparatory to retirement), 17 (Encashment of refused leave Preparatory to retirement), 18 (Power to refuse leave preparatory to retirement) 18-A (Encashment of leave preparatory to retirement) 19 (In-service death)].

32. The leave at the credit on an officer shall be carried forward in case a contract is extended without any interruption. However, all leave at the credit of an officer shall lapse on the date of final expiry or termination of the contract.

33. The officer will be entitled to T.A. on tour and transfer and to medical attendance and treatment on the scale applicable to civil servants of corresponding grade.

34. Where a right to prefer an appeal or apply of review in respect of any order relating to the terms and conditions of his service is provided to an officer of armed forces re-employed on contract under any rules made applicable to him such appeal or application shall, except as may be otherwise prescribed, be made within thirty days or the date of such order.

35. Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a re-employed officer aggrieved by any such order may, within thirty days of the communication to him of such order made a representation against it to the authority next above the authority which made the order.

36. The existing officers of the category mentioned in this part who have already been appointed on contract in civil posts shall be eligible to elect terms and conditions specified in this part. They shall be required to give their option either to elect their existing conditions of appointment or to elect the terms and conditions laid down in this part for the remaining period of their contract. The option shall be given within two months of the date of issue of this O.M. They will be brought on the terms and conditions laid down in this part with effect from 23rd December, 1979, the date on which the President was pleased to approve the scheme. Those who fail to submit their option by the prescribed date shall be deemed to have elected their existing terms and conditions. Option shall be final.

#### **PART-V**

37. Any major difficulties in implementing these decisions will be resolved by reference to a committee comprising Establishment Secretary, Finance Secretary and Law Secretary. The reference will be made through the Establishment Division, who will initially examine it and in case they are unable to remove the difficulty, the matter will be placed before the Committee.

38. This Office Memorandum issued with the concurrence of the Ministry of Finance.

[*Authority*:- Estt. Division's O.M. No. 14/5/78-D. III, dated 10-2-1980]\*.

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\* For amendments in this O.M. No. 14/5/78-D.III, dated 10-02-1980, see subsequent Sl.Nos. 28.17 to 28.31.

### **28.17 Guidelines for Re-employment of Retired Armed Forces Officers**

As per policy circulated vide Establishment Division's O.M. No. 14 (5)/78-D-III, dated 10-02-1980 as amended from time to time, the retired officers of the armed forces are eligible for re-employment, on the recommendations of the DSOSB, against 10% of the annual vacancies, in the specified Ministries/ Divisions/Departments/ Service Groups of the Federal Government as per procedure/instructions outlined therein. Separate Selection Boards are set up in the Provincial Governments and in the corporations and autonomous/semi-autonomous bodies to select suitable retired officers of the armed forces for re-employment under these governments/corporations etc.

2. The competent authority has been pleased to approve the following further guidelines on the subject:-

- (i) As a matter of principle, all requests for re-employment of retired officers of the armed forces may invariably be sent to the Services HQ for proper scrutiny & placing before the DSOSB as per policy and individual requests may not be entertained. As per its existing charter, the Defence Services Officers Selection Board (DSOSB) shall consider cases strictly against 10% annual vacancies in the specified departments/ organizations/groups/ services listed in **Annex**.
- (ii) Employments/re-employments of defence services officers in civil over and above 10% annual vacancies quota shall continue to be processed by the Establishment Division in coordination with the Defence Division and Services Headquarters/W&R Dte. Of GHQ, after such proposals are cleared by the Prime Minister of Pakistan on merit of each case, and in the public interest.

3. It is requested that these instructions/guidelines may be noted for strict compliance and circulated amongst all the departments/ organizations/ groups services etc. working under the Ministries/Divisions of the Federal Government/Provincial Governments for similar action.

**ANNEX****LIST OF SPECIFIED MINISTRIES/DIVISIONS/SERVICES GROUPS**

1. Office Management Group (OMG)	(BPS 18 only)
2. Secretariat Group	(BPS 19 & above)
3. Information Group	-do-
4. Foreign Service of Pakistan	-do-
5. Ministry of Education	-do-
6. Ministry of Health	-do-
7. Ministry of Communications	-do-
8. Intelligence Bureau (I.B)	-do-
9. Ministry of Railways	-do-

**28.18 Inclusion of Commissioned Service  
in Armed Forces in Length of Service  
in Civil Posts**

Under the existing policy army\* service does not reckon for the purpose of move-over in respect of the officers inducted in civil posts on regular basis under Part-II of induction policy circulated vide Establishment Division's O.M.No.14/5/78-D.III, dated 10-2-1980. The matter has been examined in consultation with the Establishment Division and decided that the commissioned service rendered by an officer in the armed forces prior to induction into the civil post on regular basis under Part-II of Induction Policy, referred to above, may be included in the length of service for the purpose of grant of move-over subject to the following conditions:-

- (i) There is no break in service between the previous commissioned service rendered by them in the existing government department besides such commissioned service has also been counted towards fixation of pay in the existing government department.
- (ii) He is not drawing pension against the service rendered in the armed forces.

[Authority:- Finance Division's O.M.No.F.6(12)-R-3/89-Imp-I, dated 31-10-1990].

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\* Pak. Army, PAF & Pak Navy to be read in view of the words 'armed forces' used.

**28.19 Pay Fixation and Seniority of  
Armed Forces Officers Inducted  
in Civil Posts**

The question of pay-fixation and seniority of the armed forces officers inducted on permanent basis into the civil in various groups prior to the promulgation of the induction policy, vide this Division's O.M. of even number dated 10th February, 1980 has been under consideration of the government. It has now been decided that pay-fixation and seniority of such officers will be determined on the following conditions:-

- (i) These officers will be deemed to have been inducted into their respective groups with effect from the date they started officiating against posts in the said groups on transfer from the army.
- (ii) They will count their seniority in the relevant grades with effect from the date of induction.
- (iii) Their pay and allowances will be fixed in civil scales of pay in accordance with the rules on the subject.
- (iv) In the case of officers who have continued to draw army pay, their present pay will be fixed after allowing them due increments. They will cease to draw army pay and allowances with effect from 1st August, 1981.
- (v) Any pay and allowances drawn in excess of the civil rates of pay between the date of their induction and 1st August, 1981 will be written off.

2. The above conditions will also apply to those Defence Services Officers inducted in various groups who have already retired from Defence Service.

[Authority:- Estt. Division's O.M.No.14/5/78-D.II.I dated 14-7-1981].

**28.20 Eligibility of Major/Equivalent Retired  
on Medical Grounds for Induction in  
Posts in BPS 18/Equivalent**

Reference Part-III, para 12 of Establishment Division's Office Memorandum of even number dated 10th February, 1980 the President has been pleased to decide that officers of the rank of Major or equivalent retiring on medical grounds (Category C) before attaining the specified length of service/age will also be eligible for induction in grade 18 on regular basis in the various specified groups and cadres.

[Authority:- Estt. Division's O.M. No.14/5/78-D.III, dated 16-7-1981].

### **28.21 Resignation by Armed Forces Officers Inducted in Civil Posts**

According to para 27, Part IV of Establishment Division's O.M. No. 14/5/78-D. III, dated 10th February, 1980 termination of contract, either on expiry of contract or otherwise, is to be done through the High Powered Selection Board.

2. The President has been pleased to decide that resignations tendered by contract officers need not be processed through the Defence Services Officers Selection Board and that such resignations should be submitted to the competent authority for acceptance without referring them to the aforesaid Board.

[Authority:- Estt. Division's O.M. No. 1(19)/80-I.C.I. dated 11-8-1981].

### **28.22 Pay Fixation of Armed Forces Officers Inducted in Civil Posts**

Reference Establishment Division's O.M.No.14/5/78-D.3, dated 10th February, 1980 in modification of para 16, Part III, of Estt. Division's O.M. referred to above, the President has been pleased to decide that the pay of serving officers of the armed forces of the rank of Major and equivalent inducted in civil posts on permanent basis, will be fixed as follows:-

- (a) These officers will be allowed to get their army pay and allowances during the period of their training except kit allowances; and
- (b) On the termination of their training and on regular posting their pay will be fixed in civil post in NPS-18\* on the basis of their pay of substantive rank or temporary rank if held for one year, including the following as part of pay:
  - (i) Disturbance pay.
  - (ii) Qualification pay.
  - (iii) Command/Staff/Charge pay.

[Authority:- Estt. Division's O.M. No. 8(4)/81-CP.V, dated 11-1-1983].

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\* BPS.

### **28.23 Termination of Contract of Armed Forces Officers in Civil Posts**

Reference is invited to Establishment Division's O.M. No. 14/5/78-D III, dated 10th February, 1980. It is stated that the Prime Minister has been pleased to direct that the following amendments shall be made in the said office memorandum, namely:-

- (a) Para 27 in Part IV shall be omitted, and
- (b) for para 28, the following shall be substituted:-

"In case no orders are received by the date on which the contractual period expires, the contract shall be deemed to have been terminated, unless otherwise ordered."

2. To avoid any hardship to officers affected by the amendment in para 28 of the said memorandum, the Prime Minister has been pleased to direct that the said amendment shall not apply to officers whose contractual period has either expired or would expire within 3 months from the date of issue of this amendment but no orders extending or terminating such contracts have been received by the Ministries/Divisions.

3. The Ministries/Divisions are requested to identify and submit such cases, alongwith their recommendations, to the Establishment Division within the next fortnight for placing them before the Defence Services Officers Selection Board and obtaining orders of the competent authority.

[Authority:- Estt. Division's O.M.No.1(3)86-CP-6, dated 1-1-1987].

### **28.24 Application of Instructions for Induction/ Re-employment of Armed Forces Officers to Autonomous Bodies**

The President has also been pleased to decide that instructions contained in the Establishment Division O.M. No. 14/5/78-D. III, dated 10th February, 1980 will also apply, *mutatis mutandis* to the corporations and other autonomous bodies set up by the Federal Government or working under their administrative control.

2. All Ministries/Divisions are requested to advise the corporations and other autonomous bodies under their administrative control to draw instructions for induction or re-employment of officers of armed forces of Pakistan in various posts in the corporations on the lines of the instructions contained in the office memorandum under reference and issue them with the approval of the competent authority.

[Authority:- Estt. Division's O.M. No. 14/5/78-D.III, dated 11-2-1980].



**28.25 Application of Instructions for Induction/  
Re-employment of Armed Forces Officers  
in Autonomous Bodies – Amendment in  
Recruitment Rules**

With reference to the Establishment Division O.M. No.14/5/78-D. III, dated the 11th February, 1980 it is stated that the instructions contained in Estt. Division's O.M. of even number, dated the 1st January, 1987 will also apply, *mutatis mutandis*, to the corporations and autonomous bodies set up by the Federal Government or working under their administrative control.

2. All Ministries/Divisions are requested to advise the corporations and other autonomous bodies under their administrative control to make necessary amendments to the instructions issued by them for induction or re-employment of officers of armed forces of Pakistan in various posts in the corporations.

[Authority:– Estt. Division's O.M.No.1(3)/86-CP.6,dated 14-1-1987].

**28.26 Induction/Re-employment of Armed  
Forces Officers in Civil Posts –  
Specification of Groups and Cadres**

Under Establishment Division's O.M.No.14/5/78-D.III, dated 10th February, 1980 10% of the annual vacancies in the specified Occupational Groups and cadres are required to be filled by the retired officers of the armed forces of Pakistan. Groups\* and cadres to which these officers can be appointed have now been specified. It has been decided that:

- (a) \*\*Except the following, all Occupational Groups will be open to the armed forces officers for induction/re-employment in \*\*\*Grade 17 and 18:-
- (i) Economists and Planners Group.
  - (ii) Trade and Commerce Group.
  - (iii) Office Management Group.
- (b) The following Groups only will be open for appointment in \*\*Grades 19 and above:-
- (1) Secretariat Group.
  - (2) Foreign Affairs Group<sup>@</sup>.
  - (3) Information Group.

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\* Add "and Service"

\*\* Note: For revised instructions, please see SI.No. 28.27.

\*\*\* BPS.

<sup>®</sup> Now Foreign Service of Pakistan *vide* Notification No. SRO 936(1)/83 dated 29.9.1983.

- (4) \*Accounts Group (for those Officers only who have experience of Finance and Accounts).

2. At present, the Defence Services Officers Selection Board headed by the Minister for Interior is required to select officers of the armed forces for induction/re-employment in civil posts in the Federal Government, Provincial Governments, corporations and autonomous/ semi-autonomous bodies set up or established by such governments. It has been felt that there is a need to decentralize the powers for effective implementation of the policy regarding induction/re-employment of the officers of the armed forces. It has therefore, been decided that:-

- (a) The Defence Services Officers Selection Board should restrict itself to select officers only for the \*\*All Pakistan Unified Grades and the Federal Unified Grades.
- (b) Separate Selection Boards should be set up in the Provincial Governments to select retired officers of the defence forces for re-employment under those governments.
- (c) Separate Selection Boards should also be set up for re-employment of such officers in the corporations and autonomous/semi-autonomous bodies. These Boards will be headed by the Minister of the administrative Ministry (Division) concerned and should include the Secretary of that Ministry/Division and the Chairman/ Managing Director of the corporation concerned.

3. Each Ministry and the Provincial Governments will intimate the number of vacancies allocated/reserved for the Armed Forces Officers by the 30th June each year to the Ministry of Defence under intimation to this Division. Ministry of Defence will recommend/propose a panel of names of the Armed Forces Officers, to be considered for appointment to the posts. Preferably three names should be recommended/proposed for each vacancy. This Division shall also be informed of the final selection made.

4. The Ministries/Divisions and the Provincial Governments are requested to take immediate action for implementing these decisions.

[Authority:- Estt. Division's O.M. No. 1/22/80-Ind.-Cell, dated 29-11-1980].

\* Now Pakistan Audit & Accounts Service vide Estt. Div.'s OM No. 1/17/92-CP II dated 10<sup>th</sup> December, 2002.

\*\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all Notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

**28.27 Induction/Re-employment of Armed Forces Officers in Civil Posts : Specification of Groups\***

In partial modification of Establishment Division O.M. No.14/5/78-D.III, dated 10th February, 1980 it has been decided that;

- (i) In future, the induction of serving officers of the armed forces of Pakistan will be confined only to PAS, FSP and \*\*Police Group in \*\*\*Grade 17 posts against the following annual intake:-

Pakistan Administrative Service....	5
@Foreign Affairs Group.....	3
**Police Group.....	2

- (ii) No induction of serving armed forces officers in \*\*\*Grade 17 & 18 will be made in any other occupational group or service in the Federal Government or provincial Governments.
- (iii) Annual induction in \*\*\*Grade-18 will not be a regular feature but a limited number of serving Majors or equivalent rank may be chosen by the President. Such cases will be processed through the Defence Services Officers Selection Board and put upto the President for approval.
- (iv) Retired officers of the rank of Major or equivalent will be eligible for appointment only in autonomous bodies/ corporations either on contract or regular induction according to the option of the officers. They will also be eligible for appointment on contract basis against 10% vacancies of Section Officers in \*\*\*Grade-18 in the Federal Secretariat.
- (v) Existing retired officers of the rank of the Major or equivalent, who have been inducted as Section Officers in the Federal Secretariat may also exercise the option for employment on contract basis for an initial period of three years with immediate effect. The last date for exercising this option is 31st March, 1982.

[Authority:- Estt. Div.'s O.M. No. 1/19/80-IC(Pt)/CP-5, dated 1-3-1982].

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\* Read 'Services' and 'Group'.

\*\* Police Service of Pakistan.

\*\*\* BPS.

@ Foreign Service of Pakistan.

**28.28 Induction of Armed Forces Officers  
in Civil Posts – Modification in  
Instructions**

In partial modification of Part III of the Estt. Division's O.M.No. 14/5/78-D.III, dated 10th February, 1980 on the subject, it has been decided that:

- (a) The officers of the rank of Major and equivalent, who may retire or may have retired on completion of the prescribed age or service limit, will be eligible only for induction in \*Grade 18 on regular basis in civil posts under the Federal Government and Provincial Governments upto 10% of the annual vacancies in the various groups/cadres, as may be specified.
- (b) The officers of the rank of Major and equivalent who may retire, or may have retired on completion of the prescribed age or service limit will be eligible also for induction on regular basis as well as re-employment on contract in \*Grade-18 or equivalent posts in corporations and autonomous/ semi-autonomous bodies under the Federal and Provincial Governments upto 10% of the annual vacancies. Both the regular induction and re-employment on contract will be made on recommendations of the High Powered Selection Board.
- (c) If selected for appointment to posts in corporations or autonomous/semi-autonomous bodies, the officers will be asked to exercise an option whether they want to be re-employed on contract or permanently inducted on regular basis upto the age of superannuation. Option once exercised shall be final.
- (d) Such officers as are re-employed on contract will be governed by the terms and conditions mentioned in Part IV of the Establishment Division O.M. referred to above.

[*Authority*:- Estt. Division's O.M.No.1/19/80-IC-I,dated 4-12-1980].

**28.29 Extension in Re-employment on  
Contract of Armed Forces Officers**

Attention is invited to the Establishment Division's Office Memorandum No. 14/5/78-D.III, dated 10th February, 1980, as amended from time to time. It is stated that according to the existing instructions all cases of induction/ re-employment on contract of serving retired officers of the armed forces in civil posts are required to be processed through the Defence Services Officers' Selection Board. It has now been decided by the Prime Minister that cases of extension in contract re-employment should also be processed through the Board.

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\* BPS.

2. Cases for extension in contract re-employment are placed before the Board after obtaining a panel of two or more officers in each case from the Ministry of Defence. The Board considers such cases in the light of recommendations of the administrative Ministries/Divisions/Departments, performance/service record of the officer and exigencies of the service. Recording of minutes of the meetings and completion of other formalities such as submission of summaries to the Prime Minister and soliciting his orders take sufficiently long time. According to para-28 of the Policy as amended *vide* Establishment Division's Office Memorandum of even number dated 1-1-1987 if no orders are received by the date on which the contractual period expires, the contract is deemed to have been terminated. It is also not possible to convene the meetings of the Board frequently and at a short notice.

3. To ensure that cases of extension in contract re-employment are finalized before the maturity of contract appointments, it is imperative that such cases should be initiated well in advance.

4. In view of the position explained above, all Ministries/ Divisions/Departments are advised to submit cases of extension in contract re-employment of retired officers of armed forces at least four months in advance of the date of expiry of contract, to ensure timely decision.

[Authority:— Estt. Division's O.M.No.1(3)/88-CP.6, dated 14-3-1988].

### **28.30 Induction/Re-employment of Armed Forces Officers into Civil Posts**

The methodology of induction of officers of the armed forces in civil remained under active consideration of the Establishment Division. The issue was also examined thoroughly by the Recruitment Policy Committee. On the recommendations of the Recruitment Policy Committee, the Prime Minister has been pleased to approve as under:-

- (a) Officers of the armed forces, irrespective of their rank, will be eligible for induction in the civil to posts in pay scale 17 only provided—
  - (i) their overall service record in the armed forces is not below "High Average" and
  - (ii) they are below 32 years of age.
- (b) Induction will be allowed only in the following occupational groups:-
  - \* (i) Pakistan Administrative Service

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\* Previous District Management Group.

- (ii) Foreign Service of Pakistan
  - (iii) Police Service of Pakistan
- (c) Induction will be equal to 10% of annual vacancies in each of these groups with a minimum of 2 vacancies in each group.
- (d) Induction/allocation to various Occupational Groups\* will be through FPSC instead of Defence Services Officers Selection Board (DSOSB).
- (e) Each Service Headquarter shall have a Board which will examine the cases of officers willing to be considered for induction in civil and who fulfill the conditions indicated above.
- (f) Each Board shall recommend to the Ministry of Defence names equal to double the number of available vacancies.
- (g) The FPSC will select officers and allocate them to occupational groups\* on the basis of psychological test, viva voce and regional/provincial quota.
- (h) \*\*[Re-employment of the retired officers of the armed forces in civil besides Office Management Group, Secretariat Group, Foreign Service of Pakistan and Information Group has also be extended upto 10% of the annual vacancies in Ministries of Health, Education, Communications and Intelligence Bureau. There will be no re-employment in \*\*\*Accounts Group in future].
2. Policy governing induction/re-employment of the officers of armed forces in civil stands amended to the extent discussed above.
3. The Prime Minister has desired that the nominations already forwarded by the Ministry of Defence for induction in the civil may be treated as the nominations for the year 1991 and forwarded to FPSC for consideration. The needful has been done.
4. The Majors nominated by Ministry of Defence vide **Annex-C** to O.M.No.2/25/D-24(C.IV)/91, dated 6th July, 1991 will also be considered for induction provided they are below 32 years of age, their overall record in the armed forces is not below "High Average" and they are willing to be inducted in posts in BPS 17.

[Authority:— Estt. Division's O.M.No.10(1)/91-CP.I, dated 9-9-1991].

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\* With ref. to para 1 (b) above, it should read 'Group and Services' insofar as it relates to induction.

\*\* Subs. vide Estt. Division O.M.No.8/5/96-CP.6/7, dated 30-8-1997.

\*\*\* Pakistan Audit & Accounts Service.

**28.31 Re-employment of Retired Armed Forces Officers in Civil in Specified Service Groups/ Ministries through Defence Services Officers Selection Board (DSOSB)**

Attention is invited to the Establishment Division's O.M.No.14/5/78-D-III, dated 10th February, 1980 on the subject amended from time to time. The Prime Minister has been pleased to approve that the employment of the retired armed forces officers will be on cyclic basis upto a maximum period of 05(five) years in each case (commencing from the date of the re-employment of the first officer against that vacancy) or till the date of attaining the age of 60 years, whichever is earlier.

2. Policy governing induction/re-employment of the officers of armed forces in civil stands amended to the extent as mentioned in para 1 above.

[Authority:— Estt. Division's O.M.No.4/1/96-CP.7, dated 14-2-1998].

**28.32 Constitutions and Functions of the Departmental Promotion Committees**

The Cabinet has decided that Departmental Promotion Committees should be set up in all Ministries to make recommendations in respect of posts which must be filled by selection and which do not come within the scope of the Selection Board.

2. The scope of Departmental Promotion Committees shall include promotions within Class I\* or from Class II to Class I and within Class II. It is not, however, intended that in respect of services which have a senior and a junior time-scale, the ordinary movement of an officer from the junior to the senior time-scale should come before the Committee's purview. Recommendations of Departmental Committees concerning promotions from Class II\* to Class I\* shall, also be subject to the approval of the Federal Public Service Commission.

3. The Committee to be established in each Ministry should consist of the Secretary or an officer nominated by him and at least two other officers who preferably should be officers familiar with the work of candidates for promotion.

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\* Class - Gazetted Posts

Corresponding Grades

	<b>Gazetted Posts</b>
(1) Class I .....(1)-----	BPS 17 to 22
(2) Class II .....(2)-----	BPS 16
	<b>Non-Gazetted Psts</b>
(3) Class II .....(3)-----	BPS 11 to 15
(4) Class III.....(4)-----	BPS 3 to 10
(5) Class IV.....(5)-----	BPS 1 and 2

4. It will be open to each Ministry to have more than one Committee for dealing with promotions to different categories of posts, e.g., one Committee for promotion to posts of Superintendents and another for promotion to other posts. Where separate Committees are set up, it will be desirable to maintain liaison between them by having, for example, a common member.

5. The Public Service Commission should be associated with these Committees to the greatest extent possible. The Commission should invariably be invited to depute a member to sit on all Committees dealing with promotions to and within any Central Service, Class I. It may not be practicable for the Commission, at any rate at present, to be represented on all Committees in connection with promotions to and within the Central Service, Class II, but the list of such services under the control of each Ministry should be examined in order to determine whether or not there are any services in making promotions to which it is particularly desirable to have the Commission represented in the relevant Committee.

6. The promotions recommended will, to the extent desired by the Minister, be subject to the approval of the Minister in charge.

7. The association of the Commission to the extent contemplated, with these departmental promotion Committees is not intended to remove the necessity for a formal reference of a proposal to the Commission in cases where the consultation with the Commission is necessary under statutory rules.

8. The Committees should follow the method of maintaining a list of persons fit for promotion and no departure from the order in that list should be made without the authority of the Committee provided that when the public interest demands an officer not in the list and not next in the order of the list may be appointed for a period not exceeding four months. The list should be revised and brought up-to-date annually.

9. As regards Class III services, Ministries and Heads of Departments should consider organizing Committees on such similar or other lines as might appear suitable to them. It is left open to them to make their own arrangements in regard to Class III appointment.

10. Ministries are requested to proceed with the formation of Departmental Promotion Committees and to supply the Establishment with copies of relevant orders not later than the end of February, 1948.

*[Authority:- Establishment Division's Office Memorandum No. 33/1/47-Ests-SE II,  
dated the 29<sup>th</sup> January, 1948].*



## VI. MISCELLANEOUS INSTRUCTIONS

### **Sl. No. 29**

#### **Application of Civil Servants (Appointment, Promotion and Transfer) Rules to Posts in BPS 3 to 15**

According to rule 15 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, recruitment to posts in BPS 3 to 15 in offices which serve only a particular province or region is to be made from persons domiciled in that particular province or region. It has been observed that while making recruitment in the regional office, rule-15 is not strictly observed. The Ministries/Divisions are, therefore, requested to identify the regional offices of their attached departments which serve only a particular province or region and ensure the enforcement of rule-15 while making recruitment to posts in BPS 3 to 15 in these offices.

2. Ministries/Divisions and Attached Departments should also monitor the implementation of these instructions.

*[Authority:- Estt. Div.'s O.M.No. 5/4/83-R.2, dated 19-11-984 and O.M. of even number dated 10-4-1986.]*

### **Sl.No. 30**

#### **Grant of BS-21 and BS-22 to Technical/Professional Officers on Account of Meritorious Services**

Following revised criteria as approved by the Prime Minister for grant of BS-21/22 on the basis of meritorious service was circulated *vide* this Division O.M.No.8/1/2008-CP-V dated 25<sup>th</sup> November, 2008:-

- a. Officers be considered for grant of BS-21 & BS-22 on the basis of meritorious service in order of seniority.
- b. PERs should be quantified in present and previous scales as per existing promotion policy and assigned a weightage of 70%.
- c. Training from \*NIPA, Staff College and National Institute of Management may be given 15% weightage. In case the training information/requirement is not relevant, overall professional competence be judged and notional marks be assigned on the basis of his previous record.
- d. 22 years service in BS-17 and above for grant of BS-22 to technical and professional officers on meritorious service with the addition that the officer concerned should also complete atleast two years service in a post in Basic Scale 21 for the said grant.
- e. The Special Selection Committee shall scrutinize Significant Contribution of the Technical and Professional Officers in their

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\* Now NIM.

relevant fields of specialization, consulting Secretary concerned and head of Offices/Organizations about the background, level of competence and general reputation and allocate marks out of 15 to the officers being considered for grant of BS-21 and BS-22 on the basis of meritorious services.

f. Minimum threshold in this way shall be 75% Marks.

2. In order to prepare a Working Paper for Special Selection Committee, all the Ministries/Divisions are requested to forward proposals in respect of their recommendees in eight sets each for consideration for grant of BS-21 and BS-22 to technical and professional officers under their administrative control, to this Division in accordance with the following procedure:-

- a. The proposal should be submitted on the following proformae copies enclosed:-
  - i. Proforma-I duly signed by the Secretary of the administrative Division.
  - ii. Proforma-II (Panel Proforma) devised with the concurrence of Finance Division.
  - iii. P.E.R. Grading & Quantification Form.
- b. Proforma-II (Panel Proforma) to be used for grant of BS-21 or BS-22 with appropriate modifications.
- c. The proposal should include only the names of eligible officers in line with Finance Division O.M.No.F.2(3)-R.3/86 dated 7<sup>th</sup> April, 1987 and Establishment Division O.M.No.F.8/1/2008-CP-V dated 25<sup>th</sup> November, 2008.
- d. Following information/documents must also be provided:-
  - (i) Total number of sanctioned BS-20 technical posts in the Division.
  - (ii) The number of pool posts (12½ % of the total posts).
  - (iii) The posts already occupied (officers in position).
  - (iv) The number of pool posts actually vacant.
  - (v) Seniority-wise List of officers on the panel.
  - (vi) Justifications for ignoring senior officers (if applicable).
  - (vii) The proposed officer fulfills all the conditions enumerated in the annexure to this letter
  - (viii) A BS-20 officer must sign the documents and furnish a

certificate that all the contents are verified and the proposed officers fulfill all the criteria enumerated in the O.M. referred to in para 1 above.

(ix) The category of Technical/Professional Officers as enumerated in Panel Proforma for Special Selection Committee is required to be mentioned for the nominated officer.

(x) The officer holds the technical post in the cadre concerned on regular basis and possesses professional/technical qualification as laid down in the recruitment rules.

e. The proposals for grant of BS-21 & 22 on meritorious basis to the officers belonging to autonomous/semi-autonomous bodies under their control, Ministries/Divisions, be processed in line with Finance Division's O.M. No.F.2(3)-R.3/86 dated 13<sup>th</sup> October, 1988 also indicating that these bodies have adopted the Basic Pay Schemes including allowances and benefits.

3. The proposals, if any, should reach the Establishment Division within two weeks from the date of issue of this Office Memorandum. Incomplete proposals as well as those received after due date will not be included in the agenda of the meeting.

[Authority:- Establishment Division's O.M.No.8/2/2011-CP-5 dated 03-10-2012].

### **30.1 Clarification Regarding Revision of Policy for Grant of BS-21 and BS-22 to Technical and Professional officers on the basis of Meritorious Services**

This Division's O.M of even number dated 25<sup>th</sup> November, 2008 on the above subject regarding policy for grant of BS-21 and BS-22 to technical and professional officers on the basis of meritorious services and to say that criteria for grant of BS-21 and BS-22 to technical and professional officers on the basis of meritorious services to the extent of length of service has been modified with the approval of competent authority as under:-

#### **For BS-22**

Twenty two years service in Basic Scale 17 and above excluding the period of suspension not counted as duty and extraordinary leave and has completed at least two years in a post in Basic Scale 21.

**For BS-21**

Twenty two years service in Basic Scale 17 and above excluding the period of suspension not counted as duty and extraordinary leave and has completed at least two years in a post in Basic Scale 20.

2. The other terms and conditions for the said grant contained in Finance Division O.M No. F. 2(3)-R 3/86 dated 7<sup>th</sup> April, 1987 and Establishment Division O.M No. 8/2/97-CP-4 dated 29<sup>th</sup> December, 2001 read with Establishment Division's O.M of even number dated 25<sup>th</sup> November, 2008 shall remain in force as heretofore.

*[Authority:- Estt. Division's O.M. No. F. 8/1/2008/CP-V dated 4-10-2012].*

**30.2 Grant of BS-21 to Technical and Professional Officers on Account of Meritorious Service**

Refer to Finance Division's O.M.No.F.2(3)R-3/86 dated 07-04-1987 on the above subject and to state that appointment and conditions of service of a person are required to be determined in the case of services of a Province and posts in connection with the affairs of a Province by or under Act of the Provincial Assembly in terms of Article 240(b) and Article 142(c) of the Constitution of Islamic Republic of Pakistan,1973.

2. In view of the above, the decision to grant a higher grade to an employee of a provincial service on meritorious basis falls within the competence of the concerned Provincial Government and such cases do not require any order from the Federal Government, as already conveyed by Establishment Division vide their letter No.8/2/97-CP-5 dated 16-11-2002 (Annexure).

3. Finance Division's O.M. under reference containing modalities for grant of BPS-21 & 22 to technical and professional officers of Provincial services may be treated to have been amended to the extent as indicated at para-2 above.

*[Authority:- Finance Division's O.M.No.F.3(5) R-4/2009 dated 2<sup>nd</sup> April,2015].*

**ANNEXURE**

**GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION**

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No.8/2/97-CP-5

Islamabad, the 16<sup>th</sup> November,2002.

From: Mr. Muhammad Wishaq,  
Section Officer (CP-5)  
Tel: 9202534.

To: The Chief Secretary,  
Government of Punjab,  
**Lahore.**

The Chief Secretary,  
Government of Sindh,  
**Karachi.**

The Chief Secretary,  
Government of \*NWFP,  
**Peshawar.**

The Chief Secretary,  
Government of Baluchistan,  
**Quetta.**

Subject:- **GRANT OF BS-21/22 TO THE TECHNICAL/PROFESSIONAL OFFICERS  
IN SPECIALLY MERITORIOUS CASES.**

**Dear Sir,**

I am directed to refer to Finance Division O.M.No.F.2(3)-R-3/86 dated 7<sup>th</sup> April,1987 and Establishment Division O.M.No.8/2/97-CP-5 dated 29-12-2001 the subject noted above and to say that appointment and conditions of service of a person are required to be determined in the case of services of a Province and posts in connection with the affairs of a Province by or under Act of the Provincial Assembly in terms of Article 240(b) and Article 142(c) of the Constitution of Islamic Republic of Pakistan,1973.

2. In view of above, the decision to grant of higher grade to an employee of a provincial service on meritorious basis falls within the competence of the concerned Provincial Government and case does not require any order from the Federal Government.

3. This issues with the approval of the competent authority.

Yours faithfully,

(MUHAMMAD WISHAQ)  
SECTION OFFICER

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\* Now K.P.K.

**ANNEXURE-I**  
**Ref. Sl.No.30**

**PROFORMA-I**

**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF \_\_\_\_\_**

**PROFORMA FOR SUBMISSION OF PROPOSALS FOR  
GRANT OF BS-21 OR 22 TO TECHNICAL AND  
PROFESSIONAL OFFICERS**

<b>S. No.</b>	<b>Particulars of Posts/officers as on</b>	<b>Main Ministry/ Division</b>	<b>Attached Department</b>	<b>Federal Subordinate Offices</b>	<b>Total Columns 3,4&amp;5</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
i.	Total number of technical/professional posts sanctioned in BS-21.				
ii.	Total number of technical/professional posts sanctioned in BS-20.				
iii.	Total number of officers holding technical/professional posts in BS-21 on regular basis.				
iv.	Total number of officers holding technical/professional posts in BS-20 on regular basis.				
v.	Pool posts @ 12.5% of the total number of posts in BS-20 (i.e. of (ii) above).				

To be signed by.....  
(Head of the Ministry/Division/  
Department or an officer of the status  
of a Joint Secretary BS-20)



IMPORTANT APPOINTMENTS HELD IN THE PRESENT RANK						
S.No.	Post Held		S.No.	Post Held		
1.			2.			
Penalties (if any)		:				
Training Courses (other than Mandatory Training, if any)		:				
Grading of Mandatory Training at *NIPA/SMC, if done		:				
NUMBER OF PERS						
Basic Scale	Outstanding	Very Good	Good	Average Reports	Below Average	Adverse Report/ Remarks in BS-19
BS-19						
BS-20						
Awaited Reports (PERs)	Additional Information					
EFFICIENCY INDEX						
Required Threshold	Score of PERs & Training Reports				Marks awarded by SSC	Total
Recommendations of Special Selection Committee						
Promoted		Deferred			Superseded	

**Prepared by**  
(Section Officer or Equivalent)

**Checked by**  
(Deputy Secretary or Equivalent)

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\* Now NIM.



**PER GRADING & QUANTIFICATION FORM**

Name:

Year	Post held	Min/Div/ Deptt.	Period of PER		PER'S Assessment		Fitness for Promotion	Score
			From	To	By RO	By CO		
<b>Previous Scale (BS-19/20)</b>								
<b>Aggregate Score=</b>								
<b>Present Scale (BS-20/21)</b>								
<b>CALCULATION OF SCORE</b>								
<b>A. PERs Quantified Score 60:40 @ 70%</b>	<b>Basic Scale</b>				<b>Aggregate Score</b>	<b>Weightage Factor</b>	<b>Points Obtained</b>	
	<b>Present Scale</b>							
	<b>Previous Scale</b>							
	<b>i.Additions</b>							
	<b>ii. Deletions</b>							
<b>Total (A):-</b>								
<b>B. Training: @ 15 %</b>	<b>*NIPA/NMC</b>							
	<b>LHR</b>	<b>KAR</b>	<b>QTA</b>	<b>PSH</b>				
<b>C. Grand Total (A+B)</b>								

**Prepared by**  
(Superintendent or Equivalent)

**Checked by**  
(Section Officer or Equivalent)

**Countersigned by**  
(Deputy Secretary or Equivalent)

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\* Now NIM.

**Sl. No. 31****Knowledge of Islamic/Pakistan Studies**

The President was pleased to direct *vide* CMLA Secretariat's directive No. 270 of 1981 that:-

“Various systems and methods of selection are in vogue for inducting individuals in the government at different levels. At the higher level, selection is made by the Public Service Commissions. Separate criteria are prescribed for induction at each level. In all these systems and procedures, one thing must be common, that is, assessment of the candidate's knowledge of Islamic and Pakistan Studies. Persons without adequate knowledge of these subjects will not be considered fit for appointment to government jobs, irrespective of their proficiency in other fields. Necessary instructions will be issued; as executive orders, immediately, and implementation by all concerned ensured. If an Ordinance is considered to be necessary to give effect to this directive or would help to make its implementation more effective, it may be prepared and submitted to me”.

2. The matter has been examined in the Establishment Division and it has been decided that the existing rules give the Chairman, FPSC and the Departmental Selection Committees adequate powers to prescribe the qualifications for inducting individuals in government departments. There is, therefore, no need for any change in the rules.

3. All selection authorities, however, will ensure that a certain percentage of the marks in any interview/examination carried out for induction of individuals into the government service will be reserved for Islamic and Pakistan Studies. Persons scoring less than pass marks in these subjects will not be considered fit for appointment to government jobs, irrespective of their proficiency in other fields.

[Authority:- Estt. Secretary's D.O. No.4/14/81-TI, dated 24-6-1981].

**Sl. No. 32****Declining Promotion to Evade Transfer to an Unattractive Station**

A decision was circulated *vide* Establishment Division O.M. No. 1/21/76-D. II, dated the 18<sup>th</sup> September, 1976 (**Annex**) that if a senior person declines promotion to suit his convenience, he should lose in seniority to the next junior person who is promoted in the relevant vacancy, and that he should not be considered for promotion till after his case for promotion has been considered again by the Selection Board in a subsequent meeting. The competent authority may also

consider the grounds on which promotion has been declined and, in suitable cases, may take disciplinary action (on grounds of misconduct, that is, refusal to obey orders to proceed on transfer to another station) where it is clear that the promotion has been declined to evade transfer to an unattractive station, and may impose the penalty of withholding of promotion for a specified period.

2. It has now been considered that the aforesaid decision is inconsistent with the broad provisions of the Civil Servants Act, 1973. The Establishment Division O.M. No. 1/21/76-D.II, dated 18<sup>th</sup> September, 1976 is, therefore, withdrawn with immediate effect. All such cases where senior persons decline promotion to suit their convenience shall be decided in future on merits of each case in consultation with Establishment Division.

*[Authority:- Estt. Division O.M.No.1/21/76-D.II(R-4), dated 9-5-1982].*

**(ANNEX)**

**[Copy of Establishment Division O.M. No. 1/21/76-D.II, dated the 18th September, 1976].**

The question as to how the seniority of a person who is cleared for promotion but who declines promotion should be determined when he is subsequently promoted has been considered. It has been decided that if a senior person declines promotion to suit his convenience, he should lose in seniority to the next junior person who is promoted in the relevant vacancy, and that he should not be considered for promotion till after his case for promotion has been considered again by the Selection Board in a subsequent meeting. The competent authority may also consider the grounds on which promotion has been declined and, in suitable cases, may take disciplinary action (on grounds of misconduct that is, refusal to obey orders to proceed on transfer to another station) where it is clear that the promotion has been declined to evade transfer to an unattractive station, and may impose the penalty of withholding of promotion for a specified period.

**SI. No. 33**

**Supersession and Deferment**

An officer who is superseded or whose promotion is deferred comes to know about it automatically when his juniors are promoted to higher grade posts. He need not, therefore, be informed of average reports.

2. The cases of officers whose promotions are deferred may be reconsidered on the basis of their PERs for the next year.

*[Authority:- Estt. Div.'s O.M. No.32/4/76-A.IV, dated 6-7-1976].*

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**TRANSFERS, POSTINGS AND DEPUTATIONS**  
(373 - 374)

## CHAPTER 3

**TRANSFERS, POSTINGS AND DEPUTATIONS**

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\* "District Management Group" renamed as "Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

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## I. POSTING AND TRANSFER

### **Sl. No. 1**

#### **General Conditions Regarding Postings, Transfers and Deputation- F.R. 15.**

- (a) The Governor-General\* may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour,  
or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had, his lien not been suspended under rule 14.

- (b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

Government decision.— Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F.R. 15.

*[Authority.- Government of India, Finance Division's letter  
No.F-452-R.I/27, dated 1-2-1928].*

#### **1.1 Policy Guidelines for Postings/ Transfers of Officers**

It has now been decided by the President that postings/transfers of officers of \*\*Grade-17 and above in all Occupational Groups/ Services/Ex-cadre posts, etc., will, henceforth, be made according to the Rules of Business, 1973 by the respective Ministries/Departments who are responsible for their administrative control.

2. The following guidelines may, however, be observed by the Ministries/Departments regarding policy concerning transfers:-

- (1) Transfer between Pakistan and foreign countries should normally be made only after 3 years. If an officer is required to be transferred earlier than 3 years, the orders of Establishment Division are required to be obtained.

---

\* President/Prime Minister.

\*\* BPS.

- (2) Officers should not be transferred as a result of their taking leave for short periods for rest and recreation for which only acting arrangements should be made.
- (3) Ordinarily 3 months notice should be given to government servants who are transferred from one station to another to enable them to plan their affairs.

3. The above instructions may be passed on to departments under the administrative control of the Division/Ministry.

*[Authority.- Establishment Secretary's D.O. letter No.1/24/78, C.P., dated 30-9-1978].*

### **1.2 Normal Tenure of Posting**

It has been observed that government instructions with regard to normal tenure for an officer on the same job/post issued from time to time are not being followed with the result that in some Ministries/Divisions/Departments, officers have continued to work on the same desk for unduly long periods. The position has been reviewed and the competent authority has laid down the following criteria for posting/transfer of the officers working in Ministries/ Divisions and the Attached Departments/Subordinate Offices, Autonomous and Semi-Autonomous Organizations, under their administrative control:

#### **I. POSTINGS/TRANSFERS WITHIN PAKISTAN**

- (i) The normal tenure of an officer on the same post should be three years. Posting of an officer on the same post beyond the normal tenure will require concurrence of the competent authority, in each case.
- (ii) Shifting of the officer may be phased in a manner that no dislocation in the official work takes place due to large scale transfers.
- (iii) Ordinarily, three months notice should be given to the officer who is to be transferred. Exception may, however, be made in case the officer is required to be shifted immediately in the public interest with the approval of the competent authority.
- (iv) Orders for premature transfers in the Ministries/Divisions/ Departments of the Federal Government should be referred to the Establishment Division; and in the Autonomous/Semi-Autonomous Organizations to the administrative Ministry concerned.
- (v) These instructions will not strictly apply to technical and professional officers/experts recruited for particular posts. However, posting/ transfer of such officers may also be rotated in their parent departments/cadres as far as possible in accordance with the rules of the post.

## **II. Postings/Transfers to Pakistan Missions Abroad (Other Than Posts Administered by Ministry of Foreign Affairs)**

- (i) Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;
- (ii) The controlling Ministry should prepare a panel of suitable officers for the post;
- (iii) The panel of suitable officers should be considered by a Committee of the controlling Ministry including a representative of the Establishment Division;
- (iv) The recommendations of the Committee should be considered by the Special Selection Board; and
- (v) The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of postings/transfers as above and bring these instructions to the notice of all departments, offices, autonomous/semi-autonomous bodies and corporations under their control for strict compliance.

*[Authority.- Estt. Division's O.M. No.10/10/94-R.2, dated 22-3-1994].*

### **1.3 Posting of Serving Husband/Wife at the Same Station**

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993.

- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
  - (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
  - (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.
2. The above guidelines are subject to the following conditions:-
- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
  - (ii) The prescribed selection authority should be consulted in each case.
3. All government servants whose spouses are in government service may be asked to furnish, at the end of every calendar year, the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation.
4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

*[Authority.– Estt. Division's O.M.No. 10/30/97-R.II, dated 13-5-1998].*

#### **1.4 Posting of Unmarried Female Government Servants at the Place of Residence of Parents/Family**

It has been brought to the notice of government that unmarried female government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female government servants for posting at the place of residence of their parents/family:-

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\* Individual Career Planning.

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
  - (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
  - (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.
  - (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
  - (v) Request for posting by an unmarried female government servant facing serious medical problems may be accorded highest priority.
  - (vi) Unmarried female government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion, if interests of public service would permit.
2. The above guidelines are subject to the following conditions:-
- (i) Posting of unmarried female government servants at the station of residence of their parents/family should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfer.
  - (ii) The prescribed selection authority should be consulted in each case.
3. It has also been decided that the above guidelines shall also be followed by autonomous/semi-autonomous bodies/ corporations etc. under the control of the Federal Government.

*[Authority.— Estt. Division's O.M. No.10/30/97-R-2, dated 17-12-1999].*

### **1.5 Posting of Married Female Government Servants at the Place of Residence/Posting of Their Husbands Who are Not in Government Employment**

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/39/97-R-2, dated 13.5.1998 and 17.12.1999 to facilitate posting of husbands and wives at the same station and the posting of the unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female government servants whose spouses are not in government service or employed in the private sector or unemployed, it has been decided to extend the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses, are employed with the government, private sector, or even un-employed.

*[Authority:— Estt. Div.'s OM No. 10/30/97-R-2, dated 21-4-2006].*

### **1.6 Normal Tenure for an Officer on the Same Job/Post**

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is, therefore, essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three years and should not exceed five years in any case.

2. The above orders apply not only to the Ministries and Divisions but also to all kinds of organizations, including the Attached Departments and Subordinate Offices as well as autonomous bodies and corporations under the administrative control of the various Federal Ministries/Divisions.

3. As regards the technical officers/experts, if they have been recruited for the same post in which they are working, the orders referred to above will not apply. However, if it is possible to rotate such officers, this may be done.

*[Authority.- Establishment Secretary's d.o. letter Nos.27/370-F.1, dated 4-11-1970 and 30-6-1971].*

### **1.7 Posting of Officers in Pakistan Missions Abroad**

Refer to the decision of the Competent Authority in the Chief Executive Secretariat on the above subject and to say that the Chief Executive of Pakistan shall be the approving authority for all appointments/postings against posts in BS-17



and above, pertaining to Ministry of Commerce, Ministry of Labour, Manpower & Overseas Pakistanis, Ministry of Information & Media Development and for posts at the strength of other Ministries/Divisions in Pakistan Missions abroad.

2. The Special Selection Board constituted with the approval of the Competent Authority in respect of officers in BS-17 and above, shall continue functioning as at present. The recommendations of the S.S.B. will be placed before the Chief Executive for final approval as mandated by the policy guidelines vide this Division's O.M. of even number dated 28-12-1981 for posting in Pakistan Mission abroad.

3. The authorities to approve cases of deputation/employment abroad with International Organization/Foreign Governments shall continue to be the same as notified vide this Division's O.M No.1/25/99-T-IV, dated February 12,2000.

4. These instructions may be circulated for strict compliance.

*[Authority:—Establishment Division's O.M. No.4/7/81-T-IV dated 25-06-2001].*

### **1.8 Guidelines for Selection of the Officers for Posting Abroad in Pakistan Missions**

The President has been pleased to approve the following guidelines for selection of officers for posting abroad in Pakistan Missions:-

1. Posts will be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry.
2. The controlling Ministry will:
  - (a) prepare a panel of suitable officers for the post on the basis of job description from amongst the officers working in or controlled by the Ministry;
  - (b) [\*The Ministries /Divisions shall invite nominations and process the applications at their own for selection of officers against their posts in Pakistan Missions abroad in accordance with Guidelines laid down in the Establishment Division's OM No. 4/7/81-T-IV dated 28-12-1981. Cases for consideration of the Special Selection Board shall be submitted to the Establishment Division by concerned Ministry / Division, complete in all respects, as usual. The Establishment Division shall remain member on the selection board of the Ministry and Special Selection Board (SSB)].

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\* Substituted vide Estt: Div.'s OM No. 4/17/89-T-IV dated 8-6-2012.

3. This panel will be considered by a Committee in the Ministry/Division which exercises administrative control of the posts to be filled. The Committee shall include a representative of the Establishment Division.
4. The Committee will select, after due scrutiny, a panel of three officers against each post, taking into consideration the following factors:-
  - (a) The selectee fulfills the requirements of the post as detailed in the job description.
  - (b) The selectee is in the same \*grade as the post to be filled. Officers from higher or lower \*grades will not be considered.
  - (c) The selectee has an overall good record of service particularly during the last five years of service.
  - (d) The selectee is, at least, a graduate or possesses the technical qualification required for the job.
  - (e) Persons within promotion zone within the next 2 years should not be considered.
  - (f) Those likely to retire during the next 4 years should not be considered.
  - (g) An officer should not be posted abroad more than once.
5. The panel of three officers selected by the Committee on the above criteria will be submitted to the Special Selection Board for final selection including interview.
6. The recommendations of Special Selection Board shall be submitted to the President for approval.
7. The Ministries/Divisions are requested to strictly follow this procedure in future while recommending officers for posting abroad in Pakistan Missions.

[Authority.- Estt. Div.'s O.M.No.4/7/81-TIV, dated 28-12-1981].

#### CLARIFICATION

It is clarified that Ministries/Divisions having administrative control of the post shall be responsible for scrutiny of the applications/documents called directly by the Ministry or received through the Establishment Division in order to finalize the eligibility of the applicant, in the light of the above referred policy O.M. and submit

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\* BPS.

case complete in all respect to its Departmental Selection Committee (DSC) for consideration before sending the recommendation of DSC to Special Selection Board (SSB).

[Authority:— Establishment Division's O.M. No.4/7/81-T-IV dated 24-04-2012].

## **Sl. No. 2**

### **Procedure for Selection of Candidates for Appointment in Pakistan Missions Abroad**

Reference Establishment Division's O.M. of even number dated 28th December, 1981 that in order to ensure uniformity in selection of candidates for appointment in Pakistan's Missions Abroad, the following procedure be adopted by the Selection Committee to draw up the panel for submission to the Special Selection Board:-

1. The Selection Committee will allocate marks to be distributed as under:-

	Marks
(i) Officer's Record	50
(ii) Assessment by the Committee	50
(a) Interview	30
(b) Experience	20

Total = 100

2. The evaluation of record shall be computed against the scale of 50 marks in accordance with the formula for overall assessment enunciated in the Promotion Policy circulated vide Establishment Division's letter No. 10(3)/81-CP-I(Pt), dated 31st October, 1982.
3. The Committee will interview the candidates to assess their fitness for the job.
4. Marks for experience should take into account the experience and additional qualifications relevant to the job. No marks need be allocated for the basic qualifications required for the post.

[Authority: Estt. Div.'s O.M. No.4/7/81-T.IV, dated 18-1-1983].

#### **2.1 Seeking Reversion to Lower Post for Posting Abroad**

Instances have come to the notice of Establishment Division where the Ministries/Divisions have been found indulging in the practice of permitting the employees serving under them, especially those belonging to the ministerial cadre

holding posts of Private Secretary, Superintendent, Assistant, \* Stenographer etc. to revert to the lower post with a view to facilitating their posting in Pakistan Missions abroad. In the recent past a few Ministries/Divisions approached this Division also supporting requests of their employees for reversion to lower posts for the purpose of posting abroad.

2. The above matter has been given careful consideration keeping in view the provisions of section 10 of the Civil Servants Act, 1973 and F.R. 15. It has been held that these provisions do not lend any support to voluntary requests of officials for reversion to lower posts with a view to winning posting in Pakistan Missions/offices in foreign countries.

3. In view of above, it is advised that the requirements of Pakistan Missions/offices abroad may be met by restricting selection to holders of corresponding posts in Ministries/Divisions. The selection for posting abroad may be made on the basis of seniority-cum-fitness by an ad hoc committee to be constituted specifically for the purpose.

*[Authority.- Estt. Division's O.M.No.4/8/85-R.6 dated 3-12-1985].*

## **2.2 Authorities Empowered to Make Postings and Transfers of Officers and Staff**

### **Officers in \*\*Grade 17 and Above.**

1. Apart from first appointments and disciplinary measures, other administrative powers will be exercised by the Heads of Departments who should deal with all matters of postings, transfers, increments and leave, etc. except in the case of their deputies about whom references will be made to government.

### **Officers in \*\*Grade 16**

2. Subject to the observance of general rules regulating the strength of the service, the method of recruitment (including consultation with the F.P.S.C. wherever required) and the conditions of service, the Heads of Departments will be the appointing authority in respect of all services/posts under his jurisdiction and exercise full powers in respect of their posting, transfer and discipline.

### **Officials in \*\*Grade 1-15**

3. The Head of the Department will be the final authority in all matters.

*[Authority.- Estt. Division's O.M.No.7/ 59-S.O., dated 15-1-1960 read with Sl. No. 6/A of Appendix 4 of the Compilation of Fundamental and Supplementary Rules].*

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\* Now Assistant Private Secretary.

\*\* BPS

### **2.3 Postings and Transfers of Officers who hold the Status of Joint Secretary to the Federal Government**

Reference Government of Balochistan letter No. 7-1/70-SOI (S&GAD), dated the 29th January, 1974 on the subject. In cases where the appointing authority is the President/Federal Government, the Provincial Government may issue only notifications of posting/assumption of charge in respect of an officer after his services have been placed at their disposal by the Federal Government through a formal notification. The Federal Government is required to be invariably consulted before the services of an officer, whether belonging to Provincial Government or to the Federal Government, serving under a province, are either replaced or placed at the disposal of the Federal Government.

*[Authority.- Estt. Division's Letter No. 35/2/74-AI, dated 9-5-1974].*

#### **SI. No. 3**

#### **Rotation Policy for \*DMG/PSP Officers**

The competent authority, after consultation with the Provincial Governments, has been pleased to approve a rotation policy for \*DMG & PSP officers with the following broad guidelines/ principles:-

- (i) With a view to achieving the broader national objectives viz national integration and cohesion, underlying the concept of All Pakistan Services, a \*DMG & PSP officer shall be liable to serve in, at least, two provinces as well as in the Federal Government during his career. However in the exigencies of service, an officer may be posted to a third province, or the \*\*Northern Areas and/or AJK. Posting in the Federal Government at various stages would be made against the vacancies apportioned for such officers as per law, rules/policy.
- (ii) For assignment to provinces the preference of an officer would be kept in view subject to availability of vacancies in a province.
- (iii) A \*DMG & PSP officer shall be liable to serve at various levels for the tenure(s) as prescribed below:-

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\* "District Management Group" renamed as "Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

\*\* Now Gilgit Baltistan.

➤ **During initial span of 12 years of service (BPS-17 & 18/equivalent posts)**

(a)	Training in Civil Service Academy.	One year
(b)	Province of first allocation (which shall not be the home province).	Five years (including period of probation and trainings).
(c)	Federal Secretariat (on promotion).	Three years
(d)	Province of second allocation.	Three years
* (e)	Province of Balochistan.	Three (03) years. Service in BPS-17 & 18 (excluding period of deputation, long training/leave).

➤ **During next span of 12-25 years of service (BPS-19 & 20)**

(a)	Province of first allocation	Three years
(b)	Federal Government	Three years
(c)	Province of second allocation	Three years
(d)	Federal Government or Province of first allocation	Three years
* (e)	Province of Balochistan.	Three (03) years. Service in BPS-17 & 18 (excluding period of deputation, long training/leave) if not served in province of Balochistan while in initial span of 12 years service (BS-17 & 18/ equivalent post)

➤ **During remaining span of service**

Assignment(s) against such posts may be made for a tenure not exceeding 5 years each, in the Provincial Governments and the Federal Government on merit/selection basis, in the public interest.

- (i) The rotation policy shall be implemented by a Selection Committee headed by the Establishment Secretary with Chief

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\* Inserted vide Estt: Div.'s O.M. No. 1/1/2012-CP-II dated 17-8-2012.

Secretaries of the provinces as its Members. The Committee shall meet bi-annually to consider and recommend postings/transfers to the prescribed approving authority/authorities.

- (ii) It shall be ensured that the \*DMG & PSP officers during their career, are assigned field and staff assignments under the Federal and Provincial Governments including the instructional positions in the training institutions tenable by them, and commensurate with their experience/ background, etc. in order to expose them to varied experience.
- (iii) Application of the above rotation policy in respect of officers at present serving at various levels would start in accordance with the principle of at least rotated-first transferred.

2. Government is fully conscious that a successful implementation of the rotation policy for \*DMG and PSP officers is inter-linked with the welfare aspect of periodic dislocation likely to be faced by these officers and their families. Accordingly, the following measures have been approved by the competent authority:-

- (i) Officers transferred to a province or the Federal Government shall be provided official residential accommodation as per their entitlement. In the event of an entitled residential accommodation not being made available, provision of a shelter/single accommodation is to be ensured with an allowance that residential accommodation being occupied by an officer at the time of transfer shall be retained by him till an entitled accommodation is provided to him.
- (ii) Placement in educational institutions for the children of officers, dislocated on account of transfer, shall be ensured.
- (iii) Transfers shall be planned preferably at the end of an academic year to avoid mid-year dislocation in the education of an officer's child/children.
- (iv) Establishment Division and provincial governments shall inform officers about their likely movement, at least forty five days in advance of such movement.

3. The following general principles shall be observed:-

- (i) The conditions of rotation shall not apply to a single female officer against her wishes. In case both husband and wife are in service they shall be posted in the same province/station unless the nature of service requirements dictate otherwise.

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\* "District Management Group" renamed as "Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

- (ii) Service in Islamabad Capital Territory shall be treated as service under the Federal Government.
- (iii) Service outside Pakistan either on deputation or training shall be treated as service under the Federation.
- (iii) Posting in training institutions shall be treated as service under the government controlling that particular institution.
- (iv) Posting on deputation in corporations shall be treated as service under the government controlling that particular corporation.
- (v) Establishment Division and the provinces shall ensure that sharing formula of \*APUG and \*\*PCS officers for provincial posts, approved by \*\*\*IPCC in 1993, is followed strictly.

4. The above policy shall apply prospectively and shall be enforced w.e.f. 15<sup>th</sup> August, 2000.

5. This supersedes Establishment Division's instructions contained in letter No.1/11/93-Rev., dated 10<sup>th</sup> January, 1998 and all instructions on the subject, subsequent thereto.

[Authority:— Estt. Div.'s letter No.F.9/1/2000-CP-7, dated 22-7-2000]

### 3.1 Rotation Policy for @DMG/PSP Officers

Reference Establishment Division's letter of even number dated 22.7.2000 on the above subject. The competent authority has been pleased to approve an amendment in para 3(iii) of the rotation policy for @DMG/PSP officers, circulated vide above referred letter, in the following manner:-

**For;** "Service outside Pakistan either on deputation or training shall be treated as service under the Federation."

**Read;** "Service outside Pakistan on deputation or on training shall be treated as service under the government from where an officer proceeds abroad on deputation."

[Authority:— Estt. Div.'s letter No.9/1/2000-CP-7, dated 2-11-2000]

\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* Provincial Civil Service.

\*\*\* Inter Provincial Coordination Committee.

@ "District Management Group" renamed as "Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.



**Sl. No. 4****Grant of Leave to Transferred Officers**

It has been decided that, in future, an officer transferred to another post, either in the Federal Secretariat, its Attached Departments or Subordinate Offices, or to a post under a Provincial Government on reversion from the charge should not be allowed leave for any period, except by the authority to whose control he is transferred.

*[Authority:- Estt. Div.'s O.M. No. 6 (21)/60-E.IX, dated 8-10-1960].*

**4.1 Grant of Leave and Notification of Transferred Officers**

Doubts have arisen as to who should sanction and notify the leave in the case of officers referred to in the Establishment Division's Office Memorandum No.6 (21)/60-E.IX, dated the 8th October, 1960. The intention is that, after the date of issue of transfer orders, leave should be allowed and notified only by the authority under whose control the officer transferred has to go.

*[Authority:- Estt. Division's O.M. No. 8/20/60-F.I., dated 30-11-1961].*

**4.2 Charge Report by Officers Proceeding on Transfer**

Officers proceeding on long leave, transfer or retirement are required to sign a certificate of transfer of charge (Form TR-I) under Rule 114 of General Financial Rules, Vol.-I. In cases where the transfer of charge involves assumption of responsibility for cash, stores, etc., the instructions laid down in rule 44 of Treasury Rules, Volume-I and rules 115 and 150 of the General Financial Rules, Vol.-I are followed. As regards maintenance and handing/taking over of classified and accountable documents adequate instructions exist vide paras 25 to 29 of the booklet "Security of Classified Matter in Government Departments".

2. There is, however, no institutional arrangement in the Federal Secretariat under which an officer, proceeding on long leave, transfer or retirement should leave behind a memorandum on matters of importance concerning his charge, for the benefit of the successor. Consequently, the successor has now himself to grope and find out major development about various issues relating to his office, either incidentally or as and when they force his attention because of their urgency or importance. This lack of institutional arrangement could affect adversely proper perspective or continuity in the handling of problems at different levels.

3. It has, therefore, been decided that, apart from the procedure being followed in respect of cash, stores etc. mentioned in para 1 above, the officer

proceeding on leave, transfer or retirement should also prepare a brief note (Note to successor) describing important cases, major issues and the directions in which they are developing and any other matter that his successor should know.

*[Authority.- Estt. Division's O.M. No. F. 8/6/ 74-F.I., dated 7-2-1974].*

### **Sl. No. 5**

#### **Diplomatic Status to Civilian Officers of Other Ministries/ Divisions Posted in Pakistan Missions Abroad**

In consultation with the Ministry of Foreign Affairs it has been decided that following formula regarding grant of Diplomatic Status shall be applicable to those civilian officers of Ministries/ Divisions who are/shall be posted to Pakistan Missions abroad:-

- |     |  |   |
|-----|--|---|
| (1) | Second Secretary (Junior *Grade or any designation in future). | *Grade-17.  |
| (2) | Second Secretary (Senior *Grade or any designation in future). | *Grade-18.  |
| (3) | First Secretary.   | At least 5 years service in *Grade-18 & cleared by the Special Selection Board in case of non-FAG** officers. |
| (4) | Counsellor.  | *Grade-19.  |
| (5) | Minister.  | *Grade-20.  |

2. It has also been decided that on the appointment of officers to foreign missions not only their seniority in accordance with the formula but also their suitability for appointment at that senior level would be taken into account.

*[Authority.- Estt. Division's O.M. No.4/16/80-T.IV, dated 8-10-1981].*

#### **5.1 Premature Transfer of Government Servants Between Pakistan and Pakistan Missions Abroad**

In 1958, the Establishment Division decided, in pursuance of the recommendations of the Economy Committee that the transfer of officers between

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\* BPS

\*\* Foreign Affairs Group; now Foreign Service of Pakistan.

the two zones of Pakistan and between Pakistan and foreign countries should normally be made after three years. If a transfer was unavoidable before the expiry of this period, sanction of the Cabinet Secretariat (Establishment Division) should be obtained invariably before the transfer orders were issued by the administrative Ministry. The Establishment Division reiterated these instructions from time to time.

2. This Ministry felt that transfer of officials within the two zones of the then Pakistan stood on an altogether different footing from transfer of officials from Pakistan to Missions abroad and *vice versa*. The exigencies of service, such as inadequacy of staff for certain types of posts, the special suitability of certain officers for certain Missions, the almost continuous re-organisation of Missions abroad, etc. made it well-nigh impossible to rigidly adhere to the principle of three years' tenure abroad. However, the Establishment Division were not agreeable to exempt this Ministry from the operation of the instructions in question.

3. The Secretary (Administration) discussed the case with the Establishment Secretary, when the latter agreed to exempt this Ministry from the application of the said restraint. It may be stated in this connection that in many cases orders of premature transfers are issued under the directions of the Prime Minister. In the case of Heads of Missions all orders of appointment and recall/transfer are issued in accordance with the directives of the Prime Minister.

4. The Establishment Secretary may kindly see for his formal concurrence in the proposed exemption of this Ministry from the requirement of obtaining prior approval of the Establishment Division in cases of premature transfer of officials between the Ministry of Foreign Affairs and the Pakistan Missions abroad.

[*Authority*.- Ministry of Foreign Affairs U.O. Note No. Rules-1/3/76, dated 3-5-1976 and Estt. Division U.O. Note No. 6/2/70-CV, dated 5-5-1976].

## **Sl. No. 6**

### **Government Servants (Applications for Services and Posts) Rules, 1966**

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 and clause (1) of Article 179 of the Constitution, the President is pleased to make the following rules, namely:-

1. **Short title, application and commencement.**— (1) These rules may be called the Government Servants (Applications for Services and Posts) Rules, 1966.

(2) They shall apply to every person who is a member of an All-Pakistan Service or holds any post in connection with the affairs of the federation except:-

- (a) persons to whom the Pakistan Railway Establishment Code applies; and
  - (b) members of such Services and holders of such posts as the Federal Government may, by notification in the official Gazette, specify.
- (3) They shall come into force at once.

2. **Definitions.**— In these rules, unless there is anything repugnant in the subject or context,—

- (a) "competitive examination" means a competitive examination held by the Federal Public Service Commission or a Provincial Public Service Commission for recruitment to any Service or post and includes any method whatever adopted for recruitment to the Central Engineering Services; and
- (b) "temporary Government servant" means a person who is temporarily employed in connection with the affairs of the Federation, but does not include a person employed on contract or on probation [against a permanent post or as probationer of a regularly constituted service].

3. **Manner of making applications.**— No Government servant shall apply for appearing at any competitive examination or for appointment to any post other than the post which, he for the time being, holds except—

- (a) for appearing at a ministerial services competitive examination through the head of the office, Ministry or Division in which he is employed; and
- (b) for appearing at a competitive examination other than a ministerial services competitive examination or for appointment to a service or post to be filled otherwise than by a competitive examination with the prior permission in writing of the head of the office, Ministry or Division in which he is employed, who may, for reasons to be recorded in writing, refuse such permission if he considered that such permission would not be consistent with the interests of the public service.

4. **Permission to be given or application to be forwarded not more than twice.**— (1) Subject to the provisions of rule 3, the applications of, or permission to, a Government servant for appearing at competitive examinations

at which he is otherwise eligible to appear shall not be withheld or refused, but in no case shall the applications be forwarded or permission be granted for appearing at more than two ministerial services competitive examinations during any calendar year or at more than two competitive examinations other than ministerial services competitive examinations during the whole service of a Government servant:

Provided that a Government servant appointed on the results of a competitive examination other than a ministerial services competitive examination shall not be permitted to apply for such examination more than once during his whole service.

(2) Subject to the provisions of rule 3, no Government servant shall apply more than twice in any calendar year for, or for appearing at any test or interview for appointment in, or for the transfer of his services to, a service or post to be filled otherwise than by a competitive examination, in another office, Ministry or Division of the Federal Government or under the Provincial Government or a public statutory corporation.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the applications of, or permission to, a Government servant employed on contract for a specified period, for appointment in a Service or post or for appearing at a competitive examination test or interview, may be withheld or refused if it appears that in the event of selection for appointment to any Service or post pursuant to such application, or on the result, of such examination, test or interview, such Government servant will have to be released before the expiry of his period of contract and that such release would not be consistent with the interests of the public service.

**5. Release of Government servants for appointment to a better Service or post.**— (1) Where a Government servant who applied in accordance with rule 3 for appearing at a competitive examination is selected for appointment on the result, of such examination, his release for such appointment shall not be withheld or refused if he is a member of a Service in a group and is selected for appointment to a Service in a higher group, but not to a Service in the same or a lower group. For the purpose of this rule, the Central Services are grouped in the following descending order:-

1st Group	Civil Service of Pakistan.
	Pakistan Foreign Service.
2nd Group	Police Service of Pakistan.

3rd Group	Finance Services eligible for the Economic Pool, viz., Pakistan Audit and Accounts Service, Pakistan Railway Accounts Service, Pakistan Military Accounts Service, Pakistan Taxation Service and Pakistan Customs and Excise Service.
4th Group	Pakistan Postal Service (Class I) and Pakistan Military Lands and Cantonments Service.
5th Group	Central Secretariat Service (Class I) and other Class I Services and Posts.
6th Group	Class II (Gazetted) Services and posts.
7th Group	Non-Gazetted Services and posts.

#### ILLUSTRATION

A Police Service of Pakistan Officer shall be released for appointment to the Civil Service of Pakistan or Pakistan Foreign Service, but not to any of the Finance Services. A Pakistan Taxation Service Officer shall not be released for appointment to the Pakistan Audit and Accounts Service; or a Pakistan Military Lands and Cantonments Service Officer to the Pakistan Postal Service (Class I).

(2) If any person who, before his appointment to a Service of the Centre or a post in connection with the affairs of the Centre, had appeared at a competitive examination, test or interview or applied for appointment to a Service or post, it is, on the result of such examination, test or interview or pursuant to such application, selected for and offered appointment to a Service or post other than the one to which he belongs or which he holds, his release for such appointment, if desired by him, shall not be withheld or refused.

(3) Notwithstanding anything contained in sub-rules (1) and (2), release before the expiry of the period of contract of a Government servant employed on contract for a specified period may be withheld or refused if such release would not be consistent with the interests of the public service.

6. **Temporary Government Servants.**— Notwithstanding anything contained in these rules, the applications of, or permission to, a temporary Government servant for appointment to any service or post or for appearing at any competitive examination, test or interview or his release on being selected for any service or post pursuant to such application or on the results of such examination, test or interview shall not be withheld or refused.

7. **Exemption.**— The President may, in such cases as he thinks fit, exempt any Government servant or class of Government servants from the operation of, or relax the restrictions imposed by, these rules.

8. **Repeal.**— The Government Servants' Applications for posts (Central Services) Rules, 1953, as amended from time to time, are hereby repealed.

*[Authority.- Estt. Division's Notification No. SRO 593 (K)/66, dated 8-6-1966].*

**Sl.No. 7**

**Failure of the Provincial Governments and Federal Ministries/ Divisions to Inform the F.P.S.C. about Withholding of Application Within One Month of the Closing Date Not to Affect the Candidate's Selection/Appointment**

In the Establishment Division's letter No. 8/54/79/F.I(D.5) dated 5th August, 1980 it was requested that the applications, if submitted by Provincial Governments employees through proper channel to FPSC, for posts advertised by the Commission, should please be forwarded on top priority basis; and in case an application is required to be withheld for any reason, the Commission should be informed within one month of the respective "closing date" of the applications.

2. The FPSC have reported that despite the instructions issued on 5th August, 1980, the objective has not been achieved. Several candidates, who appeared before the Commission on the basis of their "duplicate/advance copy", have told the Commission that their original applications fell a prey to the clerical redtapism in their respective offices, and their applications could not be forwarded to the Commission. The Commission have also complained that in several cases, the Provincial Governments as well as the Federal Ministries/Divisions/ Departments informed the Commission about the withholding of applications, after the closing date and in certain cases at a stage when the employee/ candidate had even been interviewed. It will be appreciated that with such state of affairs, not only the efforts of the Commission are wasted, but the talented/ suitable candidates are also prevented from selection/ nomination.

3. Under these circumstances, it has been decided that:-

- (i) If the Provincial Governments and the Federal Ministries do not inform the Commission of their refusal, within one month of the "closing date", it will be presumed by the Commission that permission has been granted to the employee/ candidate who has applied in advance; and
- (ii) In view of (i) above, if a departmental candidate/employee is selected/nominated by the Commission, the parent Government/

Ministry/Department/Corporation etc. of that candidate shall be bound to relieve him, to enable him to join the post for which he has been nominated.

*[Authority:- Estt. Div.'s Letter No.8/54/79-F.1-D.(5), dated 16-8-1981].*

### **7.1 Recruitment of Candidates on a Pay Higher Than the Minimum Scale of the Post**

It has been decided in consultation with the Ministry of Finance that the following procedure shall be adopted in connection with recruitment through the Federal Public Service Commission when it is proposed to appoint a candidate on an initial pay higher than the minimum of the post and the requisition sent to the Commission admits of such higher initial pay being given in suitable cases:

- (i) Ordinarily, posts will be advertised on prescribed scales and there need be no provision in the advertisement for a higher initial pay being given. In all such cases, the appointments must be made on the minimum of the scales. No representation for a salary higher than the minimum of the scale will be entertained from any person who enters government service in response to such advertisement without prior consultation with the Federal Public Service Commission and the Ministry of Finance.
- (ii) In special cases, however, where due to dearth of suitable candidates or where previous attempts to attract candidates on the minimum of the scale had failed, it may be felt necessary to provide for a higher starting pay. In such cases, whenever the requisitions for recruitment are sent to the Federal Public Service Commission, the prior concurrence of the Ministry of Finance must be obtained, if it is intended in deserving cases to provide a higher initial pay than the minimum of the advertised scale. The limit in the scale up to which the Federal Public Service Commission may be authorised to recommend the starting salary will be laid down by the Finance Ministry in each such case.
- (iii) Before a recommendation as to the higher initial pay made by the Commission is accepted by the Ministry concerned, the concurrence of the Ministry of Finance must be obtained.
- (iv) Normally, no candidate should be given a salary higher than that recommended by the Commission. If, however, in an exceptional case it is considered desirable to give a higher salary to a candidate than that suggested by the Commission, it will be necessary to



obtain the concurrence of the Commission before seeking the approval of the Ministry of Finance.

- (v) Any subsequent recommendation made by the Commission must, before it is accepted, have the prior concurrence of the Ministry of Finance.

2. The procedure outlined above, will apply to posts to which recruitment is made on contract. Each such case will however, be considered on its merits as regards the scale of pay and the maximum of the higher start.

*[Authority:— Estt. Div.'s O.M.No.11/4/50-SEI, dated 16-5-1951].*

### **7.2 Belated Requests for Cancellation/ Withdrawal/Postponement etc. of the Requisitions Received by FPSC**

It has been brought to the notice of the Establishment Division by the Federal Public Service Commission that belated requests made to the Commission by various Ministries/Divisions for the cancellation/withdrawal/postponement corrigendum have increased considerably. During the year 1973, 11% of the requisitions received were re-advertised for corrigendum as desired by the Ministries/Divisions concerned while in 1974 this percentage has shot up to 24%. This not only places the Commission in an embarrassing position but also results in considerable delay and waste of time and public money.

2. With a view to obviating the chances of unnecessary delay and waste of public money, all Ministries/Divisions are requested to please take a clear and firm decision for all the initial recruitments to be made through the Commission while sending the requisitions to that body.

*[Authority:— Estt. Div.'s O.M.No.2/10/74-F.IV., dated 18-12-1974].*

### **7.3 Modifications in Requisitions Placed with FPSC**

Reference instructions contained in the Establishment Division O.M. No. 9/3/73-DV, dated 26th November, 1973 and O.M. No. 2/10/74- F.IV, dated 18th December, 1974.

2. Instances continue to come to notice where after placing requisitions, for recruitment with the Federal Public Service Commission, the Ministries/Divisions/ Departments have made changes in those requisitions. In some cases, the number of posts notified for recruitment was reduced, in other

cases the qualifications notified were modified. There have also been cases where the domicile for the post was changed or the requisition altogether withdrawn after the post had been advertised and the candidates interviewed. Such modifications in requisitions placed with the Commission are not only against the instructions issued by the Establishment Division but also place the Commission as well as the government in great embarrassment, apart from delay in recruitment and wastage of public time and money. It has, therefore, been decided that, in future, if for very cogent reasons a requisition placed with the Commission has to be amended or cancelled, the reference to the Commission should be made under the signature of the Secretary of the Ministry/Division concerned giving the reasons for the proposed amendment. A copy of the communication should be endorsed to the Establishment Division.

*[Authority:— Estt. Div.'s O.M.No.11/4/76-D.V., dated 17-7-1976].*

#### **7.4 Change in Requisition for Recruitment Placed with the FPSC**

Reference.- Establishment Division O.M. Nos. 9/3/73-DV, dated 26-11-73, 2/10/74-F.IV, dated 18-12-1974 and 11/4/76-DV, dated 17-7-1976.

2. It has been brought to the notice of Establishment Division by the Federal Public Service Commission that requests for amendment/ cancellation of the requisitions for recruitment on the plea of amendment in the recruitment rules are still being received by them after the posts are advertised and, in some cases, even after notice for interview is issued. The Commission have observed that such amendments are generally proposed to accommodate ad-hoc appointees who otherwise do not fulfill the requirements of the relevant recruitment rules.

3. As such situations cause embarrassment to the Commission, and result in considerable waste of time and funds spent on re-advertisement, it has been decided that in future no request for amendment/withdrawal of requisition for recruitment will be entertained by the Commission on the plea of an amendment in the recruitment rules. The amendments, if any, will have only prospective and not retrospective application.

*[Authority:— Estt. Div.'s O.M. No.11/4/76-D.V. dated 19-10-1977].*

#### **7.5 Check on Amendment, Cancellation/ Withdrawal of Requisition Sent to the FPSC**

It has been brought to the notice of Establishment Division that Ministries/Divisions etc. after having sent their requisition to the FPSC for recruitment to the posts to be filled by direct recruitment, frequently request for changes in the terms and conditions or even suggest postponement of the

recruitment even after posts are advertised. Such actions of Ministries/Divisions not only delay the finalization of the recruitment, but also place the Commission as well as the government in an embarrassing position. It also puts the candidates to a difficult situation leading to unnecessary labour and waste of money.

2. With a view to exercising proper check on such requests for amendment, cancellation/withdrawal of requisition etc., it has been decided that, in future, all such requests should be routed through the Establishment Division by Ministries/ Divisions etc.

3. Strict compliance by all Ministries/Divisions is requested.

*[Authority:– Estt. Div.'s O.M.No.2/51/78.D.III, dated 11-7-1979].*

#### **7.6 Revised Requisition Form for Direct- Recruitment Through the Commission**

Revised Requisition Form FPSC-21 for use in recruitment of candidates for appointment to various posts by interview method only is **annexed**. It is requested that in future the revised Requisition Form may please be used while forwarding requisition to the Commission, instead of the old Forms.

*[Authority:– Federal Public Service Commission's letter No.F.16/6/82-RI, dated 4-7-1982].*

**ANNEX**

**Revised Requisition Form F.P.S.C.-21**

FEDERAL PUBLIC SERVICE COMMISSION  
------(Division)

Requisition for recruitment to the post of-----  
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"A" FOR CANDIDATES' INFORMATION

- (1)
  - (a) Designation of the post.
  - (b) Number of posts to be filled.
  - (c) Grade
  - (d) BPS
  - (e) Special pay (if any).
  - (f) Whether higher starting salary admissible if any, upto, and necessary prior sanction of the Ministry of Finance has been obtained?
  - (g) Any other special concessions such as free quarters, light, water etc.
- (2) Whether permanent or temporary. (if temporary period for which it will last)?
- (3)
  - (a) Duties.
  - (b) Place of duty.

"B" FOR ADVERTISEMENT

- (4) Qualifications required (no deviations from notified recruitment rules are permissible).
  - (a) Academic:(If more than one qualifications are prescribed, preference, if any, as reflected in the recruitment rules).
  - (b) Training.
  - (c) Experience.

(The prescribed experience counts after acquiring the requisite basic educational qualification. Whenever the Ministry/Division consider that the prescribed experience gained before acquiring the minimum prescribed educational qualification should also be considered as relevant, this should be made clear, and full justification may please be given for providing this relaxation in the interest of service).

## (5) Age Limits.

- (a) Minimum.  
(b) Maximum.

(Any relaxation, whether in Minimum or Maximum age limits).

## (6) Provincial/Regional distribution of post(s) in terms of Recruitment Policy.

	In figures	In words
Merit *(7.5%)		
Punjab (50%)	-----	-----
- Sindh (Urban Areas) (40% of 19% or 7.6%)	-----	-----
- Sindh (Rural Areas). (60% of 19% or 11.4%)	-----	-----
- KPK (11.5%)	-----	-----
Balochistan* (6%)	-----	-----
- GB/FATA(4%)	-----	-----
Azad Kashmir (2%)	-----	-----

(No change in allocation or reduction in the number of posts would be permitted so far as this requisition is concerned).

Merit \*7.5%

Punjab (including Federal Area of Islamabad) 50%

Sindh 19%

The share of Sindh will be further sub-allocated in the following ratio :

Urban Areas, namely Karachi, Hyderabad and Sukkur 40% of 19% or 7.6%,  
Rural Areas, *i.e.* rest of Sindh excluding Karachi, Hyderabad and Sukkur.  
60% of 19% or 11.4%.

KPK 11.5%

Balochistan \*6%

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\* Subs. *vide* Establishment Division's O.M. No. 4/10/2006-R2, dated 12<sup>th</sup> February, 2007.

Gilgit Baltistan and Federally Administered Tribal Areas  
4% and Azad Kashmir 2%.

- (7) Are government servants eligible for concession of age, qualifications, experience, etc., which are relaxable in their favour, as per notified recruitment rules.
- (8) Any other condition or qualification not covered by above questions.
- (9) Are women eligible in terms of recruitment rules? If women are to be declared ineligible, the Establishment Division's prior approval must be obtained.

"C" OTHER POINTS

- (10) Have the recruitment rules, including method of recruitment and qualifications for the posts been approved by the Establishment Division and the Commission? If so, please state.
  - (a) The Gazette Notification No. and date of the recruitment rules.
  - (b) Whether the recruitment rules (with amendments if any) amended in consultation with the Establishment Division and the Commission? If so, please give the Gazette Notification No. and date of all amendments and a copy of the same should be enclosed.
  - (c) An up-to-date and complete copy of recruitment rules must be enclosed with this Requisition.
- (11) Was this post advertised previously? if so, in which year (Commission's Consolidated Advertisement No. should be quoted).
- (12) Name, telephone number and address of Departmental Representative will be asked by the Commission about a fortnight ahead when the interviews are fixed up.

N.B.- The Departmental Representative should be of the status of Joint Secretary to the Federal Government and for the sake of uniformity of assessments of candidates, the same Departmental Representative would be required to assist the Commission at all interviews centres for a particular appointment.

(13) Particulars of the present ad-hoc appointee (s).

<b>Name</b>	<b>Date of birth</b>	<b>Qualification</b>	<b>Experience</b>	<b>Domicile</b>	<b>Date of Ad-Hoc Appointment.</b>
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(14) It is certified that:

- (i) The qualifications, age limits and experience laid down in the above requisition are in accordance with the recruitment rules, which have been published in the Gazette of Pakistan after approval by the Establishment Division and the Federal Public Service Commission.
- (ii) The particulars of ad-hoc appointees have been given in the requisition against Column 13. The ad-hoc appointees fulfill all the prescribed qualifications as educational qualification, experience, age limits and \*domicile.
- (iii) The provincial/regional distribution of posts as given against item No. 6 is in accordance with the Government Recruitment Policy as contained in the Establishment Division's O.M. No. F. 8/9/72-TRV, dated the 31st August, 1973, as amended from time to time.  
  
The allocation of the post has not been changed since it was last advertised. The allocation of the post since it was last advertised has been changed with the concurrence of the Establishment Division, as required in their O. M. No. 8/15/73-TRV, dated the 28th November, 1973.
- (iv) The requisition has been signed by an officer of the status of Deputy Secretary or above.
- (v) Detailed duties of the post against Column 3 of the requisition have been mentioned and enumerated.
- (vi) No changes as regards qualification, experience, age, domicile, grade, scale of pay, etc., as far as this requisition is concerned will be accepted, save in

\* Strike out the alternatives not applicable.

unavoidable circumstances when any change in requisition will have to be routed through the Establishment Division. Request for such a change will be signed by the Secretary of the Ministry/Division and routed through the Establishment Division, as required vide O.M. No. 11/4/76-DV, dated the 17th July, 1976 and No. 2/51/78-DIII dated 11th July, 1979.

Signature.....

Designation of forwarding authority

### **7.7 Grant of Starting Salary to Candidates after Selection by the Federal Public Service Commission**

It has been brought to the notice of Establishment Division by the Federal Public Service Commission that Ministries/Divisions sometimes approach the Commission to recommend starting salary higher than the minimum prescribed for the candidates after they have been nominated by the Commission. The position in this respect is stated below.

2. In case it is intended to grant higher starting salary to incumbent of any post, the F.P.S.C. should be informed of such details at the time when the requisition for that post is sent to them to enable them to include this provision in their advertisement. Further, according to Serial No. 16 of **Annexure II** to the Ministry of Finance O.M. No. F-1(5)R 12/80, dated the 11th March, 1981\*, the F.P.S.C. may recommend the grant of not more than six premature increments to a nominee only when suitable persons of requisite qualifications are not available on the minimum prescribed pay of the post. In either case the Commission may use its discretion to recommend and to fix the number of such increments within the prescribed limit or not to recommend the premature increments.

3. As explained above, in cases where the F.P.S.C. has nominated a person without recommending premature increments, there is no justification for a Ministry/Division/ Department to ask the Commission for recommendations for such increments.

4. Ministries/Divisions are requested to explain the above position to all the Departments/Offices under their jurisdiction.

*[Authority:- Estt. Division's O.M.No.2/22/75-D-III, dated 31-3-1976].*

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\*The latest orders are contained in Finance Division's OM No.F.3(2)-Exp.III/2006 dated 13<sup>th</sup> September, 2006.



### 7.8 Recruitment to Posts in BPS 16 and Above

While processing recruitment against various posts in BPS 16 and above under the Federal Government, the administrative Divisions/Departments are required to nominate professionally competent and senior officers (in BPS 20 or above), as Departmental Representatives to assist the Federal Public Services Commission in assessing suitability of the candidates.

2. FPSC has reported that, over the years, it has been noticed that the Departmental Representatives are either not nominated at all or they do not attend on specified dates. At times they come late also. Generally, officers of BPS 19 or below are nominated. They, very often, do not have the requisite experience and/or lack relevant professional/ technical expertise in the field of the advertised post. The Commission is not informed about the non-availability of a qualified officer for which last minute alternative arrangements are impossible to make. The names/addresses of the Departmental Representatives are seldom given, nor are their telephone (Office and Residential) numbers provided. Thus the Commission is prevented from reaching them to ensure their presence.

3. It is, therefore, requested that FPSC's instructions in this regard may kindly be complied with in letter and spirit so as to avoid any untoward situation in future.

*[Authority:-- Estt. Div.'s (Training Wing) Circular No. 3/8/92-T.V. dated 17-10-93].*

### 7.9 General Instructions for Submission of Applications for Various Posts-Competitive Examination-Number of Chances for Government Servants who are in \*Grade-16 and Below

The government servants in \*Grade-16 or below who have completed two years service and have failed to secure direct entry into \*Grade-17 through competitive examination have been allowed to take two more chances upto the age of 30 years in competitive examination vide Office Memoranda of Establishment Division forming various Occupational Groups\*\*. This provision is, however, in conflict with the provisions of rule 4 of the Government Servants (Application for Posts and Services) Rules, 1966. It has, therefore, been decided that rule 4 of the Government Servants (Applications for Posts and Services) Rules, 1966 may not be applied in the case of such government servants (in \*Grade-16 and below) who wish to take two chances in Competitive Examination upto the age of 30 years.

*[Authority.- Estt. Division's O.M. No. 1/21/76-T. III, dated 2-8-1976].*

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\* BPS

\*\* Add 'and Services'.

### **7.10 Right of Government Servants to Apply for Higher Posts in Other Offices**

It has been decided that normally officials appointed to a \*grade, either by promotion or by direct recruitment should –

- (a) not be considered for appointment to, and
- (b) not be allowed to apply for

posts in other offices of government or of statutory bodies to a \*grade carrying a higher \*grade, till they have rendered an appreciable length of service in the former \*grade.

2. This ban will, however, not apply to–

- (i) Appointments made through the Federal Public Service Commission or the Central Selection Board;
- (ii) Posts within the normal promotion prospects of the government servant concerned, e.g., the posts of Section Officers in the case of Superintendents of the Federal Secretariat; and
- (iii) Purely temporary government servants who are not likely to be employed permanently in the office, Ministry, Division, Service or cadre in which they are employed.

3. Departures from the above instructions should be made only in special cases.

4. Attention of all the Divisions is also invited to the fact that the Establishment Division administer the Civil Service of Pakistan\*\*, the Police Service of Pakistan, the G.A.R.\*\*\* (General Wing), the Economic Pool@, and the Section Officers' cadre. Therefore, cases relating to the deputation to other offices of the officers of these categories should not be made by the Division in which they are for the time being posted, but should be referred to the Establishment Division for disposal.

*[Authority.- Estt. Division's O.M. No. 1/26/61-C.III, dated 20-2-1963].*

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\* BPS

\*\* Now Pakistan Administrative Service.

\*\*\* Means General Administrative Reserve. Not relevant now.

@ Not relevant now. There is an Economists and Planners Group as distinct from the Economic Pool. For Economic Pool, see O&M Establishment Manual Vol. I, O&M Wing, Estt. Division 1968, Chapter X, pages 445-457.

### **7.11 Applications of Section Officers**

The instructions contained in paragraph 5 of the Establishment Division Office Memorandum No. 1/8/52-C.III, dated the 7th August, 1963 are not generally observed by various Ministries/Divisions while forwarding to Establishment Division the applications of Section Officers for appointment elsewhere.

2. It is reiterated that while forwarding the applications in question to the Establishment Division, information on the following points should also be invariably furnished to this Division:-

- (1) Pay Scale attached to the post applied for
- (2) Method of recruitment to the post in question
- (3) Whether the post in question has been advertised
- (4) Minimum educational qualifications and/or experience prescribed for the post concerned.
- (5) A statement showing the educational qualifications, and/or experience of the candidate concerned indicating also whether he fulfills the requisite qualifications and/or experience.

3. Such applications should be forwarded to the Establishment Division at least a fortnight before the last date prescribed for their receipt by the authorities concerned.

*[Authority.- Estt. Div.'s O.M. No. 1/8/62-C. III, dated 14-5-1966].*

### **7.12 Appropriate Authority for Forwarding of Applications Through Proper Channel**

The question has arisen as to what should be considered the appropriate authority for forwarding applications of the staff employed in a particular office. As only a responsible and fairly senior officer of a Division etc. is generally in a position to know the staff requirements of his Division, it has been decided, in consultation with the Federal Public Service Commission, that, in the case of a Ministry or a Division, the forwarding authority should be at least a Deputy Secretary and in the case of an Attached Department or a Subordinate Office, it should be the Head of the Department or Office, or an officer of rank equivalent to that of a Deputy Secretary designated by him.

*[Authority.- Estt. Division's O.M.No.50/1/48-Ests.(ME), dated 3-6-1948].*

**7.13 Avoidance of Delay in Forwarding  
Applications of Government  
Servants to the F.P.S.C**

Under the existing orders, all government servants, whether in Provincial or \*Central Service, have to apply to the Federal Public Service Commission in connection with the examinations/selections held by them, through their respective Heads of Departments or Offices. The last date for the receipt of applications by the Commission is set down in the notice relating to every examination conducted by them and in the advertisements issued in connection with selections to be held by them.

2. The Federal Public Service Commission have pointed out that many such applications are received in their office long after the closing date, and have hitherto been entertained if the Commission were satisfied that candidates themselves were not at fault. The Commission are not prepared to continue this indulgence indefinitely and desire it to be made clear that in future late applications will not normally be accepted whatever the reason. It is, therefore, requested that care should be taken to see that applications of candidates who apply to the Federal Public Service Commission for the Central Superior and Ministerial Services examinations and selections are not delayed beyond the permitted date, since delay in future will not be condoned.

3. To deprive a candidate of his candidature by reason of a negligent omission to forward his application could be a serious act of irresponsibility.

*[Authority.— Estt. Division letter No. 25/4/53-SE (I), dated 23-7-1953, to all Provincial Governments and Ministries of the Federal Government].*

**7.14 Competitive Examinations/Selections  
Held by FPSC – Applications of  
Departmental Candidates**

Reference.—Establishment Division's letter No.25/4/53-SEI, dated the 23rd July, 1953. It has been reported by the F.P.S.C. that in several cases the applications from departmental candidates for the various competitive examinations/selections held by the F.P.S.C. are forwarded by the department concerned very late, without regard to the last date prescribed for receipt of applications announced by the Commission. To avoid that departmental delays, the Commission have decided that departmental delays in forwarding the applications of the departmental candidates will not normally be condoned. They will be condoned only in exceptional circumstances, which will be considered by the Commission on the merit of each case.

2. In view of what has been stated above, it will be very much appreciated if every possible effort is kindly made to ensure that applications from

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\* Federal.

departmental candidates for appearing at the competitive examinations/selections held by the FPSC, are forwarded to the Commission by the due dates. In case of unavoidable delays reasons should please be recorded, otherwise applications received after the due dates will not be entertained by the Commission.

[Authority:— Estt. Division's letter No. 8/4/60-E, XIV, dated 18-7-1960].

### **7.15 Practice of Withholding/Forwarding of Applications of Departmental Candidates to FPSC**

The practice of withholding applications initially and forwarding them at a late stage should also be discontinued as no departmental permission which is granted subsequently will be acceptable to the Commission.

[Authority:— Estt. Div.'s (Training Wing) O.M. No.1/84-TR-IV dated 18-6-1985].

## **II. (A) TRANSFER TO FOREIGN SERVICE IN PAKISTAN: DEPUTATION**

### **Sl. No. 8**

#### **Explanation of the Term "deputation"**

Deputation in Pakistan.— C.S.R. 77: An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

According to the practice in vogue a government servant begins to be regarded as a "deputationist" when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but cease to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

(Extract from PLD, 1981 S.C. 531-Islamic Republic of Pakistan versus  
Israrul Haq and 23-others.)

### **8.1 Deputation of Government Servants – Period of Deputation**

Maximum Period of Deputation.— In continuation of Establishment Division's circular D.O. letter No. 4/1/84-R.I (A) dated 20-11-1986 (Annex), conveying the directives of the Prime Minister requiring the period of appointment to be clearly specified in each case of contract, secondment or deputation, the following policy is laid down for deputation of government servants:

- (i) The normal period of deputation for all categories of government servants would be three years. This would be extendable by two years with the prior approval of the competent authority.
  - (ii) All cases of initial deputation of government servants holding posts in BPS 17 and above would be referred to the Establishment Division for approval of the competent authority. The initial deputation in the case of government servants holding posts in BPS 16 and below would be approved by the Secretary of the administrative Ministry concerned/ Head of the Department not below BPS 21.
  - (iii) The competent authority to grant extension in deputation beyond the initial period of 3 years, would be as below :-
    - (a) Government servants in BPS 1 and 2.                      Head of the Department.
    - (b) Government servants in BPS 3 to 16.                      Secretary of the Admn. Ministry/Head of the Department not below BPS 21.
    - (c) Government servants in BPS 17 to 19.                      Secretary of the Admn. Ministry concerned.
    - (d) Cases of government servants in BPS 20 and above would be referred to the Establishment Division.
  - (iv) On completion of the maximum period of five years, both the borrowing and the lending organizations should ensure immediate repatriation of the deputationist.
  - (v) In case it is not possible to repatriate a person to his parent organisation for compelling reasons, the case should be referred to the Establishment Division before the expiry of the maximum period of 5 years, fully explaining the circumstances due to which immediate repatriation is not possible and measures taken to obtain or groom a replacement as early as possible.
2. The above policy would also be applicable to transfer on foreign service in terms of FR 9(7) and rules contained in Chapter XII of the Fundamental Rules.
3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/ Subordinate Offices/Corporations and Autonomous Bodies etc.
4. The existing instructions on this subject issued *vide* Estt. Division's O.M. No. 1/28/75-D. II (CV), dated 4-11-1980 and O.M. No. 22/47/82-R-3, dated 12-4-1983 stand modified to the above extent.

[Authority.- Estt. Division's O.M. No. 1/28/ 75-D.II/R. 3/R.I. dated 18-2-1987].

**(ANNEX)****[Copy of Estt. Division Additional Secretary's D.O. letter No. 4/1/84-RI (A) dated 20-11-1986]**

*Re-employment/Appointment on Contract, Secondment or Deputation.*— It has come to the notice of the Prime Minister that officers, appointed on contract or serving on re-employment, secondment or on deputation in the Federal Government, are allowed to continue in their posts after the expiry of their tenure without specific orders of the competent authority for its extension. The Prime Minister has taken a serious view of this situation and has directed that:-

- (a) In all cases of appointment on contract, re-employment, secondment or deputation, the period of appointment should be clearly specified.
  - (b) On the last date of the specified period, the officer should automatically stand relieved of his duties unless the orders of the competent authority have been obtained in advance extending the period.
2. Immediate action may be taken to specify the period of appointment in those cases where it has not been specified. It may be ensured that in future no officer is appointed on contract, re-employment, secondment or on deputation without specifying the period of appointment. On the expiry of the specified period, the officer should be relieved of his assignment forthwith, unless the period has already been extended by the competent authority.
  3. In order to ensure compliance of the above directive of the Prime Minister, all Ministries/Divisions are requested to identify the cases in which officers are continuing to work in their posts after the expiry of the specified period of contract/re-employment/secondment/deputation and intimate these to the Establishment Division immediately with recommendations for extension of the tenure where required. Action may also be taken to terminate the appointments where extension is not required.
  4. All Ministries/Divisions *etc.* are also advised to initiate cases for extension in the period of contract/re-employment/secondment/deputation in future at least six months in advance of the date of expiry of the period of such appointment.
  5. The provision in para 28 of Establishment Division's O.M. No. 14/5/78-D.III, dated 10-2-1980 dealing with induction/re-employment of the officers of armed forces in civil and such other instructions issued from time to time also stand modified in accordance with the Prime Minister's orders contained in para 1 of this letter.
  6. The above instructions may also be brought to the notice of all Corporations and Autonomous/Semi-Autonomous Bodies under the administrative control of Ministries/ Divisions as these would apply to them as well.

## 8.2 Delegation of Powers in Regard to Deputation of Government Servants

In order to ensure expeditious processing of cases of deputation, the \*Chief Executive has been pleased to delegate to Secretaries of administrative Ministries/Divisions and Heads of Attached Departments and Subordinate Offices not below BPS 21, powers to approve initial deputation of officers upto BPS 19 belonging to cadres and posts under their administrative control for a period of three years. The above powers are subject to observance of the following guidelines:-

- (i) Where a post proposed to be filled is reserved under the rules for departmental promotion, appointment on deputation may be made only if the department certifies that no eligible person is available for promotion or the eligible person is found unfit for promotion by the appropriate DPC/Selection Board. In such cases, deputation may be approved till such time a suitable person becomes available for promotion.
- (ii) In case of posts reserved for initial recruitment, appointment on deputation may be made only as temporary arrangement, pending joining of the nominee of the FPSC, and subject to the condition that such appointment shall be made only after a requisition has been placed with the FPSC.
- (iii) In cases where a post is tenable through appointment by deputation, the normal period of deputation should be three years and no extension beyond three years may be allowed without prior approval of the Establishment Division.
- (iv) No officer should be sent on deputation unless he has completed three years' service in his parent department after return from an earlier deputation.

2. The provision of para 1(ii) of Establishment Division O.M. No.1/28/75-D.II/R.3/R.I, dated 18-02-1987 shall stand amended accordingly.

3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/Subordinate Offices.

*[Authority:- Estt. Div.'s OM No. 1/28/75-D.II/R.3/R.I, dated 11<sup>th</sup> April, 2000]*

## 8.3 Deputation of Government Servants

Reference Establishment Division's O.M. No. 1/28/75-D.II/R-3/R.I, dated 18 February, 1987 as amended *vide* O.M. of same No. dated 11<sup>th</sup> April, 2000 on the above subject. The term "deputation" as defined by the Supreme Court of Pakistan *vide* PLD 1981 SC 531 means that a government servant begins to be

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\* Now Prime Minister.



regarded as a “deputationist” when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary, capacity, but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

2. According to the judgement of Federal Services Tribunal in Appeals No. 39 and 40 (R)(CS)/2003 (M/s Liaqat Ali Chaudhry and others Vs Federation of Pakistan), up-held by the Supreme Court of Pakistan, as interpreted by the Law, Justice and Human Rights Division, all the incumbents who are deputed to work in an agency foreign to the service to which they belong, are entitled to draw Deputation Allowance.

3. In view of the position stated above, the Finance Division have issued orders/instructions *vide* their O.M. No. F.5 (8) R-2/2007, dated the 4<sup>th</sup> July, 2007 stating that deputation allowance may be granted to all officers/officials of Ministries/Divisions/Departments who have been transferred and posted on deputation basis or under Section 10 of Civil Servants Act, 1973, to a post in a department or service altogether different from the one to which they permanently belong.

4. In view of the above, Ministries/Divisions are advised that henceforth the Notifications/Orders issued by them regarding the deputation of their officers/officials to a department/office altogether different from the one to which they actually belong, must invariably state that:

- (i) The incumbent will be entitled to deputation allowance.
- (ii) The period of deputation shall be three years extendable by two years, with the approval of the competent authority.

[Authority:– Estt. Div.'s O.M. No. 1/18/2007-R-1, dated 10<sup>th</sup> December, 2007].

#### **8.4 Deputation Period – Absorption of Deputationists**

In continuation of Establishment Division's O.M. of even number, dated 15.10.1979 (**Annex**), it is stated that:-

- (1) The normal deputation period, for all categories/ grades of government servants, shall be three years, extendable for another two years with prior permission of the Establishment Division. A government servant shall not, however, remain on deputation to another government organization or an autonomous body/corporation *etc.* for more than five years.
- (2) If a person is on deputation to a government organization, and has completed the maximum tenure of five years, he must revert or be

reverted by the borrowing office to his parent/lending organization of the expiry of that period; otherwise, the Audit Offices concerned shall not make payment of salary and allowances to him beyond the date of expiry of five years, unless specifically authorized by the Establishment Division.

- (3) If a person is on deputation to an autonomous organization/corporation etc, and has completed the maximum tenure of five years, it will be obligatory for that person to report back to his parent/lending organization on the expiry of that period, irrespective of his being relieved by the borrowing corporation/body etc. Failure to report back, unless specifically authorized otherwise by the Establishment Division, will be construed as 'Misconduct' and make him liable to disciplinary action under the government servants (Efficiency and Discipline) Rules, 1973.
- (4) In case a deputationist is proposed to be absorbed permanently in the borrowing office (either a government organization or a corporation etc), such a proposal shall be initiated by the borrowing office at least six months before the expiry of the deputation period of the deputationist concerned. Such a proposal, with the written consent or request of the deputationist, shall be made by the borrowing office to the lending office (or parent office of the deputationist) which shall convey its decision (if necessary, in consultation with the Establishment Division) to the borrowing office as well as the deputationist, by the expiry of the term of his deputation. In the event of non-acceptance of the proposal, the individual shall revert back to his parent office as indicated at (2) and (3) above.

2. Ministries/Divisions are requested to bring these instructions to the notice of the officers/staff of their Secretariat/Attached Departments/Subordinate Offices/Corporations etc.

*[Authority.- Estt. Division's O.M. No.1/28/75-D.II(CV), dated 4-11-1980].*

### **(ANNEX)**

#### **[Copy of the Establishment Division's O.M.No.1/28/75-D-II (CV) dated 15-10-1979]**

In spite of instructions issued on the subject, cases have come to the notice of the Establishment Division where government servants whose services were placed on deputation with other departments/organizations for a specified period have not been returned to the lending departments after the expiry of their tenure of deputation. What happens is that either a deputationist does not want to come back to his parent department or the borrowing department does not allow him to revert to his parent department on expiry of his term of deputation. This practice is against the interest of efficient administration.

2. It has now been decided that in no case a government servant should remain on deputation to another department or autonomous body for more than five years. If a government servant has completed his maximum period of deputation, and the department still feels the need of his services, the borrowing department/organization should write to the lending department to replace him by another government servant of the same grade and qualification, failing which the borrowing organization would make their own arrangements. If a person is not willing to come back to his department on expiry of the period of his deputation and tenders his resignation, that may normally be accepted.

3. All Ministries, Divisions and Departments are requested to review the cases of deputationists and take necessary action in the light of the above instructions.

4. This supersedes all previous instructions on the subject.

#### **8.5 Deputation of Government Servants – Normal Period of Deputation and Extension**

Reference Establishment Division's OM No. 4/1/84-R-I(A), dated 20-11-1986 addressed to all Federal Secretaries/Provincial Chief Secretaries, wherein the following directive of the Prime Minister was communicated:

- (a) In all cases of appointment on contract, re-employment, secondment or deputation the period of appointment should be clearly specified.
- (b) On the last date of the specified period the officer should automatically stand relieved of his duties unless the orders of the competent authority have been obtained in advance for extending the period.

2. The Ministries/Divisions were accordingly directed to specify the period of appointment in those cases where it was not specified and to ensure that no officer was appointed on contract, re-employment, secondment or on deputation without specifying the period of appointment. It was also directed that on expiry of the specified period, the officer should be relieved of his assignment forthwith unless the period has already been extended by the competent authority.

3. The standard terms and conditions of deputation which were drawn in consultation with Finance Division and circulated vide Establishment Division's O.M No. 1/13/87-R.I, dated 03-12-1990, provide that "the normal period of deputation for all categories of government servants will be three years. This will be extendable maximum by two years with the prior approval of the competent authority" i.e. Establishment Division.

4. The policy guidelines issued with the approval of the \*Chief Executive and circulated vide Establishment Division's O.M No.1/28/75-II/R-3/R.I, dated 11-4-2000 also provided that "the normal period of deputation should be three years and no extension beyond three years may be allowed without prior approval of Establishment Division."

5. Despite the above cited instructions, it has been noticed with concern that in some cases neither the period of deputation is specified by the Ministries/Divisions concerned nor the incumbents are relieved of their duties on the expiry of specified period of deputation, and thus they continue to serve in the borrowing department without the prior approval of the competent authority resulting into administrative problems and legal issues due to non-adherence to the instructions of the government.

6. The Ministries/Divisions are once again advised to strictly observe the directions of the Prime Minister as referred to in paras 1 and 2 above and instructions issued by Establishment Division as referred to in paras 3 and 4 above.

7. The above instructions may also be brought to the notice of all corporations and Autonomous/Semi- Autonomous Bodies under the administrative control of Ministries/Divisions.

*[Authority:- Estt. Div.'s O.M. No. 1/28/75-D.II/R.3/R.I, dated 04-03-2005].*

### **8.6 Terms and Conditions of Deputation of Civil Servants**

Reference the instructions contained in Estab. Div's O.M No. 1/28/75/D.II/R.3/R.I, dated 5.7.1995, on the above subject. The aforesaid instructions have been reviewed and it has been decided with the approval of the Prime Minister that civil servants who are on probation on promotion to a higher post may be allowed to proceed on deputation. However, this concession will not be admissible to those civil servants, who are on probation on initial appointment and have to pass/qualify a prescribed examination, test or course/training for the successful completion of their probation.

2. Ministries/Divisions are to bring above instructions to the notice of Attached Departments/Subordinate Offices under their administrative Control.

*[Authority:- Estt. Div.'s OM No. 1/28/75/D.II/R.3/R.I, dated 14.02.2007]*

### **8.7 Deputation Not a Method of Appointment**

Reference Establishment Division's O.M.No.1/28/75-D.2/R.3/R.I, dated 18th February, 1987, wherein the normal period of deputation for all categories of government servants had been fixed as three years, extendable by another two years with the prior approval of the competent authority. Under the said instructions,

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\* Now Prime Minister.

Secretaries of the Ministries/Divisions concerned were authorized to grant extension in deputation period beyond the initial period of three years in respect of government servants holding posts in BPS-17 to BPS-19.

2. It has been observed, however, that there is a growing tendency to resort to postings through deputationists despite the fact that deputation is not a normal prescribed method of appointment as, under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, three methods of appointments are required to be made either by promotion or by initial appointment or by transfer. The method of appointment to posts is also prescribed in the recruitment rules. Filling up the posts through deputation, if not provided so in the recruitment rules, leads to following adverse implications:-

- (i) In case of promotion posts, the promotions of departmental personnel are delayed/stopped.
- (ii) In case the post is required to be filled through initial appointment, quota of a particular province is affected.

3. In order to bring the deputation policy in conformity with the present policy of postings and transfers circulated vide Establishment Division's O.M.No.10/10/94-R.2, dated 22<sup>nd</sup> March, 1994, and also to discourage the increasing tendency of postings through deputation, it has been decided that, in future, the deputation period will be limited to three years only. A maximum two years extension in the deputation period will be considered only in exceptional cases, in the public interest, and with the prior approval of the Establishment Division in all cases of government servants in BPS-17 and above. The extension cases shall be forwarded to the Establishment Division at least six months before the expiry of the three-year deputation period and with proper justification for the proposal. However, no deputation proposals will be entertained which will adversely affect the method of appointment to the post as laid down in the recruitment rules. Accordingly, all such proposals must invariably be accompanied by a formal assurance signed by at least the Joint Secretary (Admn) to that effect.

4. Ministries/Divisions are requested to also bring these instructions to the notice of their Attached Departments, Subordinate Offices, Corporations, Autonomous Bodies, etc, under their administrative control, for guidance/strict compliance. It may please be noted that arrangements have been made in consultation with the Auditor General's Office whereby payment of emoluments etc. to those on deputation will be stopped forthwith, immediately following the completion of the three-year deputation period, unless the Establishment Division's prior approval has been obtained and conveyed to the concerned Audit Circle.

5. The existing instructions on this subject issued vide Establishment Division's O.M.No.1/28/75-D.2/R.3/R.I, dated 18th February, 1987 stand modified to the above extent.

*[Authority.- Estt. Division's O.M. No.1/28/75-R.I, dated 14-3-1995].*

### **8.8 Deputation of Government Servants – Procedure for Extension**

Reference Establishment Division O.M. No. 1/28/75-D.II/R.3/R.I, dated 6.10.1994 read with OM dated 14.3.1995 on the above subject. According to the standing instructions contained in this Division OM dated 6.10.1994 cases for extension in deputation period are required to be forwarded to the Establishment Division at least six months before the expiry of initial period of deputation failing which no extension in deputation period would be granted and the officers concerned would be considered repatriated to their parent department/organization on expiry of initial period of deputation.

2. It has, however, been observed that, at times, the Ministries/Divisions send cases to this Division for extension in deputation period long after the expiry of initial deputation period. This practice is decidedly against policy instructions on the subject and need to be avoided.

3. Ministries/Divisions are, therefore, requested to comply with the standing instructions, referred to above, strictly and to ensure that cases for extension in deputation period are forwarded to Establishment Division six months before the expiry of initial period of deputation with proper justification.

[Authority:- Estab. Div. OM No. 1/28/75-R.I, dated 30<sup>th</sup> October, 2000]

### **8.9 Terms and Conditions of Deputation of Civil Servants \***[\*\*\*]****

The instructions governing the terms and conditions of transfer of civil servants \*\*[to foreign service in Pakistan] are contained in FR.114 and various O.Ms. issued by the Finance Division/Establishment Division from time to time. Since these instructions are scattered over a number of O.Ms. enquiries have been received from Ministries/Divisions regarding applicability of these instructions in their correct perspective. Accordingly, standard terms and conditions of deputation of civil servants \***[\*\*\*]** have been drawn in consultation with the Finance Division and are given below:-

#### **1. Period of Deputation**

The normal period of deputation for all categories of government servants will be three years. This will be extendable maximum by two years with the prior approval of the competent authority.

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\*The words 'to foreign service in Pakistan' deleted *vide* Estt.Div.'s O.M.No. 1/13/87-R.I, dated 04-04-2007.

\*\*The words ' to foreign service in Pakistan' substituted with the words 'on deputation' *vide* Estt.Div.'s O.M.No. 1/13/87-R.I, dated 04-04-2007.

2. **Pay**

Pay in BPS as admissible under the government from time to time.

3. **Deputation Allowance**

Deputation allowance will be admissible at 20% of the basic pay subject to a maximum of Rs. 6000 per month (both for Management Grade and non-Management Grade posts).

4. **Travelling Allowance**

Travelling allowance will be admissible in accordance with the ordinary TA rules of the government except that where TA rules of the borrowing organization are more favourable the latter will apply.

5. **Conveyance**

- (i) In case official car has been provided to the deputationist by the borrowing organization, it should be used for official purpose only, except where employees of the borrowing organization in an equivalent rank are entitled to free use of official car for both official and private purpose the same facility would be admissible to the deputationist subject to the prescribed petrol limit.
- (ii) If the deputationist is entitled to official car in his capacity as a government servant, excluding the official transport provided on a specific post, he shall continue to enjoy the facility on the same terms.
- (iii) If the deputationist is the chief executive of the autonomous/semi autonomous body, he will be permitted free use of official car, for official and private purpose subject to the condition that the total petrol consumption will not exceed 180 liters in a month, in case the deputationist is in \*[BPS-20 or] BPS-21 and 240 liters in case he is in BPS-22.
- (iv) If official transport is provided both for official and private purpose, the residence-office conveyance allowance shall not be permissible.
- (v) In case official transport is not provided, or if provided, is not used for journey between office and residence, residence-office conveyance allowance will be admissible at specified stations, at the rates and on the conditions laid down in para-8 of the Finance Division's O.M. No. F.1(1) IMP.11/77, dated 28.4.1977, as amended from time to time. For occasional travel, the mileage/conveyance rates, admissible in the government will be applicable.

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\* Amended *vide* Estab. Div.'s O.M. No. 1/13/87-R.I, dated 15-12-1991.

## 6. Residential Facility

- (i) Accommodation may be provided to the deputationist, of a standard not inferior to what is normally admissible to him as a government servant, subject to deduction of 5% of his emoluments. If accommodation is not provided, the deputationist will receive house rent allowance, at a rate fixed by the government from time to time. If the deputationist is the chief executive of the autonomous/semi autonomous body, free unfurnished accommodation may be provided except where an official residence has already been constructed by the autonomous/semi autonomous body.
- (ii) The facility of hiring of a house owned by a civil servant will be admissible to a civil servant appointed on deputation in an autonomous body as provided under rule 22 of Pakistan Allocation Rules, 1971\*.
- (iii) In case accommodation is to be hired for the deputationist, the rental ceiling laid down by the Works Division in the Pakistan Allocation Rules, 1971\*, as amended from time to time, or that applicable to employees of equivalent rank in the borrowing organization, whichever is beneficial to the deputationist, will be applicable.

## 7. Medical Facility

Medical facilities may be allowed, in accordance with the relevant rules of the borrowing organization provided that these facilities will not be inferior to those admissible under the government.

## 8. Pension Contribution

\*\*[When a civil servant is posted on deputation basis to autonomous/ semi-autonomous bodies/corporations etc. pension contribution shall invariably be made by the borrowing organization at the prescribed rate].

## 9. Leave Salary

No leave salary contribution shall be payable by the borrowing organization, but leave/leave salary shall be sanctioned/paid during the period of deputation, by the borrowing organization. The Federal Government employees sent on deputation who are granted leave and paid leave salary by the borrowing organization shall not count the period spent on

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\* Pakistan Allocation Rules, 1971 were repealed by Pakistan Allocation Rules, 1993 vide Works Division's Notification No. SRO 1006(1)/93, dated 20-10-1993 (pages 19-40, Common Services Manual (Vol. II), PPARC, M.S. Wing, Estt. Div. 2003). Pakistan Allocation Rules, 1993 were repealed by the Accommodation Allocation Rules, 2002 vide Works Division's Notification No. SRO 749(I)/2002, dated 30-10-2002 (pages 41-69, of the document *ibid*).

\*\*Substituted *vide* Estt.Div.'s O.M.No. 1/13/87-R.I, dated 04-04-2007.



deputation for earning leave under the Government of Pakistan on their return. However, the leave earned by a civil servant, but not availed/allowed during the period of his deputation in Pakistan will be credited to his leave account on reversion to government department. For this purpose, the autonomous bodies and corporations will maintain proper leave accounts for the government servant on deputation with them. Encashment of leave will not be admissible in the case of Government servants on deputation on the basis of the Rules/Regulations of the autonomous bodies/corporations.

10. **Disability Leave**

The borrowing organization shall also be liable for leave salary, in respect of disability leave granted to the civil servant, on account of disability occurred in and through foreign service\*, even though if such disability manifests itself after the termination of foreign service. The leave salary charges, for such leave, shall be recovered by the civil servant direct from the borrowing organization.

11. **G.P. Fund etc.**

During the period of deputation, the civil servant concerned will continue to subscribe to the G.P. Fund, the remittance of which shall be supported with a G.P. Fund schedule, mentioning therein the G.P. Fund Account Number and the name of the Accounts Officer, maintaining the account. The remittance should be made to the parent office of the government servant concerned. The parent office will send copies of challans and schedules, to the Accounts Officer concerned for necessary action. As regards the Benevolent Fund and Group Insurance premium contribution, this should be remitted directly, by the government servant concerned, through the normal banking channel, to the Board of Trustees, Federal Employees Benevolent and Group Insurance Funds, Islamabad with the prescribed schedule, duly completed.

12. **Change in Terms of Deputation**

The civil servant on deputation will continue to be under the rule-making control of the lending government, in matters of pay, leave, pension, G.P.Fund, etc. The lending government accordingly, will have a right to determine, in consultation with the borrowing organization, the terms of his employment under the latter and these terms shall not be varied by the borrowing organization, without consulting the lending government.

13. **Joining Time, Pay and TA**

The borrowing organization will pay for the joining time granted on transfer to and reversion from deputation, at the rate prescribed by the Federal

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\* deputation

Government. It will also pay TA to the deputationist for journeys performed by himself on transfer to and reversion from foreign service.

**14. Encashment of LPR**

A civil servant on deputation who is due to retire from government service either on completion of 30 years qualifying service or on attaining the age of superannuation, may draw the encashment of LPR from the borrowing organization, if he continues to work during the whole period of his LPR/last year of his service, without repatriation of his services.

**15. Compensatory Allowance**

\*[If, by reason of his transfer to foreign service\*\*, the government servant loses any privilege or concession of pecuniary value which he would have enjoyed in government service or is constrained to incur extra expenditure due to the nature of his duties in foreign service or to the circumstances in which those duties are performed, he may be allowed a compensatory allowance or other suitable concession with the prior concurrence of the competent authority. This will include Personal Allowance admissible w.e.f. 1st June, 1994 vide para 5(i) of Finance Division's O.M.No. F.1(2)-Imp/94(i) dated 15th June, 1994. Such personal allowance in case of BPS-17 to BPS-22 employees shall be reduced equal to annual increments and shall cease as his pay is increased equal to or more than his personal allowance].

**16. Qualification Pay/Allowance**

The deputationist would also be entitled to draw qualification pay/allowances which he has been drawing in his parent department. The qualification pay/allowance will not be related to the job but will be personal to the incumbent for possessing certain qualifications or passing an examination.

2. The above instruction shall come into force from the date of issue of this O.M. and shall replace the existing orders/ instructions on the subject.

[Authority:-Estt. Division's O.M.No.1/13/87-R.I, dated 3-12-1990].

**8.10 Terms and Conditions of Deputation  
of Civil Servants to Foreign Service  
in Pakistan**

Reference this Division's Office Memorandum of even number dated 3.12.1990, as amended from time to time Item No. 3 (Deputation Allowance) of the aforesaid O.M be substituted as under \*\*\*[w.e.f. 1.7.2005]:-

\* Substituted vide Establishment Division's O.M. No. 1/13/87-R-I, dated 12-2-1995

\*\* 'deputation'.

\*\*\*The words "with immediate effect" substituted with the words/figures "w.e.f. 1.7.2005" vide Estt. Div.'s O.M.No.1/13/87 dated 09-12-2006.

“@ 20% of the basic pay subject to a maximum of Rs. 6000/-- per month (both for Management Grade and non-Management Grade posts)”

2. This issues with the concurrence of Finance Division as contained in their OM No. 3(3)/R.3/2006-360, dated 27.5.2006.

*[Authority:- Estab. Div. OM No. F. No. 1/13/87- R.I, dated 12<sup>th</sup> June, 2006]*

### **8.11 Instructions to Regulate Cases of Transfers/Deputation of Staff from One Office to Another**

The following instructions are issued to regulate cases of transfers from one office to another of the ministerial staff employed in the Pakistan Federal Secretariat and its Attached Departments with particular reference to the position of a deputationist in his parent office as well as in the borrowing office.

2. Should temporary transfers to other offices be allowed (i) as a normal course, or (ii) only if considered necessary in the public interest.– Transfers should be allowed only in the public interest. The term "public interest" is explained in paragraph 4 below.

3. Should a transfer be allowed (i) normally in the same grade\*, or (ii) only if it involves promotion.– It does not appear necessary to lay down any hard and fast rules in this respect, since as stated in paragraph 2 above, transfers will be allowed only, if necessary, in the public interest, and it would, therefore, be immaterial whether a transfer is in the same grade\* or whether it involves promotion.

4. What should be done to ensure that the claims to promotion of those already employed in the borrowing office have been satisfied.– (a) It has been decided that, in fairness to the persons employed in the office in which a vacancy occurs, a person from another office should be appointed only if no person eligible and suitable for appointment is available in the office concerned. For this purpose, it should be placed on record by the appointing authority, or the Departmental Promotion Committee concerned, as the case may be, that none of the persons eligible concerned, for appointment from amongst the persons is available in the office. The reasons for declaring the persons employed in the office concerned as unfit for appointment to the post in question should be recorded by the authority concerned. When a person is appointed by transfer in the circumstances stated above, his transfer should be considered to have been made in the public interest. (b) When a transfer becomes necessary in the manner referred to above, it should

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\* BPS/post.

be arranged between the offices concerned without a reference to any outside authority. It may be pointed out that a transfer should be made only if it is permissible under the relevant rules relating to recruitment to the post or service concerned. In this connection attention is also invited to the Establishment Division Office Memorandum No. 54/2/48-Estt. (ME), dated the 21st November, 1949.

5. The position in his parent office of the person transferred temporarily to another office.— When a transfer has been made in the public interest as explained in paragraph 4 above, the interests of the person concerned should be protected in his parent office until he is confirmed in the borrowing office. For this purpose, when a vacancy occurs in a higher grade\* in his parent office, the person concerned should be considered therefor, and if he is selected for promotion in accordance with the relevant rules, he should be appointed formally (and not actually) to the post in the higher grade\*. Similarly, if he was officiating, at the time of his transfer, in post a higher than the one in which he was employed permanently, he should be considered for confirmation in the higher post when his turn comes. This would enable him to occupy, on reversion to his parent office, the position which he would have occupied had "next rule\*\*" should however, be

\* BPS/Post.

\*\* **Note:**

**Next Below Rule:** In initial substantive appointment of a government servant, his pay is fixed, if he holds a lien, on a permanent post in this manner: if the appointment involves assumption of duties and responsibilities of greater importance than those of the permanent post, he will draw as initial pay the stage of time scale next above substantive pay in respect of the old post. When appointment to the new post does not involve such assumption, he will draw, as initial pay at the stage of the time scale equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, till he earns an increment in the time scale of the old post or in the time scale of the new post, whichever is less, but if the minimum in the time scale of the new post is higher than his substantive pay, he will draw that minimum as initial pay. The guiding principle for the working of the next below rule, as given in FR 30(10) is that an officer outside his regular line should not suffer by forfeiting acting promotion had he remained in his regular line. Thus a fortuitous acting promotion of a junior officer to an officer outside the line of promotion, does not give rise to claim under the next below rule.

**Procedure for regulating pay under the 'next below rule':** The Governor General has sanctioned the adoption of the following guiding principle in regard to the working in future of the 'next below' rule. The intention of the so-called rule was apparently that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of some one junior to an officer who is out of the regular line does not, in itself, give rise to a claim under the 'next below' rule. Before such a claim is established it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, some other officer, even more junior should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

**(Late Govt. of India Finance Department Endst. No. F.27(1)-EX-I/36, dated the 20<sup>th</sup> February, 1936 and Home Department No. F. 52/36, dated the 6<sup>th</sup> February, 1936).**

The Ministry of Finance has had under consideration the question of operation of the 'next below rule' in the offices of the Government of Pakistan. The "next below rule" was a temporary

allowed to him in respect of a promotion nor should he be placed in an advantageous position *vis-a-vis* his colleagues in his parent office, by virtue of his promotion, if any, in the borrowing office. In other words, he should be considered, while on temporary deputation to the other office, as a member of his parent office for the purpose of confirmation, promotion, seniority *etc.* He should be allowed to revert to his parent office with the agreement of both the lending and the borrowing offices.

6. Seniority on transfer from one office to another.— (i) The instructions in the foregoing paragraphs regulate the position of a deputationist in his parent office. As regards his seniority in the office to which he is transferred, it should be determined in the following manner:-

- (a) When it is open to the person concerned to accept or refuse an offer of appointment in another office, he should count his seniority in the new office from the date of his transfer to that office.
- (b) When a person is compulsorily transferred to another office as a result of conscription, or alongwith the post and his work, he should be allowed to count his previous continuous service in the grade towards seniority in that grade in the new office.

It may be pointed out that separate seniority lists should be prepared in respect of (i) persons appointed on a permanent or a quasi-permanent basis; and (ii) persons appointed on a purely temporary basis, and the person obtained by transfer from another office should be assigned his appropriate place, in accordance with the above instructions, in the list of the persons to which category he belongs.

(ii) The seniority of a person, who went on deputation from one office to another before 31st March, 1951, should be determined in his new office, in accordance with the following instructions:-

- (a) In order to get the benefit of continuous service in a \*grade, a deputationist be permanent in that \*grade in his parent office, and not

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expedient designed to protect government servants from monetary loss and in effect meant the temporary upgrading of posts. It was originally intended that the expediency should not last more than six months in individual cases. Whatever may have been the held advantage in the past to leave a man undisturbed in the post by him if the exigencies of the public service required it, the need for such, considerations does not exist at present. It is the considered opinion of this Ministry that the concessions of the 'next below rule' should not be permitted except in very exceptional circumstances and that too for very short periods. It has been decided, therefore, that the cases wherein the benefit of the 'next below rule' has been conceded should be reviewed forthwith. The Ministry of Interior/*etc.* should take steps either to obtain the approval of this Ministry for the continuance of that benefit or to revert the government servant concerned to his parent office.

**(Ministry of Finance O.M. No. 1196-R.E.-G./47, dated the 7<sup>th</sup> December, 1947)**

\* BPS/post.

merely eligible for being made permanent. In case, however, he is subsequently made permanent in a \*grade in his parent office from a retrospective date, his seniority should be changeable in the borrowing Ministry/ Department, and he should be considered to be permanent on the date of transfer, and given the benefit of his continuous service in the borrowing Ministry/Department in that \*grade;

- (b) A deputationist can get the benefit of his continuous service in a \*grade in the borrowing Ministry/ Department only if he is appointed in the borrowing Ministry against a regular post in accordance with the roster prescribed in the Establishment Division Office Memorandum No. 54/2/48/Ests. (ME), dated the 21st November, 1949. If, however, he is appointed in the borrowing Ministry/Department against a temporary post, he will take seniority with effect from the date he is appointed against a regular post, and all persons in the borrowing Ministry who are permanent in that \*grade, or have been appointed according to the prescribed roster on the date of the deputationists temporary appointment, will take seniority over him.

7. Transfers as a result of conscription.— The interests of the person transferred compulsorily to another office as a result of conscription should be adequately protected in his parent office as stated in paragraph 5 above. In addition, when his turn for promotion to a higher \*grade comes in his parent office, he should be appointed to the post actually and be allowed the financial benefit of the "next below rule"<sup>\*\*</sup>.

8. Transfers alongwith posts.— As regards persons who are transferred to another office alongwith their posts, the question of the protection of their interest in their parent office will not arise, since they will be transferred on a permanent basis and will thus sever their connections with the previous office.

9. Protection of interests of temporary persons.— The above instructions apply to persons who hold permanent posts in their parent offices. As regards persons employed on a temporary basis, there is no question of the protection of their interests in their previous office, since, on transfer to another office, they will automatically cease to be members of their previous office. If, however, an occasion arises in which a temporary person is compulsorily transferred to another office as a result of conscription, the question regarding the protection of his interests in his original office should be decided in consultation with the Establishment Division.

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\* BPS/Post.

\*\* Note w.r.t para 5 SI.No.8.11.

10. Persons holding excluded posts.— Persons employed against "excluded posts" in the Pakistan Federal Secretariat and its Attached Departments are not eligible for appointment to posts in the regular cadre, vide Establishment Division Office Memorandum No. 54/1/48/Est. (ME), dated the 24th August, 1948. If a case arises in which a person holding a permanent appointment in the regular cadre is appointed temporarily to a post in the "excluded cadre", in view of his special or technical qualifications, his case should be considered as one of transfer to another office, and should be dealt with in the light of the instructions contained in the foregoing paragraphs.

11. These instructions take effect from the date of this Office Memorandum. It is necessary that, before a transfer is made, the position of the person concerned, both in his parent office and the borrowing office, should be specially determined in the light of these instructions and the decision communicated in writing to the person concerned as well as to the office to which he is transferred.

[Authority.- Estt. Division's O.M. No. 6/15/48-ME, dated 31-3-1951 read with O.M. No. 6/39/57-ME, dated 5-2-1958].

#### **Sl. No. 9**

#### **Grant of Deputation Allowance**

The term "deputation" has not been defined in the Civil Servants Act, 1973 and the rules made thereunder. However, in its judgement (PLD 1981 SC 531), the Supreme Court of Pakistan has enunciated the following explanation of the term deputation:

"According to the practice in vogue a Government servant begins to be regarded as a 'deputationist' when he is appointed or transferred, through the process of selection to a post in a department or service altogether different from the one to which he permanently belongs. He continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post."

2. On the basis of the above cited explanation, appointment of a civil servant of the Federal Government, other than an officer of the \*APUG, to a post in the Provincial Government would fall within the definition of deputation.

3. For the purpose of entitlement of deputation allowance, however, the above cited explanation of the term deputation is not relevant because deputation allowance sanctioned in Establishment Division O.M. No. 1/13/87-R.I, dated 3rd

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\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

December, 1990 is admissible only on "deputation of civil servants to foreign service in Pakistan". The term "foreign service in Pakistan" has been defined in Rule 9(7) of the Fundamental and Supplementary Rules. According to these rules a government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the Federation, or a Province or Railways fund. This means that deputation allowance is not admissible if a person is on deputation to a department of Federal or Provincial Government even outside the normal line of his service because he continues to receive his salary during such deputation from the general revenues of the Federation or a Province. Deputation allowance is thus admissible only in cases of 'deputation to foreign service in Pakistan' as defined in FR.9(7) and it is not admissible in cases of deputation to Ministries/ Divisions, Attached Departments or Subordinate Offices of Federal Government or Provincial Government or Railways.

4. It is requested that the Finance Division may kindly tender their advice on the point raised at para 2 above.

*[Authority.- Estt. Division's O.M. No. Dy.875/98-DS(E.I), dated 2-4-1999].*

### **9.1 Clarification About Deputation Allowance**

Reference Establishment Division's O.M. No.Dy.875/98-DS(E.I), dated 2.4.1999 on the subject noted above. In accordance with the existing policy instructions issued by the Establishment Division vide O.M. No.1/13/87-R.I, dated 03.12.1990, deputation allowance is strictly allowed to all government servants including Provincial Governments who are deputed under the standard terms of deputation in light of Circular quoted above. It is also confirmed that term "a foreign service in Pakistan",has been covered in rule 9(7) of the Fundamental and Supplementary Rules.

2. It is, therefore, clarified that a government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the federation or a province or railway funds. Subsequently, deputation allowance would not be admissible to a person on deputation to a department of Federal or Provincial Government even outside the normal line of his service because he continues to receive his salary during such deputation from the general revenue of federation or a province.

*[Authority.- Finance Division's O.M. No. F.12(1) R.3/99-386, dated 13-5-1999].*

### **9.2 Bar Against the Use of the Term "Deputation Allowance"**

It has been brought to notice that Ministries and Divisions frequently sanction "deputation allowance" for government servants without specifying the reason for the allowance.



2. At the outset, it may be stated that the term "deputation allowance" has not been used in the F.Rs and under those rules special duty or "deputation within Pakistan" is not recognized vide Audit instruction below F.R. 40. Such cases are correctly described as cases of temporary transfer. The use of the term "deputation allowance" to denote an addition to pay or an allowance granted to a government servant on his transfer from one department to another is technically incorrect and not recognized under the FRs. The position under these rules is that:

- (1) if on transfer from one department to another a government servant is appointed to a post for which pay and allowances have already been fixed he should, ordinarily, draw the pay and allowances attached to that post;
- (2) if he is transferred for temporary duty against a temporary post created for him, the pay of the post has to be fixed in accordance with the principles laid down in F.R. 40 and the government orders below that rule;
- (3) if it is not considered necessary to fix the pay of the post, the officer who is placed on temporary duty draws his own pay but if the duty involves the consideration mentioned in F.R. 9(25), a suitable special pay is sanctioned to him ;
- (4) if, however, the transfer does not attract the provisions of F.R. 9(25), but the grant of a compensatory allowance is justified e.g., where an officer has to incur extra expenditure due, for instance, to the expensiveness or remoteness of the locality to which he is transferred a suitable compensatory allowance is granted.

The classification of the additional remuneration, in either of the last two cases would depend on the reasons for which it is sanctioned.

3. The position stated above may be kept in view while sanctioning additions to emoluments on transfer of government servants. The terminology used in the sanctions should be strictly in accordance with the terms recognized under the FRs and the reasons for which additions to emoluments are sanctioned should invariably be specified in the sanction letter.

*[Authority. - Finance Division's O.M.No.F.3 (31)-R-II(I)/58, dated 15-8-1958].*

### **Sl. No. 10**

#### **Right of Reversion to Temporary Government Servants**

When the right of reversion is given to a temporary person, his case becomes analogous to that of a regular deputationist to some other office. Para 9

of the Office Memorandum, dated the 31st March, 1951 states the normal position in respect of temporary staff. If, however, the employing Ministry give the right of reversion to a temporary employee at their discretion, there is nothing wrong in it. The spirit behind the instructions contained in the Office Memorandum, dated the 31st March, 1951 was the protection of interests of deputationists to other offices while they are away.

*[Authority.- Estt. Division's U.O. Note No. 6/17/58-ME, dated 4-8-1958].*

### **10.1 Reversion of Probationers Undergoing Training at the Civil Services Academy to Their Former Post**

It has been decided that a probationer who holds lien against his former post where he was appointed otherwise than through Competitive Examination held by the Federal Public Service Commission, will be allowed to revert to that former post within 30 days of the commencement of common training programme at the Civil Services Academy. Such a probationer will not be allowed to revert in any case after the expiry of that period.

2. It is requested that the above decision may appropriately be incorporated in the offer of appointment in future.

*[Authority.- Estt. Division's O.M. No.1/17/87-T.V. dated 19-2-1987].*

### **10.2 Reversion of Deputationists**

Cases have come to the notice of the Establishment Division where officers whose services were obtained on deputation for a specific period were not returned by the borrowing department when the parent department asked for their reversion. Attention in this regard is invited to the Establishment Division's O.M. No. 1(28)/71-D. II, dated the 28th March, 1972 (Annex I), wherein it was laid down that officers obtained on deputation should be reverted to their parent department on the expiry of the period of deputation.

2. In the interest of efficient administration, it is reiterated that the above mentioned instructions should be followed rigidly and the deputationists reverted to their parent department on the expiry of the period of deputation unless the intention is to permanently absorb the deputationist in the cadre or department where he is serving on deputation and the recruitment rules for the post provide for such a course. In such cases, the consent of the deputationist to the suspension or termination of lien on his permanent post in the parent department, as well as the agreement of the parent department, should be obtained. With the completion of these formalities, the deputationist will be treated as regular member of the establishment of the borrowing department.

3. Where, however, it is not intended to permanently absorb the deputationist in the borrowing department, the deputationist must not be allowed to remain away from his parent cadre for unduly protracted period; he should be reverted to the parent department on expiry of the period of deputation as originally fixed. If the borrowing department needs the services of another officer having the qualifications or experience possessed by the deputationist, a request should be made to the lending department to depute some other officer in his place possessing the same qualifications or experience as far as possible. The borrowing department in no case should insist on retaining a particular individual beyond the original period of deputation.

4. All Ministries, Divisions and Departments are requested to examine the cases of deputationists with them and take necessary action in the light of the above instructions. If relaxation of these orders is required in any individual case, it may be referred to Establishment Division with full justification.

*[Authority.- Estt. Division's O.M. No. 1(28)/75-D.II, dated 6-3-1975].*

**(ANNEX I)**

(See Sl. No. 10.2)

**[Copy of Establishment Division O.M. No. 1(28)/71-D. II, dated the 28th March, 1972].**

The question has been raised whether the instructions issued in the Establishment Division O.M. No.1/23/71-D.II, dated 29th July, 1971 (Annex II) regarding proforma promotion apply also to past cases where proforma promotions had already been made prior to the issue of these instructions. The Ministries and Divisions are advised to review all such cases. If the officer had been allowed to proceed on deputation for a specific period, he should be required to revert to the parent department on expiry of that period. In case no period was specified, the parent department should examine the propriety of recalling the officer to the parent cadre as it is not administratively desirable that officers and staff should remain away from their parent cadre for unduly long period, say, more than 3 years in the case of gazetted officers and 5 years in the case of non-gazetted staff. However, if in the case of a particular department the number involved is large, the recall of the deputationists should be judiciously staggered so that no large scale reversions are caused in the parent office consequent on the recall of the deputationists. Priority in recall should be given to those who have been allowed proforma promotion in the parent cadre. Where, however, the borrowing departments are prepared to confirm such officers and staff on their own establishment (provided this is admissible in accordance with the recruitment rules applicable to the post) and the officer or staff is also willing to be so absorbed, reversion to parent cadre may not be insisted upon.

**(ANNEX II)**

(See Sl. No. 10.2)

**[Copy of Establishment Division O.M. No. 1/28/71-D.II, dated the 29th July, 1971].**

The Ministries and Divisions, as well as Attached Departments and Subordinate Offices, have, in the past, been ordering proforma promotions (also called promotions in absentia) of persons serving on deputation on foreign service, or in ex-cadre posts, as a matter of course on the sole ground that the deputationists had been approved for promotion by the D.P.C. of the parent department and a person junior to him had been promoted. This has resulted in the deputationists serving away from their parent department or cadre for unduly long periods as such persons not only enjoy better emoluments while on deputation but also feel secure that their interests are being fully protected in their own departments.

2. The intention underlying proforma promotions is to protect the interests of the government servant only in circumstances where the government servant is required to serve away from his parent cadre because of a definite

requirement of public interest and not merely to suit his own interests. Normally, therefore, a deputationist, as soon as he becomes due for promotion, should be required to revert to his parent department or cadre so that he is promoted to the next higher post for which he may have been declared fit. In case an offer of promotion is made to him and he declines to revert, he may be allowed to remain in the outside post on the clear understanding that he will not ask for proforma promotion. Only in exceptional cases where the borrowing department or organization expresses its inability to spare the officer, and the head of the parent department records, in writing, why he considers it necessary to keep the government servant on deputation in the ex-cadre appointment, may proforma promotions be made. Even in such cases the period for which the officer is allowed to continue to remain on deputation, with the benefit of proforma promotion, should be judiciously fixed so that the officer reverts to his cadre and is appointed to the post for which he has been approved for promotion, as early as possible. Such period should not normally exceed 6 months. All cases, where proforma promotions are allowed for a period exceeding 6 months, should be reported to the Establishment Division with full justification.

3. The Ministries/Divisions are also advised that in future whenever they send an officer or member of the staff on deputation to an ex-cadre post, or on foreign service, they should settle in advance the period of deputation with the borrowing office/organization on the expiry of which the government servant should revert to his parent cadre. While selecting persons for deputation, care should also be taken not to depute officers who would soon be coming up for promotion to the next rank in their own cadre and may have to be re-called. In the majority of cases, officers and staff are sent on deputation on their application or request. They should be warned that in case they fall due for promotion, they will have to revert to their parent cadre and they will not be allowed promotions in absentia.

4. The above instructions do not apply to senior appointments in international organizations such as the United Nations, the R.C.D. Secretariat\*, etc. to which officers are nominated by government having regard to their qualifications, experience and suitability. In such cases it may be presumed that the services of the officer have been placed on deputation with the foreign organization in the public interest, and proforma promotion, when called for, may be made.

### **10.3 Lien of Government Servants – Objective and Administrative Implications**

F.R. 14-A(b) provides that the lien suspended under F.R. 14 (a) (2) cannot be terminated while the government servant remains in government service except on his written request. The effect of this provision is that in a case where a government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne, he can retain his suspended lien in his

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\* ECO/Successor Organization

parent cadre for the entire period of his service under the government, vide Government decision below F.R. 14-A. It is possible that the exercise of this right will result in certain administrative difficulties in some cases.

2. These rules have been framed with a view to safeguarding the legitimate rights of government servants. It is not contemplated that their provisions should be so exploited as to cause administrative inconvenience to government. In a case, therefore, where the competent administrative authority feels that the retention of a suspended lien, on the post by a government servant after his appointment in a substantive capacity to an ex-cadre post for an indefinite period thereafter if the consent required for its termination under F.R. 14-A(b) is not given, is likely to cause administrative inconvenience, it is open to that authority not to allow, as a purely administrative measure, the making of the substantive appointment on the ex-cadre post. This is fully permissible and is not connected with the provisions of these rules. The Ministries and Divisions etc., may kindly note this for guidance and issue suitable instructions to the administrative authorities subordinate to them, emphasizing the necessity of having this point considered before substantive appointments in ex-cadre posts of government servants holding liens or suspended liens in the cadres administered by them are allowed. In this connection attention is invited to the Ministry of Finance endorsement No. 600-RIII/52, dated the 6th March, 1952 according to which borrowing departments etc., are required to consult the lending departments before confirming lent officers in the posts under the former's control.

*[Authority.- Finance Division's O.M. No. 8/36/59-E. XII, dated 13-3-1961].*

#### **10.4 Procedure for Confirmation of Deputationists**

Reference.- Ministry of Finance letter No.F.10(23) - EGII/ 48, dated the 10th June, 1949.

2. It has been brought to notice that there have been cases in which permanent officers belonging to a department or government while on deputation to another department or government have been confirmed in the latter without the formal concurrence of the former which is essential as stipulated in the Ministry of Finance letter No. F. 10 (23)EGII/48, dated the 9th December, 1948. It is requested that when an officer is confirmed in the borrowing government or department, prior formal concurrence of the lending government or department as well as the consent of the officer concerned should be obtained.

*[Authority.- Finance Division's letter No. 600-RIII/52, dated 6-3-1952].*

#### **10.5 Confirmation of Deputationists by Borrowing Offices**

There are a number of government servants who are substantive holders of permanent posts in one office but are on deputation to another. It has been brought to the notice of the Establishment Division that some times when such a

government servant, during the course of his service in the borrowing office, is confirmed, the parent office is not informed. As this practice causes administrative inconvenience to the parent office, it should be avoided. As laid down in the Ministry of Finance letter No. 600-RIII/52, dated the 6th March, 1952 permanent officers belonging to a government or department, while on deputation to another government or department, should not be confirmed in the latter without the prior formal concurrence of the former and the consent of the officer concerned. Once such confirmation is decided upon, after taking also into consideration the point emphasized in the Establishment Division O.M. No. 8/36/59-E.XII, dated the 13th March, 1961, a copy of the resultant confirmation orders should be endorsed to the lending government or department.

2. Should such a government servant continue to serve the borrowing government or department till the time of his retirement from service, information to the effect that he is being retired should be furnished to the lending government or department, unless the lien of the government servant in his parent cadre had been terminated at the time of his confirmation in the ex-cadre post, as visualized in the Establishment Division Office Memorandum, dated the 13th March, 1961 referred to in the preceding paragraph.

*[Authority.- Estt. Division's O.M. No. 8/7/64-F.I, dated 19-10-1964].*

#### **10.6 Counting of Period of Formal Promotion Towards Increment on Reversion to Parent Office**

It has been decided in consultation with the Ministry of Finance, that the persons on deputation to other offices who are appointed formally (and not actually) to officiate in accordance with paragraph 5 of the Office Memorandum, dated the 31st March, 1951, may be allowed to count the period of such officiating service towards increments in those higher posts, on reversion to their parent offices.

*[Authority.- Estt. Division's O.M. No. 6/15/48-MEI, dated 30-1-1953].*

#### **Sl. No. 11**

#### **Application of Section Officers for Ex-Cadre Posts**

Instances have come to the notice of the Establishment Division that Ministries/Divisions are forwarding applications of their Section Officers for appointment against ex-cadre posts without prior clearance of the Establishment Division, and the matter is referred to this Division for appointment to such posts on ex-post facto basis. This practice is not in order and violates the instructions contained in this Division Office Memorandum No. 3/7/68-C.III, dated 7-2-1970 and 23-10-1971 Ministries/Divisions are requested kindly to adhere strictly to the instructions under reference.

*[Authority.- Estt. Division's O.M. No. 11/11/73-C.III(B), dated 2-4-1973].*

### 11.1 Deputation of Section Officers Against Other Posts

A reference is invited to the Establishment Division O.M. No. 3/7/68-C.III, dated the 7th February, 1970 (Annex) on the above subject. It is stated that it has been decided that all applications of Section Officers for deputation to ex-cadre posts under the Government or Semi-Government Organizations will be in the first instance, scrutinised and examined by a Committee consisting of the Joint Secretary and Deputy Secretary of the Establishment Division and a representative of, at least Deputy Secretary's level of the Ministry/Division under whose administrative control the ex-cadre posts in question belong.

2. All Ministries/Divisions are accordingly requested to forward all applications received from Section Officers for appointment to any ex-cadre posts to the Establishment Division at least one month before the last date prescribed for the receipt of such applications by the authority concerned. While forwarding any application to the Establishment Division, the Ministry/ Division concerned should certify that the candidate possesses the requisite qualifications and experience prescribed for the post and that they will have no objection to release him if he is selected for the appointment.

3. In cases where the Section Officers are to be considered alongwith officers belonging to other services the recruiting agency should invariably forward a copy of the notification to the Establishment Division for reference.

*[Authority.- Estt. Division's O.M. No.3/7/68-C.III(B), dated 23-10-1971].*

#### (ANNEX)

**[Copy of Establishment Division's O.M. No. 3/7/68-C-III, dated the 7th February, 1970].**

It was decided by the government in early 1968, vide point No. 6 in the Establishment Division Office Memorandum No.1/ 11/66-C. III, dated the 14th February, 1968, that deputation of \*CSS officers to autonomous bodies, attached/subordinate offices should be encouraged to give them field experience. Pursuant to that decision, Ministries/Divisions have been deputing officers to other organizations but apparently in a haphazard manner. The following guidelines are, therefore, laid down for observance by all concerned:-

- (a) While framing recruitment rules for the posts in government and autonomous organizations for which the services of Section Officers can be gainfully utilized, the question of making them eligible for such appointments may be considered by the administrative Ministries/ Divisions concerned in consultation with the Regulations Wing of the Establishment Division and the \*\*Central Public Service Commission, where necessary.

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\* Central Secretariat Service (CSS), now Office Management Group (OMG),

\*\* Federal.



- (b) Where recruitment rules have already been framed, the question of revising them with a view to making a provision as proposed at (a) above, may be considered by the Ministries/Divisions concerned.
- (c) Where Section Officers are to be considered alongwith officers belonging to other services, then applications may be invited by the recruiting agency. Such applications from Section Officers will invariably be routed through the Establishment Division vide their O.M. No. 1/8/62-C. III, dated the 14th May, 1966.
- (d) For the posts against which only Section Officers are to be considered for appointment, the Ministries/Divisions concerned may place their requirements with the Establishment Division indicating:-
  - (i) Educational qualifications and experience prescribed for the post.
  - (ii) Pay Scale etc. prescribed for it.
  - (iii) Nature of the duties attached to it.
  - (iv) Method of selection.
  - (v) Any other special points required to be kept in view while making selection.
- (e) No Section Officer will be allowed to stay away on deputation for more than five years.

## **11.2 Gazetted and Non-Gazetted Technical Services**

A question has been raised whether the instructions contained in the Establishment Division O.M. No. 6/15/48-ME, dated the 30th January, 1953 are applicable to Gazetted and non-Gazetted technical services also. The matter has been considered in the Establishment Division, and it has been decided that there should be no objection to the cases of officials of the gazetted and non-gazetted technical services being decided in accordance with these instructions provided that the procedure laid down in Para 11 of the Establishment Division O.M. No. 6/15/48-ME, dated the 31st March, 1951 is observed in each case.

2. These instructions will take effect from 1st January, 1961.

*[Authority. - Estt. Division's O.M. No. 11/6/60-E, XI, dated 18-1-1961].*

**Sl. No. 12**  
**Deputationists from Provincial Governments**

The question has been raised whether, with the substitution of efficiency honorarium for advance increments, it is still necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium. After a careful consideration of the financial aspect of the matter, it has been decided that it will not be necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium provided the recommendations are not based on the recommendees' good performance under the Provincial Governments.

*[Authority.- Estt. Division's O.M. No. 5/63-CV/LR.II, dated 13-3-1965].*

**12.1 Change in Terms and Conditions  
of Deputationists**

A case has recently come to the notice of the Establishment Division in which a BPS 5 employee of a Provincial Government on deputation to the Federal Government was promoted to a BPS-16 post and subsequently to a BPS 17 post while on deputation, without consultation with the Provincial Government concerned. This has created an awkward situation for the Provincial Government in the matter of fixation of pay, grant of pension, etc. to the employee concerned on repatriation from deputation.

2. It may be recalled that a government servant on deputation continues to be under the rule-making control of the lending government and is governed by the rules of the lending government in matters of pay, leave, pension, etc. The lending government accordingly have a right to determine, in consultation with the borrowing government, the terms of his employment under the latter and these terms should not be varied by the borrowing government without consulting the lending government.

3. In view of the position explained above, it is brought to the notice of all the Ministries/Divisions etc. that no increase in pay or improvement in other service prospects should be allowed to any employee on deputation without consulting the lending government or department and without the approval of the Establishment Division.

*[Authority.- Estt. Division's O.M.No.1/4/86-R.I. dated 3-4-1986].*

## **12.2 Ruling Regarding Employees from Provinces/Authority on Deputation to Federation**

Under clause (2) of section 1 of the Civil Servants Act, 1973, that Act applies only to civil servants. Under sub-clause (i) clause (b) of section 2 of that Act persons who are on deputation to the Federation from any Province or other authority have been excluded from the definition of "civil servant". Therefore the Act or the Rules made thereunder are not applicable to such persons. Any rules having the force of law applying to such persons and existing before the coming into force of the permanent Constitution are to be treated as "existing laws", as defined in clause (7) of Article 268 of the Constitution and will continue to be in force by virtue of clause (1) of that Article. Under Article 241 of the Constitution also until the Parliament makes a law under Article 240 of the Constitution governing such persons, all rules and orders in force immediately before the commencing day are to continue in force in so far as they are not inconsistent with the provisions of the Constitution.

*[Authority.- Law Division's U.O. Note No. 763/75-Law, dated 13-5-1975].*

## **12.3 Convention Between the Federal Government and the Provincial Governments 'Inter-Se' Regarding Terms and Conditions of Deputationists**

As a government servant on deputation retains a lien on the permanent post in his parent office, he is ordinarily governed by the rules of the lending government in matters of pay, leave, pension, etc., and continues to be under the rule-making control of the lending government which has a right to recall him. The lending government accordingly has a right to determine in consultation with the borrowing government, the terms of his employment under the latter, and these terms should not be varied by the borrowing government without consulting the lending government.

2. A convention has been established between the Federal Government and the Provincial Governments on the one hand, and the Provincial Governments inter-se, on the other to the effect that no increase in pay or improvements in other service prospects should be offered to any such officer without consulting the lending government or department.

*[Authority.- Ministry of Finance letter No.F.10(23)-E.G.II/48, dated 9-12-1948 and 10-6-1949].*

#### **12.4 Appointment of Provincial Government Employees Against BPS 17 and Above Posts Under the Federal Government**

A question has arisen whether appointment to posts in BPS 17 and above under the Federal Government by appointment through deputation of officers of Provincial Governments are required to be approved by the competent authority in the Federal Government and if so under which legal-provision.

2. According to section 5 of the Civil Servants Act, 1973 appointment to civil posts in connection with the affairs of the Federation are made by the President or by an officer authorised by him in this behalf. Under Rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 made under the above mentioned Act, 1973 the appointing authority for the posts in BPS 17 and above is the Prime Minister. Therefore, according to section 5 of the Act read with Rule 6, the approval of the Prime Minister is necessary for appointment to posts under the Federal Government, but a doubt has arisen in the case of appointment of officers belonging to Provincial Governments to posts under the Federal Government. The Civil Servants Act, 1973 is applicable to civil servants vide sub-section (2) of Section 1 of the Act. According to definition of "civil servant" given in section 2 of the Act, a person who is on deputation to the Federation from any Province is not a "civil servant". The Civil Servants Act, 1973 does not, therefore, apply to cases of officers of Provincial Governments who are appointed by deputation to posts under the Federal Government. If this view is correct, the next question which arises is whether Article 241 of the Constitution would be attracted in such cases. Our view is that since no act has been made by the Legislature in respect of the officers belonging to Provincial Governments who may be appointed by deputation to posts under the Federal Government, the rules and orders which were enforced immediately before the coming into force of the Constitution, will continue to be applicable to such cases. This will mean that approval of the competent authority as required under the Rules of Business, 1973 which were applicable before coming into force of the Constitution should be obtained in such cases. Under these rules, the approval of the President was necessary to first appointment to Class I posts under the Federal Government. The President, in the present context means the Prime Minister. The approval of the Prime Minister, or of the persons authorised by him in this behalf, should therefore, be obtained before making appointments of officers of the Provincial Governments to posts connected with the affairs of the Federation. In other words, if the Civil Servants Act, 1973 is not applicable to deputationists from the Provincial Governments, we are not left in void. The law provides for the continuance in force of all previous rules and orders where the Civil Servants Act, 1973 is not applicable.

3. The Law Division is requested for advice on the views of the Establishment Division.

*[Authority.- Estt. Division's U.O.Note No.4/1/74-D.III, dated 8-5-1975]*

**12.5 Deputation of Officers/Staff in  
\*Gilgit Baltistan of the Federation/  
Provinces and Vice Versa**

Government of Pakistan have decided that the officers/staff employed in the \*Gilgit Baltistan should be made interchangeable with comparable categories of officers/staff working in other parts of the country, including the provinces. This decision may kindly be brought to the notice of all concerned for information and necessary action.

[Authority.- Estt. Division's letter No.15/3/73-AV, dated 12-5-1973]

**12.6 Bar Against Asking Officers by  
Name for Posting in Corporations/  
Autonomous Bodies**

There is a growing number of cases where government servants have approached the various Ministries and Divisions and have managed to obtain offers by name for posting to the Ministry/Division concerned or to a corporation or autonomous body under them. It has also come to notice that the corporations and autonomous bodies negotiate directly with officers serving in other departments and Ministries and ask for their release for posting with them. This procedure is neither regular nor proper. The posts generally carry additional benefits like special pay, deputation allowances *etc.* It is, therefore, not fair to confine selection to one or two names which a Ministry/Division may specify. Other officers with requisite qualification and experience with equal, if not better, record of service and senior to those asked for are not considered simply because they do not happen to be known to senior officers in the Ministry or Corporation wanting such officers.

2. The Establishment Division will not now entertain requests for particular officers. This Division will be constrained to take disciplinary action against a government servant, if it is established that he has secured offer through influence or pressure. It is, therefore, requested that all Ministries and Divisions should communicate their requirements to the Establishment Division specifying the qualifications and experience *etc.* required for the incumbent of a post. The selection of a suitable officer will be made by the Establishment Division from amongst all those government servants who answer the required qualification and experience *etc.* In making the selection, the Establishment Division will continue to consult the referring Ministry. If there are any special considerations for which the services of a particular officer are required, such requests should come at the level of Secretary or Additional Secretary Incharge of Division and it should be clearly explained why a particular officer is being asked for.

3. So far as corporations are concerned, the Establishment Division propose to prepare panels of officers of various occupational groups\*\* in different

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\* Previously Northern Areas.

\*\* Services to be added.

grades\* whose services may be lent to the corporations. All future postings to corporations will be made out of these panels. Appointment will be made for a period of at least two years during which the officer will not be eligible for consideration for promotion in his parent department. Officers within the zone of promotion will not, as far as possible, be included in the panels with a view to obviating the possibility of dislocation in the work of the corporation in the event of their recall on promotion by the Ministry concerned.

*[Authority.- Estt. Secretary's D.O. letter No.4/1/75-A.R.C., dated 24-6-1975].*

### **SI. No. 13**

#### **Bar Against Allowing Officers to go on Deputation Against Lower Posts**

It has come to the notice of the government that some Ministries/Divisions allowed their officers to go on deputation to foreign service in Pakistan to posts lower in emoluments and responsibility than what they had in the government. This resulted in wasteful utilization of government officers, embarrassment to the officers and difficulties in fixing their emoluments.

2. It has, therefore, been decided to request the Ministries/ Divisions that they should not henceforth depute any of their officers to a post which is lower in emoluments and responsibility than the one he is holding in his parent office.

*[Authority.-Estt. Division's O.M. No. 3/5/ 68-A.III, dated 19-3-1968].*

### **SI. No. 14**

#### **Benefit of Promotion in Parent Cadre while in Foreign Service**

It appears that the position regarding promotion, in their parent cadres, of government servants transferred to 'foreign service' [as defined in Fundamental Rule 9(7)], and the benefit occurring to them from such promotion is not clear in some quarters.

2. Cases of promotion, in their parent cadres, of government servants who are transferred to foreign service and the emoluments admissible to them are regulated by the provisions of Fundamental Rules 113 and 114 which fall in Chapter XII of Section I of the Fundamental and Supplementary Rules, Vol. I, and not by the proviso to the 'next below rule' i.e., the second proviso below F.R. 30 which falls in Chapter IV of those Rules and applies in cases of government servants serving outside their ordinary line within government service.

3. According to F.R. 113, a government servant transferred to foreign service remains in the cadre in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or

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\* BPS.

officiating promotion in those cadres as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to F. R. 114, read with orders issued thereunder, which have been printed in Appendix No. II to the Fundamental and Supplementary Rules, Vol. II, a government servant transferred to 'foreign service' in Pakistan shall, unless his duties in foreign service involve a decided increase in work or responsibility in comparison with duties of his post in government service, be allowed the same remunerations as he would have received from time to time in government service but for his transfer to foreign service. It follows from these orders that if a government servant who is on deputation to foreign service is promoted in his parent cadre, he should, if he continues to remain in foreign service, be allowed the remuneration which he would have received in the higher post in government service to which he is promoted. The higher remuneration would, of course, be payable by the foreign employer.

[Authority.- Finance Division's O.M. No. F. 6(4)-R2/65, dated 9-2-1966].

#### **14.1 Drawal of Rewards, Remuneration and Other Concessions Not Specifically Sanctioned**

Government Order under F.R. 114 and para 1 of Appendix 11 to Fundamental Rules, and Supplementary Rules, Vol. II provides that no government servant shall be permitted to receive any remuneration or enjoy any concession which is not specifically settled, and that if the sanctioning authority is silent as to any particular benefit it must be assumed that it shall not be enjoyed.

2. Audit Instruction No. 2 below F.R. 114 reads that government servants on foreign service cannot accept any reward or remuneration not covered by the terms of their transfer to foreign service unless it is specially sanctioned subsequently by the authority competent to sanction their transfer to foreign service.

3. It has come to the notice of the government that the above provisions of the rules/instructions have not been followed by some of the autonomous/semi-autonomous/statutory bodies. In flagrant violation of rules/instructions, government servants on deputation to autonomous bodies *etc.* have been allowed the services of \*Peons/Orderlies exclusively for residence, Chowkidar and servants at the residence and transport exclusively for the deputationist without the knowledge and sanction of competent authority. Government have taken serious note of such irregularities. With a view to ensuring financial discipline, the Provincial Governments and the autonomous bodies are requested to discontinue, forthwith, such unauthorized concessions being enjoyed by the government servants on deputation.

[Authority.- Finance Division's O.M. No. 1(32)/ 69-A.III, dated 12-7-1969].

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\*Naib Qasid.

**Sl. No. 15****Recovery of Leave Salary and Pension Contribution in Respect of Federal Government Employees on Deputation to Foreign Service within Pakistan or Abroad**

\*In accordance with Fundamental Rule 116, the rates of contributions payable on account of pension and leave salary shall be such as the President may by general orders, prescribe. The existing rates are contained in Appendix 11-A, FRs and SRs Vol.II. The question regarding revision of the rates and mode of recovery etc., of leave salary and pension contributions has been engaging the attention of the government for some time past. It has now been decided to prescribe a uniform rate of recovery of pension contributions at 33.33% of the mean of minimum and maximum of the pay scale\*\* of the \*\*grade held by the government servant concerned at the time of his proceeding on foreign service, plus other emoluments (reckonable for pension) which would have been admissible to him had he not been deputed on foreign service. The above prescribed rate of pension contribution shall apply to all Federal Government employees whether on deputation to foreign service within Pakistan or abroad.

2. In future, the pension contributions in all cases shall be payable by the foreign employers. However, in the case of government servants presently on deputation to foreign service\*\*\* within Pakistan or abroad, pension contributions shall be paid by the foreign employers or the government servants concerned, as the case may be, according to the agreed terms of deputation.

3. As regards leave salary contributions, it has been decided that no leave salary contributions shall be recovered from foreign employers, but leave/leave salary shall be sanctioned/paid during the period of foreign service by the foreign employers. The Federal Government employees sent on deputation to \*foreign service who, under the revised procedure, are granted leave and paid leave salary by the foreign employers, shall not count the period spent on foreign service for earning leave under the Government of Pakistan.

4. These orders shall take effect from 01-01-1982. Formal amendments to the relevant rules shall be issued separately.

*[Authority. - Finance Division's O.M. No. F. 5(5) Reg.7/79-1407, dated 15-12-1981].*

### **15.1 Procedure for Recovery of Leave Salary and Pension Contributions**

According to the procedure laid down in Part VI of Appendix 3 of FRs and SRs, Vol. II, a copy of the orders sanctioning a government servant's transfer to

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\* Recovery of Leave Salary and Pension contributions may be made as per revised rates as amended from time to time.

\*\* BPS.

\*\*\* Deputation



foreign service should always be communicated to Audit and Accounts Officer concerned. The terms and conditions of foreign service and other detailed particulars regarding pay to be drawn in foreign service are required to be furnished to the Audit and Accounts Officer so that the rates of monthly leave salary\* and pension contributions are intimated to foreign employer, the government servant concerned and his department. Any promotion or reversion in the parent department is also to be reported to the Audit and Accounts Officer concerned. The contributions paid into the government account are accounted for by the Audit and Accounts Office and recoveries in individual cases are watched.

2. It has come to the notice of the Finance Division that in several cases the orders of transfer of a government servant on foreign service do not reach the Audit and Accounts Office concerned or, if received, the terms and conditions and other particulars are not given therein. Consequently, the rates of monthly contribution cannot be intimated by the Audit and Accounts Office to the foreign employer and the government servant concerned, with the result that the contributions are not deposited promptly and regularly. There have been many cases in which the government servants completed their tenure of foreign service in Pakistan or abroad and returned to their parent department without depositing the leave salary and pension contributions due to the reason that the Audit and Accounts Office concerned is not informed in time about their transfer on \*\*foreign service. The required particulars are not furnished by the department to the Audit and Accounts Office and consequently the latter are not in a position to intimate the rates of monthly contributions resulting in their non-deposit. In case of deputations abroad, loss of foreign exchange is suffered by government if the pension contribution is payable by the government servant and he returns to Pakistan on completion of his tenure without depositing the contribution for the reason that the amount was not intimated to him in due time.

3. In view of the position stated above, all Ministries/Divisions are requested to ensure that in future all sanctions regarding the deputation on foreign service are invariably addressed to the Accounts Offices concerned. While sanctioning the transfer of a government servant on foreign service, the monthly rates of leave salary and pension contribution should be invariably indicated in the sanction. The rates so indicated by the departments concerned may be provisionally adopted for depositing the contributions promptly and regularly every month till the final rates are intimated by the Audit and Accounts Offices on receipt of which the excesses/deficiencies, if any, can be adjusted. The Audit and Accounts Officers will check the accuracy of the rates and watch the recoveries of the contributions and their proper accounting in the government accounts.

*[Authority.- Finance Division's O.M.No.F.5(5) Reg.7/77-1082-(2), dated 28-2-1980].*

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\* Note.-Under the latest orders no leave-salary contributions are recoverable from the foreign employer/government servant.

\*\* Deputation.

### **15.2 Recoveries of Dues from Government Servants in Foreign Exchange**

A reference is invited to the Finance Division O.M. No. F. 1(8) EF (B. II)/76-2720 dated the 14th July, 1976. It is stated that the question of recoveries from government servants due in foreign exchange has been re-examined in consultation with the Ministry of Law. The position is that the government is legally entitled to recover the exact amount in the currency in which the overpayment was made or the dues became recoverable. It has, therefore, been decided that if the overpayment was made or dues became recoverable in a particular currency, the recoveries should be made in that currency or in equivalents of US dollars according to the rate of exchange between that currency and the US dollar on the date of recovery. If, for any reason, such as posting in Pakistan on retirement, etc. recoveries cannot be effected in foreign exchange these can be effected in Pakistani rupees. However, since permission to pay such dues in local currency is in fact permission to purchase foreign exchange for refund to government the rate of exchange applicable in such cases shall be the rate prevailing on the date on which such recoveries are actually effected. Finance Division's O.M. dated the 14th July, 1976 quoted above may please be deemed to have been modified accordingly with immediate effect.

*[Authority. - Finance Division's O.M.No.F.1(8)EF (B.II)/80-2689, dated 18-12-1980].*

## II. (B) TRANSFER TO FOREIGN SERVICE OUT OF PAKISTAN: DEPUTATION

### **Sl. No. 16**

#### **Receiving or Soliciting Direct Offers of Appointment from Private Firms/Organizations**

It has been noticed that some government servants are directly receiving or soliciting offers of appointment from private firms/organisations based in foreign countries and are seeking government clearance for accepting such offers on deputation basis. This practice, which is on the increase, is against Government Servants (Conduct) Rules, 1964. It is obvious that in all cases of this nature, the government servants while still in government service, had established contacts with the private firms/ organisations offering the appointment. This tendency has to be curbed because it is quite possible that the firm/organization, offering the appointment to the government servant concerned, may be doing so in consideration of some favour done to the firm by the government officer concerned. It has, therefore, been decided that any government servant receiving such an offer of employment from a private firm/organisation abroad will not, in future, be allowed to go on deputation. He will have to resign from government service before he is allowed to accept the appointment with a private firm/organisation based in a foreign country.

2. These instructions, however, do not affect the offers of appointments or submission of applications against vacancies announced by foreign governments or international agencies. The existing procedure prescribed in such cases will continue to be observed and the relevant cases should be sent for approval to the Special Selection Board in the prescribed manner.

*[Authority.- Estt. Division's O.M. No.1/23/ 66-T.IV, dated 6-10-1977].*

#### **16.1 Adequate Circulation of Vacancy Notice – View of Special Selection Board**

Extract from the minutes of the meeting of the Special Selection Board is reproduced below :-

"The Special Selection Board was of the view that in cases where nominations against senior posts were called for, the sponsoring Ministries/Divisions should bring the offers to the notice of the concerned Ministries/Divisions at the level of the Secretary/Joint Secretary."

2. It is requested that Ministries/ Divisions concerned may kindly take necessary action in the matter as indicated above as soon as job descriptions are received by them.

*[Authority.- Estt. Division's O.M. No. 1/103/ 71-A.VII, dated 30-10-1971].*

### **16.2 Decisions by Special Selection Board**

The following decision of the Special Selection Board taken in its meeting held on 24th July, 1977 is conveyed for necessary compliance:-

“Whenever a Ministry/Division receives a vacancy notice from any international organization, it may be adequately circulated among the concerned agencies and all the applications received be forwarded to the Establishment Division for SSB's approval with clear recommendations”.

*[Authority.- Estt. Division's O.M.No.1/23/66-A. VII/T.IV, dated 6-8-1977].*

### **16.3 Circulation of Vacancy Notices**

Despite the instructions contained in the Establishment Division's O.M. No. 1/23/66-T.IV, dated the 23rd June, 1977, instances of inadequate circulation of Vacancy Notices received from various international/regional organizations are on the increase. In future all Vacancy Notices may please be circulated to all the Ministries/Divisions concerned and Provincial Governments and copies of all such notices endorsed to the Joint Secretary (Training), Establishment Division, Rawalpindi\*.

*[Authority.- Estt. Division's O.M. No. 1/23/ 66-T.IV, dated 16-4-1978].*

### **16.4 Circulation of Job Descriptions**

It has been observed that the job descriptions of various posts received from the international organizations are not being circulated properly amongst the Ministries/Divisions concerned and the Provincial Governments. It has also been noted that, in many cases, the nominees are not qualified for the jobs. It has, therefore, been decided that in future the Ministries/Divisions should;

- (i) circulate the vacancy announcements amongst the Ministries/ Divisions concerned and Provincial Governments well in time;
- (ii) nominate only those officers who are properly qualified for the jobs;

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\* Cabinet Block, Islamabad.

- (iii) nominate, at least, three candidates for each job to enable S.S.B. to pick up the best suited candidates; and
- (iv) to ensure adequate circulation of job descriptions, the Ministries/ Divisions receiving vacancy announcements direct from international organizations should send the copies of their circulars to Economic Affairs Division and Establishment Division indicating the Ministries/Divisions to whom the particular job is being circulated.

*[Authority.- Estt. Division's O.M. No. 4/3/80-T.IV, dated 18-8-1980].*

### **Sl. No. 17**

#### **Functions of the Special Selection Board**

The following decisions taken in the Special Selection Board's meeting held on 13th October, 1977 are conveyed for information and compliance:-

- (i) All cases of postings of non-Foreign Service officers in Pakistan's missions abroad like Commercial Secretaries, Educational Attaches, Labour Attaches\*, Information Officers, etc. (excluding Intelligence and Defence personnel) should be referred to the Establishment Division for clearance of Special Selection Board ;
- (ii) The cases of deputation of government servants to international agencies and foreign governments should, as before, be referred to the Special Selection Board for clearance. However, no such case will be entertained in which the officers have been received by government officers direct. Only such nominations will be entertained as are received by the Ministries/Divisions through proper channel.

2. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by a Ministry/Division or the Provincial Governments which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not conform to the revised procedure stated above will be returned to the sponsoring Ministries/Divisions unapproved.

*[Authority.- Estt. Division's O.M. No. 1/23/66-T.IV, dated 26-10-1977].*

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\* Community Welfare Officers.



### **17.2 Sparability Certificate**

The following instructions were issued vide Establishment Division's letter No. D.1700/79-T.IV, dated 17th November, 1979 :-

"The Establishment Division controls \*Pakistan Administrative Service, Tribal Areas Group, Secretariat Group, Police\*\* and Office Management Group(s) and all service matters of officers of these groups are being dealt with by this Division. It has, therefore, been decided that the Establishment Division will be the final authority to determine the sparability of officers of the above mentioned groups for jobs within or outside Pakistan. The Ministries/Divisions concerned would, of course, be provided a substitute of equal ability".

2. It has been observed that sparability certificates are not issued in accordance with the aforesaid instructions. The Special Selection Board is, therefore, unable to consider such cases with the result that they get delayed and the facilities lapse. To avoid such situations, it is requested that it may please be ensured that the sparability certificates of candidates for deputation to foreign government/international agencies belonging to the above mentioned groups are issued strictly in accordance with the instructions contained in letter No. D.1700/79 T.IV dated the 17th November, 1979.

*[Authority.- Estt. Division's O.M. No. D. 1700/79-T.IV, dated 6-10-1981].*

### **17.3 Requirement of Second Approval by S.S.B**

The Special Selection Board in its meeting held on 28th July, 1981 decided that the candidates once approved by it for a job in an international organization will require fresh approval of the Board if they intended to apply subsequently for a similar job in any international organization.

*[Authority.- Estt. Division's O.M. No. 1/221/ 80-T.IV, dated 5-9-1981].*

### **17.4 Clearance for Posting Abroad or on Deputation**

The President has been pleased to direct that all government personnel being posted abroad on government appointments or on deputation with other agencies whether they are members of any service group or are professional such as educationists and scientists will have to be cleared by the intelligence agencies before they proceed to take charge of their assignments. The names of such persons will be forwarded to the D.I.B., ten to twelve weeks before they are scheduled to leave. The individuals will be sent abroad only when clearance has been obtained from the Intelligence Bureau.

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\* Previously "District Management Group".

\*\* Police Service of Pakistan.

2. It is requested to ensure that the above instructions are enforced strictly with immediate effect and government servants under administrative control of Ministries proceed abroad only when they have been cleared by the Intelligence Bureau.

[Authority.- Estt. Secretary's D.O. letter No.1/102/83-I-IV, dated 18-7-1983].

### **Sl. No. 18**

#### **Standard Terms and Conditions of Service for Government Servants Who Proceed for Service Abroad**

In supersession of this Division's letter of even number dated the 23rd November, 1970, on the subject noted above, the decision of the President is that the government servants who proceed for service abroad, whether in government or in private sector, will be allowed the following terms and conditions for the period of their deputation:-

- (1) The period of deputation will be treated as foreign service and will commence from the date of release from the \*Central Divisions/ Provincial Departments and will terminate on the date of resumption of duty under the \*Central/ Provincial Government.
- (2) During the period of foreign service, the person concerned will be entitled to pay allowances and travelling facilities (including passage for himself and his family to the place of employment under the borrowing government and back on termination of the contract) in accordance with the regulations of or the terms and conditions offered by the borrowing government.
- (3) The person concerned shall, during the period of his foreign service, pay to the Government of Pakistan through the Pakistan Mission in the borrowing country, in foreign currency in which he receives his salary from the foreign employers, pension contribution in accordance with the relevant rules of and at the rate prescribed from time to time by Government of Pakistan. On delayed payments of these contributions, interest shall be payable under S.R. 307. Till such time as the rates of pension contribution are ascertained and intimated by the Audit Office concerned the person concerned shall provisionally pay pension contribution in foreign currency on the basis of the \*\*length of his service at the rate given in \*\*\*Appendix No.11-A to the F.R. and S.R. Vol.-II.

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\* Federal.

\*\* Note.- For latest orders see Finance Div.'s O.M.No.F-5(5)Regs 7/79-1407, dated 15 12-1981.

\*\*\* Note: The rates of pension contributions may be made as per revised rates as amended by Finance Division from time to time.



- (4) During the period of foreign service, the person concerned will continue to subscribe to the G.P. Fund or any other Fund of the same nature of the \*Central/Provincial Government according to the rules and orders regulating subscription to that Fund. The amount of subscription is payable in foreign exchange and he shall remit the necessary amount in foreign exchange every month to a scheduled bank in Pakistan which shall pay to the Accounts Officer the rupee equivalent thereof at the official rate of exchange on the basis of his pay which would have been admissible to him in government service, but for his transfer to foreign service.
- (5) The leave terms of the person concerned during the period of his foreign service will be regulated according to the rules of or the terms and conditions offered by the borrowing government. Leave salary due in respect of such leave will be payable by the borrowing government to the person concerned. No part of the leave earned by him during the period of foreign service will be credited to his leave account with the \*Central/Provincial Government, nor will any liability in respect of leave salary on account of such leave devolve on the government. The \*Central/Provincial Government will not recover any leave salary contribution from the borrowing government. The person concerned will also not be entitled to receive any leave salary, from the \*Central/Provincial government in respect of disability arising in and through foreign service with the borrowing government.
- (6) During the period of foreign service, the person concerned will not be entitled to receive any leave salary from Central\*/Provincial Government in respect of disability leave on account of any disability arising in or through foreign service, even though this disability might manifest itself even after the termination of foreign service.
- (7) During the period of foreign service, the person concerned will not be entitled to any medical facility in respect of himself and family members at the expense of the Central\*/Provincial Government.
- (8) The person concerned shall be on deputation with the borrowing government for the period originally agreed upon. Any extension beyond the original period of deputation shall not be made without the approval of the Government of Pakistan. Any extension without the approval of the Government of Pakistan will be treated as an irregularity on the part of the person concerned and may call for disciplinary action.

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\* Federal.

- (9) Further, if the person concerned during the period of his deputation becomes entitled to any additional benefit, or is appointed to any post involving alteration in his emoluments, he will intimate particulars of such appointment to the Government of Pakistan for information. Any modifications of the terms involving additional liabilities on the government will require their prior approval.
- (10) The person concerned shall retain his lien if he is holding a permanent post, or if allowed by the Department/Division, as a special case.

2. In the case of government servants who are already on deputation abroad, sanctions already issued should be amended particularly in the light of sub-paras (4) and (5) of the preceding para, under intimation to the government servant and the Accounts Officer concerned.

*[Authority.- Labour and Local Bodies Division's letter No. 15-1 (18)/70-EI, dated 1-3-1973].*

### **18.1 Maximum Period of Employment Abroad**

It has been decided that government servants who have gone abroad on their own and are in employment with private bodies on contract terms may be allowed to remain abroad till termination of their contract period provided that their total period of foreign employment does not exceed 5 years. Such government servants should submit copies of their contract/documents, duly authenticated, through the Pakistan Missions concerned to their administrative Ministries so that their liens may be maintained and they may now be required to return by the 30th June, 1978.

2. In this connection, attention of all concerned may be invited to Fundamental Rule 18 which lays down that unless the President, in view of the special circumstances of the case, shall otherwise determine, after 5 years continuous absence from duty, elsewhere than on foreign service in Pakistan, whether with or without leave, a government servant ceases to be in government employ. It would therefore be in their own interest if the government servants who are serving abroad on their own with private organizations or on foreign service terms ensure that the period of 5 years continuous absence from duty in Pakistan if not exceeded without proper government sanction.

3. The Ministries and Divisions are requested to review immediately the cases of the government servants under their administrative control who have been continuously absent from their duty owing to their employment with organizations outside Pakistan either on their own or on foreign service terms and take steps to ensure that those who have completed 5 years period return immediately to their duty in Pakistan failing which they shall cease to be in government employ under F.R. 18 except where their absence in excess of 5 years is covered by proper government sanction or where they are bound by some terms of contract which should be

produced by them. In the latter cases, the Ministries/Divisions concerned may take action to obtain government sanction in terms of F.R. 18 to cover the period exceeding 5 years.

*[Authority.- Estt. Division's O.M. No. 1/23/ 66-T.IV, dated 24-6-1978].*

### **18.2 Option of Premature Retirement by Deputationists Abroad**

Reference Establishment Division Office Memorandum No. 1/8/74-AVII/T.IV, dated the 24th September, 1974. In modification of the instructions issued in that Office Memorandum, it has been decided that government servants who have completed five years abroad and have not completed 25 years of service should be asked to return to Pakistan. Government servants who have completed 25 years of service qualifying for pension may opt for retirement from service in Pakistan if they wish to continue in international agencies beyond the prescribed tenure of five years.

*[Authority.- Estt. Division's O.M. No.1/8/ 74-A.VII/T.IV, dated 3-12-1974].*

### **18.3 Extension in Deputation – Decision by Special Selection Board**

The following decision of the Special Selection Board taken in its meeting held on the 24th July, 1977 is conveyed for necessary compliance:-

- (i) xxxx    xxxx    xxxx
- (ii) All the cases of extension be referred to the Establishment Division and where the administrative Ministries think that extension should not be granted, they may make the recommendations but should obtain the approval/decision of the Special Selection Board/ Establishment Division invariably in all cases.
- (iii) All extensions upto 5 years may be liberally recommended but beyond 5 years no extensions should be recommended.

*[Authority.- Estt. Division's O.M. No.1/ 23/ 66-A-VII/T.IV, dated 6-8-1977].*

### **18.4 Deputation Against Pakistani Posts Abroad**

It has been observed that the officers going on deputation abroad against Pakistani posts stay abroad beyond the tenure fixed for the posts in question. They ask for extension on various grounds and sometimes put pressures for extending their tenure. The government has taken a serious view of the prevailing situation and has decided that the Ministry/Division concerned will, in future, automatically move the case for recall of the officer 6 months before completion of his normal

tenure and submit a panel of names for consideration of the Special Selection Board to enable the latter to select a suitable person to succeed the officer already abroad.

*[Authority.- Estt. Division's O.M.No.1/23/ 80-T.IV, dated 20-8-1980].*

### **18.5 Deputation Against Pakistani Posts Abroad – Proposal for Replacement**

In continuation of the Establishment Division's O.M. No. 1/23/80-T.IV, dated 20th August, 1980, it is reiterated that a proposal for replacement of an officer on deputation should be initiated six months before his tenure is due to expire. In case an officer is promoted during his deputation abroad and has more than six months of his tenure left, he should be given a notice of six months to return and join his new post.

*[Authority.- Estt. Division's O.M. No. 1/23/80-T.IV, dated 23-9-1980].*

### **18.6 Extension in the Deputation of Officers Posted in Pakistan Missions Abroad**

Reference Establishment Division O.M. No. 1/23/80-T. IV, dated 23rd September, 1980 on the subject. It is stated that the period of deputation of non-diplomatic officers posted in Pakistan Missions abroad should not be more than 3 years.

2. According to the current practice, while deputation of these officers is approved by the Special Selection Board and the Prime Minister, the extensions in their deputation period are being granted by the Ministries/Divisions concerned themselves. It has, however, been noticed that a number of officers have been holding these posts for more than 3 years and requests for extensions beyond their normal tenure are not uncommon. To maintain uniformity in granting extensions to the officers posted against Pakistani posts abroad, it has been decided that extension for a period of one year may continue to be allowed by the Ministries/Divisions in deserving cases. However, cases involving extension beyond one year should henceforth be put up to the Special Selection Board for decision.

*[Authority.- Estt. Division's O.M. No.1/97/ 83/T.IV, dated 26-3-1986].*

### **SI. No. 19**

#### **SOPs for Recalling of Officers Posted on Deputation against Pakistan's Positions Abroad.**

As per standing instructions circulated vide Establishment Division's O.M. No.1/23/80-T-IV dated 20-08-1980 and O.M No.1/97/83.T-IV dated 26-03-1986. It is observed that the controlling Ministries/Divisions in disregard to

the above instructions do not process cases of recalling of /and or granting extension to officers on deputation to Pakistan's positions abroad well in time resulting in inordinate delays and lapses. Besides, most of the cases of extension beyond one year are referred to the Special Selection Board (SSB) at the eleventh hour by the Ministry/Division concerned and they also fail to select a substitute for the said post within the stipulated time. The Prime Minister has taken a serious view of such delays/negligence and it has therefore been decided to direct the administrative/controlling Ministries/Divisions that the following standard operating procedures with regard to recalling of and or granting extension to officers on deputation to Pakistan's position abroad shall be strictly observed to avoid such failures in future:—

- i. The normal tenure of posting in Pakistan Missions abroad deputation against permanent seats of Pakistan in International Organizations shall be three years.
- ii. No Ministry should extend the period of deputation invariably all such cases where an extension in deputation is essential or required under any specific circumstances should be referred to SSB at least 08 months before the end of tenure. The SSB shall consider the request on merit and furnish its recommendations for orders of Prime Minister within 30 days. No extension shall be allowed without Prime Minister's approval irrespective of pay scale of the deputationist.
- iii. The parent/administrative/controlling Ministry/Division shall both issue a recall notice at least 06 months prior to the end of tenure and also start the process of selection of replacement. Failure to do either of the two things shall be considered a failure of the Secretary of the Ministry/Division concerned.
- iv. Medical reasons/study of children abroad should not be considered a justification for extension.
- v. The parent Ministries/Divisions will remain vigilant regarding tenure and recalling of their officers on deputation abroad. In case no reference for extension is received or the request of the controlling Ministry/Division for extension has not been consented, as the case may be, the parent Ministry/Division will issue a recall notice to the officer at least six months before expiry of the normal period of deputation.
- vi. Such recall notices in respect of officers belonging to Pakistan Administrative Service (PAS), Police Service of Pakistan (PSP), Secretariat Group and Office Management Group will be issued by the respective wings of the Establishment Division holding

administrative control of these service groups/cadres at least six months before expiry of the normal period of deputation.

2. Failure to observe these procedures or non-compliance of the standing instructions on the subject shall render the officers concerned of the Ministries/Divisions/Departments liable to disciplinary action under the Government Servants (Efficiency & Discipline) Rules, 1973.

3. Ministries/Divisions Provincial Governments are directed to bring the above instructions to the notice of all concerned for strict compliance.

[Authority:— Establishment Division's O.M. No.1/9/2004-T-IV dated 17-09-2014].

### **SI. No. 20**

#### **Deputation of Pakistanis in International Organisations as Short-Term Consultant**

Officers of the Government of Pakistan/Provincial Governments are sometimes engaged by international organisations as Consultants and paid consultancy fee plus other benefits. Under SR-12, they are required to deposit 1/3rd of the fee into General Revenues. It has, however, been noticed that these instructions for crediting portion of the fee to government are not being followed by the Ministries/Divisions and Provincial governments in the case of consultancies abroad. The Ministries/ Divisions are requested to apply the provisions of SR-12 strictly when officers go abroad as Consultants.

[Authority.- Estt. Division's O.M. No. 1/27/80-T.IV, dated 13-4-1980].

#### **20.1 Consultancy Assignments**

*Consultancy Assignments.* The Special Selection Board has further simplified the procedure for consultancy assignments to the following extent:-

- (i) consultancy may be allowed for a period not exceeding six months during the five years cycle;
- (ii) one consultancy should not be for more than 90 days;
- (iii) the Establishment Division may consider any relaxation with regard to (i) & (ii) on case to case basis and recommend to the competent authority, if deemed appropriate; and
- (iv) all the cases of consultancies relating to officers in BPS 17-22 will be put up to the Prime Minister for approval.

[Authority:— Estab. Div.'s OM No. 1/8/81-T-TV, dated 13<sup>th</sup> June, 1996]

## 20.2 Procedure for Deposit of Consultancy Fee

Reference.- Establishment Division's O.M. No. 1/27/80-T. IV, dated 13th April, 1980.

2. It has further been decided by the Special Selection Board that a copy of the letter sanctioning terms and conditions of the officers (including the condition that one third of the fee/ remuneration may be deposited into the General Revenues) may be endorsed, in future, to the AGPR and Accountants General of the Provinces in the case of federal and provincial employees respectively as well as to the Pakistan Embassy in the country where the officer is taking up the consultancy. One copy should also be sent to the Training Wing, Establishment Division.

[Authority.- Estt. Division's O.M. No. 1/27/80-T. IV, dated 22-9-1980].

### Sl. No. 21

#### Policy Concerning Promotion of Civil Servants on Deputation Abroad

A civil servant, if selected for appointment in any international agency, foreign government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority 'vis-à-vis' their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:-

- (i) Promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad will only be considered after he resumes duty on return to Pakistan.
- (ii) Such officers may be given timely intimation to return so that they can earn at least one \*annual confidential report before their cases come up for consideration in accordance with their seniority position.
- (iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation,

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\* Now Performance Evaluation Report (PER).

his case will be deferred till he returns to Pakistan on completion of 5 years and earns a \*confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases, the officer's names will be removed from the existing Seniority List and placed on a separate Static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the Seniority List only after he resumes duty on return. In such cases also, the officer must earn a \*confidential report for one full year before he is considered for promotion. If approved for promotion he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

*[Authority.- Estt. Division's O.M.No.10 (3)/ 81-CP.I dated 25-6-1984].*

### **21.1 Policy Governing Civil Servants on Deputation Abroad**

The Cabinet in its meeting held on 17.4.1989 took the following decision on the summary submitted by Manpower and Overseas Pakistanis Division:-

"A maximum of 20% of Government servants in all \*\*grades will be allowed to take up overseas employment. For this purpose the Government servants would be required to leave their jobs and would not be allowed to retain lien on their appointments. This may be considered for appointment on their return, if vacancies in the relevant \*\*grades are available".

2. The deputation abroad covers the following categories:-

- (a) deputation of officers from Government of Pakistan to a foreign government.
- (b) deputation of officers from Government of Pakistan to international organizations/agencies; and
- (c) employment of government servants in private organizations/agencies at their own.

3. It is informed that officers coming under categories (a) & (b) at para 2 above would continue to be governed by the existing policy on the subject issued vide Establishment Division's O.M. No. 10/3/81.CP.I, dated 25.6.1984. The new

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\* Performance Evaluation Report.

\*\* BPS.



policy will only apply to the cases covered by para 2 (c) i.e. government servants who take up overseas employment in private organizations/agencies on their own, would have to leave their jobs without any lien on their appointments in Pakistan.

4. The decision contained in this O.M. will come into force with immediate effect and will not effect the cases decided prior to its date of issue.

5. The above decision of the Cabinet may be widely circulated to all concerned.

*[Authority.- Estt. Division's O.M. No.1 (91)/89-T.IV, dated 17-5-1990].*

### **21.2 Size of Family Members of Serving Personnel Selected for Secondment Abroad**

Reference Ministry of Defence U.O. No.2/1/D-17/2000/3519/ Secy, dated April 24, 2000 and the meeting of Joint Chief Staff Committee held on January 25, 2000, on the above subject. The competent authority has been pleased to approve the following:-

1. Individuals already selected for secondment abroad on the process of departure and having more than 4 children be given an option to either proceed abroad without family or their names be excluded from secondment (a certificate to be rendered to this effect by the selected individuals).
2. No part families will be permitted for secondment abroad.
3. For uniform government policy on the subject at national level, the decision would be implemented in all government departments.
4. The decision of Joint Chief Staff Committee shall not apply to:-
  - (a) Offices of Pakistan Foreign Service, who shall be exempted from the above as an exception.
  - (b) Government servants on deputation/employment abroad with international organizations/foreign governments where no funds of Government Pakistan are involved.

*[Authority:- Estt. Div.'s O.M. No.5/1/2000-T.IV, dated 23-8-2000]*

### **21.3 Size of Family Members of Serving Personnel Selected For Secondment Abroad**

In continuation of Establishment Division's O.M. of even number dated August 23, 2000 on the above noted subject, it is stated that the competent authority has been pleased to approve the following amendment in the aforementioned O.M.:-

For: No part families will be permitted for secondment abroad.

Read: No part families will be permitted for secondment abroad, except families having non-dependent children i.e. boys enrolled/ serving in the armed forces or pensionable government jobs and girls married and living with their husbands

*[Authority:- Estt. Div.'s O.M.No.5/1/2000-T.IV, dated 4-11-2000]*

### **21.4 Deputation Abroad Beyond Five Years and Placement in Static List**

Refer to the Establishment Division O.M. No. 10(3)/81 CP.I, dated 25th June, 1984 regarding policy governing civil servants on deputation abroad.

2. Till recently, government servants on deputation to international organizations and foreign governments were required to come back after spending five years of their deputation abroad. This policy has been reviewed and, in accordance with para 4 of the O.M. referred to above, government servants can stay abroad beyond 5 years under certain conditions. The relevant provision of the policy is reproduced below:-

"Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases, the officer's name will be removed from the existing Seniority List and placed on a separate Static List with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the Seniority List only after he resumes duty on return. In such cases also, the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge".

3. It is, therefore, requested that cases of government servants, who wish to stay abroad beyond five years, may kindly be processed accordingly.

*[Authority:- Establishment Secretary's D.O. letter No.1/40/83-T.IV, dated 24-3-1985].*

**Sl. No. 22****Publicity of Vacancies in International Agencies, Foreign Governments and Private Organizations**

With reference to the Establishment Division Office Memorandum of even number dated 25-6-1984, it is stated that some civil servants serving abroad on deputation with various international agencies, foreign governments or private organizations have complained that sufficient publicity has not been given to the policy contained in Establishment Division Office Memorandum under reference.

2. All Ministries/Divisions were requested vide para 5 of the Establishment Division's Office Memorandum dated 25-6-1984 to bring the instructions on the subject to the notice of civil servants already serving on deputation abroad and those allowed to proceed on deputation in future. This may please be ensured.

*[Authority:- Estt. Division's O.M. No.10(3)/81-CP.I(A). dated 19-5-1985].*

**22.1 Size of Family Members for Secondment Abroad**

In continuation of this Division's O.M. of even number dated 23-8-2000 and 04-11-2000 on the above subject, it is stated that the competent authority has been pleased to approve the following:-

- (a) The family of the official who proceeds abroad single, will be allowed to retain government accommodation in Pakistan during the period of secondment abroad subject to the condition that the official will not have accommodation on government expense at two stations i.e. in Pakistan as well as outside Pakistan; and
  - (b) There is no objection to the members of the families proceeding abroad at their own expense. However, no part families will be permitted.
2. These instructions may please be circulated for strict compliance.

*[Authority:- Estt. Div.'s O.M.No.5/1/2000-T.IV(Z), dated 27-8-2001]*

**22.2 Deputation of Defence Officers in Civil : Requisition by Name**

Reference the instructions regarding above subject issued by the Defence Division vide their U.O.No.F.2/84/D-24/88, dated 23.12.2000 and F.2/33/D-24(C-IV)/88, dated 24.10.88. Despite the above instructions there has been an increasing tendency of requisitioning services of officers of the armed forces by name. Ministries/Divisions are, therefore, requested that in future services of armed forces officers in civil departments shall not be requisitioned by

name. Further, for processing of cases of such nature in future, the following guidelines shall be observed:-

- (i) When services of personnel of the armed forces are required for posting against any civil post, the proposal to this effect shall be forwarded by the respective Ministry/Division to the Ministry of Defence indicating the post with BPS/pay and allowances job description and the period for which the services are required (copy of the same shall also be forwarded to the COS to the Chief \*Executive for information).
- (ii) Defence Division, in consultation, with the concerned Services HQ and with the approval of the COAS shall forward the panel of officers of armed forces to the Ministry/Division concerned who will make selection of the most suitable officers and obtain approval of the competent authority for secondment of the officer with the civil departments.
- (iii) On receipt of confirmation/approval from the borrowing Ministry/Division. Defence Division will convey the same to the Services HQ concerned to allow the officers to join the respective organization.

*[Authority:- Estt. Div.'s O.M. No.1/99/2000-CP-6, dated 10-01-2001]*

### **22.3 Terms and Conditions of Deputation Abroad of Police Officials on UN Peace- Keeping Missions**

Reference Finance Division's UO No. 3(7)R-10/94-902/2001, dated 23<sup>rd</sup> January, 2002 on the above subject.

2. The deputation of police officials under various UN Missions is approved by the competent authority from time to time in accordance with the request of Ministry of Interior. The proposed terms and conditions will be applicable in all the cases approved by the competent authority, from time to time, under United Nations Peacekeeping Missions abroad.

3. In view of the above, Finance Division is once again requested for vetting of the draft terms and conditions proposed by Ministry of Interior read with this Division vide OM of even number dated 16.5.2001, 13.8.2001, 16.11.2001 as the matter has been considerably delayed and Ministry of Interior is pressing hard for clearance of the terms and conditions of deputation of police personnel under United Nations Peacekeeping Missions abroad.

*[Authority:- Estab. Div.'s O.M. No. 5/2/2001-T-IV, dated 28-01-2002]*

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\* In the present context, it would imply COS to the President; the Principal Secretary to the Prime Minister.

**Sl. No. 23****Deployment of Police Personnel in UN Missions**

Reference Estab. Div. OM No. 5/2/2001-T-TV, dated 28<sup>th</sup> January, 2002 on the above subject. Finance Division is of the view that the deployment of police personnel in UN Missions cannot be considered as deputation to foreign service unless they pay these personnel, the salary, allowances and other facilities. Deployment of personnel in UN Missions means that the person will go out of the cadre. The cadre means under FR 9(4) the strength of a service or a part of a service sanctioned as a separate unit. According to FR 9(7), foreign service means the service in which the government servant receives his substantive pay with the sanction of the Government from any source other than the revenue of the Governor General\* or of a province etc. "If we consider these police officials on foreign service, they cannot be paid salary and other facilities from the revenues of the Government of Pakistan. Moreover, UN is allowing them subsistence grant. When the subsistence grant is allowed to a government servant by a foreign mission, he cannot be paid the salary from revenues of Government of Pakistan. The provision of FR-9(27) is as under:

"Subsistence grant means a monthly grant made to a Government servant who is not in receipt of pay or leave salary".

2. In view of this provision in the financial rules, the police officials sent to serve the UN Missions cannot claim or cannot be paid the salary from the revenues of Government of Pakistan, in this case the concerned Police Department. They can claim pay from the Government of Pakistan or Police Department concerned when they serve under the Government of Pakistan. The rule position has been clarified under FR-9(28) as under:

"The substantive pay means the pay other than special pay, personal pay or emoluments classed by pay by the Governor General under rule 9(21) (a) (iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre".

When a police personnel is serving in the UN Mission, he is not serving against his substantive post or substantive post or substantive position in a cadre. He cannot be paid pay from the general revenue of Government of Pakistan.

3. From the provisions of above rules, it is clear that police personnel sent to serve the UN Missions cannot claim pay from Government of Pakistan as they did not serve the Government of Pakistan as they did not serve the Government of Pakistan or in their cadre. Moreover, since they will be in receipt of

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\* President; Revenues of Government of Pakistan.

subsistence grant or allowance they cannot be paid salary. Their period of duty in UN Mission will also not be counted for the purpose of pension unless they pay pension contribution. This period will also not count for the maintenance of leave account. They are also required to contribute towards GP Fund etc. However as a special compensation the government may allow the families of such police personnel to retain the government accommodation and medical facilities.

4. In view of above, Establishment Division is requested to reconsider the proposed terms and conditions of police personnel so as to bring these in line with the rules.

5. This issues, with the approval of the competent authority.

*[Authority:- Finance Div.'s OM No. F.3(7)-R-10/94, dated 7<sup>th</sup> March, 2002].*

**23.1 Deputation/Employment etc. of  
Government Servants with International  
Organizations/Foreign Governments/  
United Nations Specialized Agencies**

Reference this Division's O.M No. 1/65/90-T-IV dated April 22, 1998 on the above subject. The policy on employment with international organizations/UN specialized agencies has been reviewed. It has been decided that civil servants, who are selected by international organizations/UN specialized agencies, may invariably be treated as "on deputation" for a maximum period of five years, after obtaining clearance of the Special Selection Board and approval of the competent authorities (Chief Executive\*) for officers in BPS 19 and above and Establishment Secretary for officers in BPS 17 & 18 with the following modifications conditions:-

- (i) The policy shall also apply to the case of deputation to foreign governments (both in Pakistan and abroad);
- (ii) The deputation shall be made initially for a period equal to the approved tenure of appointment offered by the borrowing international agencies/foreign governments, subject to renewal;
- (iii) Survey bond shall be executed by the government servant concerned that he will revert to the parent government/department on completion of the approved tenure of deputation and in case of default he will render himself liable to E&D proceedings for misconduct (un-authorized absence);
- (iv) No government servant shall approach the international agencies/foreign governments, for seeking employment etc. directly;

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\* Prime Minister.

**\*Instructions to Para IV above.**

When such Government Servants seek approval of competent authority for deputation after receiving offer of appointment without fulfilling procedural requirement of obtaining NOC from Establishment prior to applying for the job, their cases are likely to be declined as per governing instructions which create embarrassing position not only for the concerned Government Servants but also for the Government of Pakistan before the International Organizations /UN Specialized Agencies.

- (v) The government servant proceeding on deputation, under the above policy, shall vacate the government allocated residential accommodation, as per extant rules.
- 2. The competent authority for officials in BPS 16 and below/equivalent, shall continue to be the administrative Secretary of the Ministry/Division.
- 3. All Ministries/Divisions/Provincial Governments are requested to ensure compliance of the above instructions.

*[Authority:- Estab. Div.'s O.M No. 5/3/2002-T-IV, dated 18-09-2002]*

**Sl. No. 24****Recruitment to "Excluded Posts" and of Persons in Subordinate Offices for Appointment in Secretariat/Attached Departments**

Certain posts with technical qualifications were excluded from the ordinary cadre of departments for recruitment, provided these should not be transferred or promoted to posts in the ordinary cadre in any office. Experience in India, however, showed that the clerical establishment Secretariat/ Attached Offices hardly included any post considered really requiring technical qualifications. In effect, the posts removed from the ordinary cadre for technical qualifications generally provided a 'back door' entry. Another objection was that the persons appointed to "excluded posts" were not eligible for transfer or promotion to posts in the ordinary cadre, and had to remain throughout service in the post in which they were initially appointed, unless there were some other "excluded posts" to which they could be promoted. After some years of service, the persons appointed against "excluded posts" saw that their contemporaries recruited against ordinary posts were promoted. They felt discontented though recruited for a particular type of work in view of their technical qualifications and had no claim for promotion to posts which did not fall within their ambit. Yet, they harboured a grievance and put forward their claim for promotion in the ordinary cadre for experience of Secretariat work a claim supported by departments. The requests had to be refused.

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\* Added vide Estt. Div.'s O.M No. 5/3/2002-T-IV dated 1<sup>st</sup> July, 2013.

2. Establishment Division considered that there was no need to provide for an "excluded cadre" in the clerical establishment recruitment to which was then made through FPSC. If there was any post requiring technical qualifications, it should be sanctioned separately from the clerical cadre and recruitment thereto made.

3. The justification for this provision was that the experience of a person employed in a Subordinate Office could be of any real advantage to an Attached Department or Division only if the experience was of a technical or special nature. It followed that the transfer of a person from a Subordinate Office the Secretariat could be justified if the post to which he was appointed required technical or special qualifications he had by his experience in the Subordinate Office. The post could be treated like other posts with technical or special qualifications.

4. The issues were:-

- (i) Whether future rules for recruitment to Ministerial Establishment in the Federal Secretariat/Attached Departments should include a provision:-
  - (a) for posts "excluded" from their ordinary cadre for the purposes of recruitment;
  - (b) for setting aside a portion of posts in Ministries/Divisions/Attached Departments for recruitment from Subordinate Offices;
- (ii) If (i) (b) was true, should persons recruited by transfer from Subordinate Offices be eligible for appointment in offices other than those in which they were initially appointed by transfer from Subordinate Offices.

5. The considered views were as follows:-

- (a) There should be no "excluded cadre". Technical posts should be sanctioned and recruitment made in consultation with the FPSC.
- (b) A percentage of posts should be set-aside for recruitment from Subordinate Offices and that these persons should be eligible for appointment and promotion only in offices in which they were appointed by transfer.

6. As a result, *direct recruitment* to all posts and vacancies in the clerical and Assistants' grades in Secretariat/Attached Departments was to be by Establishment Division through FPSC.



7. The posts requiring special or technical qualifications were to be created, in prior consultation with this Division, as isolated posts and recruitment made in consultation with FPSC. Persons recruited against these posts were not eligible for appointment to any posts in the clerical or Assistants' grades, or to higher posts (in the grade of Superintendent or Assistant Secretary), whether or not they held, prior to their appointment to the special or technical posts, in the regular cadre. Similarly, persons, holding non-technical appointments, e.g. Stenographers, were ineligible for appointment to these posts.

8. As for posts "excluded" from the regular cadre under orders in force in undivided India, they were to be separated from the regular cadre under intimation to Establishment Division. The future cadre of clerks and Assistants in Ministries/Divisions/Attached Departments, consisted of posts sanctioned by Ministry of Finance *minus* the "excluded posts".

**[Source Adapted from Establishment Division's Office Memorandum No. 54/1/48-Ests. (ME) dated 14-8-1948, 27-5-1948, 27-8-1950, 27-7-1949 and 19-4-1954, Establishment Manual, Vol. III, Sl. Nos. 98, 99 and 100, pp 140-145].**

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\*Now Assistant Private Secretary.

CHAPTER-4

**THE REVISED LEAVE RULES**  
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## CHAPTER 4

**THE REVISED LEAVE RULES**

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## THE REVISED LEAVE RULES

### **Sl.No.1**

#### **Revised Leave Rules, 1980**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. **Short title, application and commencement.**— (1) These rules may be called the Revised Leave Rules, 1980.

(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Division's Office Memorandum No.F.1(2)-Rev.I/78, dated the 21st September, 1978.

(3) They shall come into force at once.

2. **When leave earned.**— (1) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(2) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.

3. **Earning and Accumulation of leave.**— (1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to the leave account as "Leave on Full Pay", duty period of fifteen days or less in a calendar month being ignored and those of more than fifteen days being treated as a full calendar month for the purpose.

(2) If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.

3. There shall be no maximum limit on the accumulation of such leave.

4. **Civil Servants in Vacation Department.**— A civil servant in vacation department may earn leave on full pay:-

(a) When he avails himself of full vacation in a calendar year \_\_\_\_\_ at the rate of one day for every calendar month of duty rendered;

(b) When during any year he is prevented from availing himself of the full vacation \_\_\_\_\_ as for a civil servant in a non-vacation department for that year; and

- (c) When he avails himself of only a part of the vacation \_\_\_\_\_ as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

5. **Leave on full pay.**— The maximum period of leave on full pay that may be granted at one time shall be as follows:—

- |     |  |          |
|-----|--|----------|
| (a) | Without medical certificate.....                                       | 120 days |
| (b) | With medical certificate.....  | 180 days |
|     | plus   |          |
| (c) | On medical certificate<br>from leave account in<br>entire service..... | 365 days |

**Note.**— Under the Prescribed Leave Rules, 1955, leave on half average pay could be converted into leave on full pay on the strength of Medical Certificate upto a maximum of twelve months in terms of leave on full pay in the whole service. The account of this kind of leave was separately maintained in column 14 (a) of the leave account under the said Rules. Such leave availed of by the civil servants before the introduction of these rules, shall be debited against the maximum limit of 365 days fixed under this rule.

6. **Leave on Half Pay.**— (1) Leave on full pay may, at the option of the civil servant, be converted into leave on half pay, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(2) The request for conversion of leave referred to in sub-rule (1) shall be specified by the civil servant in his application for the grant of leave.

(3) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

7. **Leave to be Applied, etc., in Terms of Days.**— Leave shall be applied for, expressed, and sanctioned, in terms of days.

8. **Carry Forward of Existing Leave.**— All leaves at credit in the account of a civil servant on the first day of July, 1978, shall be carried forward and expressed in terms of leave on full pay and the leave account in such cases shall, with effect from the first day of July, 1978, or, in the case of a civil servant who was on leave on that date, with effect from the date of his return from leave, be recast as under:—

- |     |                       |         |
|-----|-----------------------|---------|
| (i) | Leave on average pay: |         |
| (a) | 1 month.....          | 30 days |
| (b) | 1 day.....            | 1 day   |



- (ii) Leave on half average pay:
  - (a) 1 month..... 15 days
  - (b) 2 days ..... 1 day

Note.– Fractions, if any, shall be ignored.

9. **Extraordinary leave (leave without pay).**– (1) Extraordinary leave without pay may be granted on any ground upto a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years, and, in case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the head of his office:

Provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with the extraordinary leave.

(2) Extraordinary leave upto a maximum period prescribed under sub-rule (1) may be granted, subject to the conditions stated therein, irrespective of the fact whether a civil servant is a permanent or a temporary employee.

\* (3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.

10. **Recreation leave.**– Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay:

Provided that such leave shall not be admissible to a civil servant in a vacation department.

11. **Leave not due.**– (1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty-five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the civil servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority. \*\*[ ].

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\* Added vide Finance Division's Notification No. F.1(45)-R 4/81, dated 13-2-1982.  
 \*\* Omitted vide Finance Division's Notification No. S.R.O. 218(KE)/93, dated 24-10-1993.

12. **Special leave.**— (1) A female civil servant, on the death of her husband, may be granted special leave on full pay, when applied for a period not exceeding one hundred and thirty days.

(2) Such leave shall not be debited to her leave account.

(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

13. **Maternity leave.**— (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty-five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinements beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

(6) Leave salary to be paid during maternity leave shall be regulated, as for other leave, in accordance with the formula contained in the Finance Division Office Memorandum No. F. 9(16)-R. 1/69, dated the 26th July, 1969, read with its Office Memorandum of even number dated the 28th November, 1969.

(7) The leave salary to be paid during maternity leave will, therefore, remain un-affected even if an increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

14. **Disability Leave.**— (1) Disability leave may be granted, outside the leave account on each occasion, upto a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than a seaman or a civil servant in part-time service, disabled by injury, ailment or disease contacted in course or in consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay of the remaining period.

15. **Leave Ex-Pakistan.**— (1) Leave ex-Pakistan may be granted on full pay to a civil servant who applies for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad, and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

(3) The leave pay shall be payable in Sterling if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to a maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after the 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spend their leave.

(6) Leave ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rules 5, 6 and 9.

16. **Leave preparatory to retirement.**— (1) The maximum period upto which a civil servant may be granted leave preparatory to retirement shall be three hundred and sixty-five days.

(2) Such leave may be taken, subject to availability, either on full pay, or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the civil servant.

\*(3) An officer of BPS-21 or BPS-22 who, on or after the 19th day of February, 1991, opts to retire voluntarily after he has completed twenty-five years of service qualifying for pension may be granted leave preparatory to retirement equal to entire leave at his credit in his leave account on full pay or till the date on which he completes the sixtieth years of his age, whichever is earlier:

Provided that such officer shall not be entitled to conversion of leave preparatory to retirement on full pay under rule 6 into leave on half pay].

\*\*[17. **Encashment of refused leave preparatory to retirement.**— (1) If in case of retirement on superannuation or voluntary retirement on completion of thirty years qualifying service a civil servant cannot for reasons of public service, be granted leave preparatory to retirement duly applied for in sufficient time, he will in lieu thereof be granted lump-sum leave pay for the leave refused to him subject to a maximum of \*\*\*[three hundred and sixty five days leave on full pay]].

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\* Added vide Finance Division O.M. No. F.1(8)-R.4/89, dated 30-5-1991.

\*\* Subs. vide Finance Division Notification No. SRO 281(I)86, dated 10-3-1986.

\*\*\* Subs.vide Finance Division (Regulation Wing) Notification No.SRO 70(KE)/2012 dated 29-8-2012.

(2) Such leave can be refused partly and sanctioned partly but the cash compensation shall be admissible for the actual period of such leave so refused not exceeding \*[three hundred and sixty five days].

(3) The payment of leave pay in lieu of such refused leave may be made to the civil servant either in lump-sum at the time of retirement or may, at his option, be drawn by him month-wise for the period of leave so refused.

(4) For the purpose of lump-sum payment in lieu of such leave, only the "Senior Post Allowance" will be included in "Leave Pay" so admissible.

(5) In case a civil servant on leave preparatory to retirement dies before completing \*[three hundred and sixty five days] of such leave, his family shall be entitled to lump-sum payment equal to the period falling short of \*[three hundred and sixty five days].

**18. Power to refuse leave preparatory to retirement, etc.**– (1) Ordinarily, leave preparatory to retirement shall not be refused.

(2) All orders refusing leave preparatory to retirement to a civil servant and recalling a civil servant from leave preparatory to retirement shall be passed only by the authorities specified below:

**[(i)	For civil servants of BPS-20 and above.	Prime Minister
(ii)	For civil servants in BPS-17 to 19	Appointing Authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and
(iii)	For civil servants in BPS-16 and below	As above in (ii).]

(3) The authorities specified in sub-rule (2) shall not delegate these powers to any other authority.

\*\*[(4) All proposals regarding refusal of Leave Preparatory to Retirement to the Officers in BPS-17 and above shall be submitted to the respective appointing authorities with detailed justification at least three months before the officer is due to proceed on such leave].

\*\*\*[18-A. **Encashment of leave preparatory to retirement.**– (1) A civil servant may fifteen months before the date of superannuation or thirty years qualifying service on or after the 1st July, 1983, at his option, be allowed to encash his leave preparatory to retirement if he undertakes in writing to perform duty in lieu

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\* Subs.vide Finance Division (Regulation Wing) Notification No.SRO 70(KE)/2012 dated 29-8-2012.

\*\* Subs. vide Finance Division's Notification No.F.1(2)/R.4/2000 dated 21-2-2001.

\*\*\* Subs. vide Finance Division Notification No. F.1(73)-R.4/84, dated 18-12-1984.

of the whole period of three hundred and sixty-five days or lesser period which is due and admissible].

\*[Provided that a civil servant who does not exercise the option within the specified period shall be deemed to have opted for encashment of LPR]. This amendment shall be effective from the 5<sup>th</sup> March, 1990.

\*\*Provided further a civil servant appointed or posted as Officer on Special Duty with or without an assignment of duty, shall be deemed to have performed duties in lieu of the period of LPR within the meaning of this rule.

\*\*\*[(2) In lieu of such leave, leave pay may be claimed for the actual period of such leave subject to a maximum of @[three hundred and sixty five days].

@[(2A) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July,2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the case may be, retiring on or after the first day of July,2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(2B) The encashment of LPR shall also be applicable to employees of the autonomous and semi-autonomous bodies under Administrative control of the Federal Government which have adopted basic pay scales scheme and these rules in toto].

@[(3) If at any time during such period, leave is granted on account of ill health supported by medical certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted].

(4) The civil servant shall submit the option to the authority competent to sanction leave preparatory to retirement, who shall accept the option and issue formal sanction for the payment of cash compensation.

[(5) For the purpose of payment in lieu of such leave.–

- (a) the rate of pay shall be the rate admissible @@[at the time the leave pay is drawn],
- (b) the leave pay may be drawn at any time for the period for which duty has already been rendered; and

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\* Added vide Finance Division Notification No. F.1(1)-R-4/90-320, dated 11-3-1990.

\*\* Added vide Finance Division (Regs. Wing) SRO No. (1)/2007, dated 27.10.2007.

\*\*\* Subs. vide Finance Division's Notification No. SRO 1022 (1)/85 dated 14-10-1985.

@ Added and Subs. vide Finance Division Notification No. S.R.O. 70(KE)/2012, dated 29-8-2012.

@@ Subs. vide Finance Division Notification No. F.(1)73-R-4/84 dated 12-03-1986.

- (c) only the "Senior Post-Allowance" will be included in the leave pay as admissible].

\* [(6) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

**\*\*19. In-service death, etc.–** (1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump-sum payment equal to leave pay upto **\*\*\***[three hundred and sixty five days] out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump-sum payment under sub-rule (1), only the "Senior Post Allowance" will be included in the leave pay" so admissible".

**20. Reasons need not be specified, etc.–** (1) It shall not be necessary to specify the reasons for which leave has been applied so long as that leave is due and admissible to a civil servant.

(2) Leave applied for on medical certificate shall not be refused:

Provided that the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have the applicant medically examined.

**21. Leave when starts and ends.–** Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from that day following that on which a civil servant hands over the charge of his post and may end on the day preceding that on which he resumes duty.

**22. Recall from leave, etc.–** (1) If a civil servant is recalled to duty compulsorily with the personal approval of the head of his office from leave of any kind that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case the civil servant is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) If the return from leave is optional, the civil servant is entitled to no concession.

**23. Overstay after sanctioned leave, etc.–** (1) Unless the leave of a civil servant is extended by the head of his office, a civil servant who remains absent

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\* Added *vide* Finance Division Notification No. S.R.O. 70(KE)/2012, dated 29-8-2012.

\*\* Amended *vide* Finance Division Notification No. F.I (34) R-4/85, dated 16-9-1985, effective from the date of issue.

\*\*\* Subs. *vide* Finance Division Notification No. S.R.O No. 11(KE)/2013 dated 18-02-2013.

after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action that may be taken against him, double the period of such absence shall be debited against his leave account.

(2) Such debit shall, if there is insufficient credit in the leave account, be adjusted against future earning.

24. **Any type of leave may be applied.**— A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances, for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may, proceed on extraordinary leave followed by leave on half pay and full pay rather than that on full pay, half pay, and without pay.

25. **Combination of different types of leave, etc.**— One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

26. **Civil servant on leave not to join duty without permission before its expiry.**— Unless he is permitted to do so by the authority which sanctioned his leave, a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

27. **Leave due may be granted on abolition of post, etc.**— (1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation, be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

28. **Manner of handing over charge when proceeding on leave, etc.**— (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in BPS-16 and above, he shall, while handing over charge of the post sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servants shall take abroad with him a copy of the medical statement of his case.

29. **Assumption of charge on return from leave, etc.**— (1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post to which he is directed by that authority

unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

**30. Account offices to maintain leave account.**— (1) Leave account in respect of a civil servant shall be maintained as part of his service book.

(2) The accounts offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

**31. Leave to lapse when civil servant quits service.**— All leaves at the credit of a civil servant shall lapse when he quits service.

**32. Pay during leave.**— (1) Leave pay admissible during leave on full pay shall be the greater of:—

- (a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and
- (b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amounts calculated under clauses (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

\*[(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant].

**33. Departmental leave.**— (1) Departmental leave may be granted to civil servants drawing pay in BPS 1 to 9 in the Basic Pay Scale and serving in the Survey of Pakistan or in any such other department as may be notified by the Finance Division on the conditions laid down in this rule.

(2) Departmental leave may be granted only to a civil servant whose services are temporarily not required and no leave other than leave-not-due is admissible.

(3) A subsistence allowance at such rate as the officer granting the leave may think fit but not exceeding half pay may be granted during departmental leave.

(4) The allowance shall be payable only on return to and resumption of duty after the expiration of the leave, whether taken by itself or combined with

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\* Added vide Finance Division Notification No. F.1(6)R-4/93, dated 21-9-1994.



departmental leave without pay:

Provided that if a civil servant dies while on departmental leave, the amount of allowance, if any, otherwise admissible upto date of his death shall be paid to his heirs.

(5) Departmental leave with subsistence allowance may be granted during the recess by the head of the party or office to which the civil servant belongs only when the officer granting the leave considers it desirable to re-employ him in the ensuing field season and the leave so granted may, in special cases, be extended by the Surveyor-General upto a maximum of five hundred and forty days at a time.

(6) Departmental leave with subsistence allowance may be granted at times other than the recess for not more than one hundred and eighty days at a time by a Director or Deputy Director, Survey of Pakistan, provided such leave is granted in the interest of public service or work and not at the civil servant's own request.

(7) Leave granted may in special cases be extended by the Surveyor-General upto a maximum of three hundred and sixty five days at a time.

(8) Leave on medical certificate shall in no circumstances be regarded as granted in the interest of public service or work.

(9) Departmental leave without pay may be granted by the Surveyor-General in continuation of departmental leave with subsistence allowance in special cases as authorized by the Finance Division by a general or special order.

(10) When a civil servant holds a post in which the Surveyor-General considers that he is unlikely to be eligible for departmental leave in future, the Surveyor-General may, by special orders in writing, declare that, with effect from such date not being earlier than the civil servant's last return from departmental leave, as the Surveyor-General may fix, any balance of leave at debit in the civil servant's leave account shall be cancelled, and all leave earned after such date will be credited as due in the civil servant's leave account, and all leave taken after such date, including departmental leave with allowances, if any, will be debited to it.

(11) Departmental leave may be combined with any other kind of leave which may be due.

**34. Sick leave to a seaman.**— A civil servant serving as an officer, warrant officer or petty officer on a government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave on full pay, outside his leave account, for a period not exceeding forty-five days by the master or the captain of the vessel provided that the civil servant is not malingering or his ill health is not due to such of his own action as cause or aggravate disease or injury.

**35. Leave to disabled seaman.**— A civil servant referred to in rule 34 who is disabled while performing his duty may be allowed leave on full pay for a

maximum period not exceeding ninety days on each occasion if:-

- (a) the disability is duly certified by a government Medical Officer,
- (b) the disability is not due to the civil servant's own carelessness, and
- (c) the vacancy caused by his absence is not filled up.

**36. Leave earned by civil servant employed in non-continuous establishment.**— (1) A civil servant employed in a non-continuous establishment may be granted only earned leave and disability leave as admissible to, and subject to the conditions laid down for, a civil servant employed in a continuous establishment and no other kind of leave shall be admissible to such civil servant.

(2) A civil servant who is transferred from a non-continuous establishment to a continuous establishment and *vice versa* shall carry forward the balance of earned leave at his credit on the date of his transfer.

*Explanation.*— In this rule, "non-continuous establishment" means an establishment which does not function throughout the year and "continuous establishment" means an establishment which functions throughout the year.

**37. Quarantine leave.**— (1) Quarantine leave is in the nature of extra casual leave and a substitute shall normally not be employed during the absence of civil servant on such leave:

Provided that where the exigencies of service are compelling, the head of the office may employ a substitute for reasons to be recorded in writing.

(2) A civil servant may be granted quarantine leave outside his leave account to the extent that his authorized medical attendant recommends and the period of such leave shall be treated as duty with full pay and allowances of the post held by him at the time of proceeding on leave.

**38. Leave application, its sanction, etc.**— (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office, to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant \*[or other registered medical practitioner] in the form attached to these rules.

\*(3-A). No civil servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the form attached to these rules.]

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a Ministry, Division, Department, Office or any other

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\* Ins. & added *vide* Finance Division Notification No. 847-R.4/83, dated 19-11-1983.

officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications, consider:-

- (i) whether, and how many applicants can, for the time being, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

39. **Hospital leave and study leave.**— Subject to these rules, the provisions regarding hospital leave and study leave contained in the Fundamental Rules and Supplementary Rules shall apply to the civil servants.

\*[40. **Relaxation of Rules.**— The Federal Government may, in a case of hardship, relax all or any of the provision of these Rules:

Provided that such relaxation shall not be less favourable to any benefit available to a Civil Servant under these Rules].

[*Authority*:- Finance Division S.R.O. No.1313(I)/80, dated 20-12-1980, as amended from time to time].

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\*Added *vide* Finance Division Notification No. F.1(4)-R.4/92, dated 01-10-1992.

**FORM OF MEDICAL CERTIFICATE**

**Signature of applicant**

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS  
RECOMMENDED FOR LEAVE OR EXTENSION**

I,.....after careful ..... personal examination of the case, hereby certify that ..... whose signature is given above, is suffering from ..... and I consider that a period of absence from duty of ..... with effect from ..... is absolutely necessary for the restoration of his health.

Dated, the.....

*Government Medical Attendant  
\*or  
Other Registered Medical Practitioner.*

[\*\* FORM OF MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

I, ..... do hereby certify that I have carefully examined ..... of the ..... department, and find that he has recovered from his illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended, and have taken these into consideration in arriving at my decision.

Dated, the .....

*Government Medical Attendant  
\*or  
Other Registered Medical Practitioner].*

\* Added vide Finance Division O.M No. F.1(22)R.4/82, dated 22-12-1982.

\*\* Added vide Finance Division Notification No. 847-R. 4/83 dated 19-11-1983.

**G.F. R.13**

**APPLICATION FOR LEAVE**

*Notes.*-Items 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of BPS 16 and above.

1. Name of applicant
2. Leave Rules applicable
3. Post held
4. Department or Office
5. Pay
6. House rent allowance, conveyance allowance or other compensatory allowances drawn in the present post
7. (a) Nature of leave applied for  
(b) Period of leave in days  
(c) Date of commencement
8. Particular Rule/Rules under which leave is admissible
9. (a) Date of return from Last Leave  
(b) Nature of leave  
(c) Period of leave in days

Dated:- \_\_\_\_\_

*Signature of applicant*

10. Remarks and recommendation of the Controlling Officer
11. Certified that leave applied for is admissible under Rule.....and necessary conditions are fulfilled.

Dated \_\_\_\_\_ *Signature.....*  
*Designation.....*

12. Report of Audit Officer

Dated \_\_\_\_\_ *Signature.....*  
*Designation.....*

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post or another post carry the compensatory allowances drawn by him

Dated \_\_\_\_\_ *Signature.....*  
*Designation.....*



**Sl.No. 2****Explanatory Instructions for Filling Up the Leave Account Form**

This leave account will be maintained for all civil servants of the Federal Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others, who enter service on or after 1st July, 1978.

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:-

- (i) L.A.P\*.
  - (a) 1 month .....30 days
  - (b) 1 day .....1 day
- (ii) L.H.A.P\*.
  - (a) 1 month .....15 days
  - (b) 2 days .....1 day

[Fractions if any to be ignored]

3. The leave account shall commence with an opening entry "Due on 1-7-1978" or in the case of a civil servant, who was on leave on 1-7-1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30-6-1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

- 4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on accumulation of this leave.
- (ii) The provision in (i) above will not apply to a vacation department. In such case, a civil servant may earn leave on full pay
  - (a) when he avails himself of full vacation in a calendar year \_\_\_\_\_ at the rate of one day for every calendar month of duty rendered;

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\* LAP means Leave on Average Pay, LHAP; Leave on Half Average Pay.

- (b) when during any year he is prevented from availing himself of the full vacation\_\_\_\_\_ as for a civil servant in a non-vacation department for that year; and
- (c) when he avails himself of only a part of the vacation \_\_\_\_\_ as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

5.(a) Leave on full pay may be converted into leave on half pay at the option of the civil servant; the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as one full day's leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be offset against leave to be earned in future for a maximum period of 365 days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused L.P.R. upto a maximum of \*180 days, lump-sum payment equal to full pay upto \*180 days out of leave at credit made to the family of a government servant, whose death occurs while in service, Seaman Sick Leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in Column No. 22, Maternity Leave, other than three times in entire service shall, however, be debited to the relevant column of the Leave Account.

9. When a government servant applies for leave Columns 2 to 7, shall be filled in showing the period of duty upto the date preceding that on which a government servant intends to go on leave. The full calendar months to be noted in Column 5 shall be worked out on the lines indicated in (4) above.

10. When a government servant returns from leave, Columns 8 to 23 shall be filled according to the nature of leave. If leave not due is availed of the minus balance to be shown in Column No. 21 should be written in red ink.

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\*Now 365 days.



**Sl.No. 3****Clarification of Withdrawal of Request of LPR/Retirement After Sanction/ Notification**

Refer to the correspondence resting with M/o Defence (Defence Division)'s O.M.No.3/25/D-11(CSH)/2006 dated 01-04-2011 on the above subject and to clarify that:-

- i) After the withdrawal of Establishment Division OM No.14/2/2009-R-2 dated 25-08-1996 vide their OM No. 14/2/2002-R-2 dated 14-07-2011, a Government servant may withdraw his option of voluntary retirement within the period of LPR and after retirement, there is no option available to the Government servant for re-joining the duty.
- ii) An individual, who goes on 365 days LPR and after availing a part thereof, he rejoins his duty. In such cases, the period of leave availed by an individual be adjusted in the order of leave on full pay, leave on half pay and extraordinary leave (leave without pay). Later on, on attaining the age of superannuation, he agains opts for 365 days LPR **OR** leave encashment of 180 days in lieu of 365 days LPR. Such option of an individual may be treated as a fresh case and he will be allowed LPR or encashment thereof in toto.

[*Authority:-* Finance Division's O.M. F.1(1)r-4/2007(Vol-II) dated 17-11-2011].

**3.1 Further Clarification of Withdrawal of Request of LPR/Retirement After Sanction/Notification**

Refer to Finance Division's O.M.No.F.1(1)R-4/2007-(Vol.II) dated 17-11-2011 on the above subject and to state that it has been decided in consultation with Establishment Division that a Government Servant can withdraw option of voluntary retirement, during the period for which encashment has been applied/granted, subject to the following conditions:-

- i. He/She may withdraw his/her option of voluntary retirement before retirement matures;
- ii. It is binding on a government servant to return any amount of leave pay received by him/her, in lieu of encashment of LPR for that period;
- iii. Later on, on attaining the age of superannuation, if he/she again opts for 365 days leave encashment in lieu of 365 days LPR, such option of an individual may be treated as a fresh case and he/she will be allowed encashment of LPR in toto.

[*Authority:-* Finance Division's O.M. No.F.1(1)R-4/2007-Vol-II(Pt) dated 06-10-2015].

### 3.2 Option for Encashment of L.P.R.

Reference Finance Division's O.M. No.F.1(19)R-3/83, dated 11-7-1984 (*Annex*). It is stated that in case the leave of any kind including Extra-Ordinary Leave without pay is taken during the last 15 or 12 months by a retiring government servant, who opts for encashment of L.P.R. except on grounds contained in the above reference, the period of such leave will be reduced from 180 days or lesser period for which the encashment is allowed.

*[Authority.- Finance Division O.M. No.F.1(73)R-4/84, dated 10-12-1989].*

#### (ANNEX)

#### **[Copy of Finance Division O.M. No.F.1(19)R.3/83, dated 11-7-1984].**

Reference para 25, of the Scheme of Basic Pay Scale contained in Finance Division O.M. No.1(1)Imp/83, dated 18.8.1983, according to which the encashment of L.P.R., which was previously admissible to civil servants only if L.P.R. was refused in public interest, would now be admissible to the employees concerned at their own option. In this connection, various points have been raised for clarification. It has, therefore, been decided to clarify the points of doubt as in the following paragraphs.

2. Under the earlier orders, the concession of encashment of L.P.R. on retirement on superannuation or on completion of 30 years qualifying service was admissible upto the maximum of leave pay for 365 days under rule 17(i) of the Revised Leave Rules, 1980. The words "leave salary" and "one year" used in para 25 of the Scheme of Basic Pay Scales contained in Finance Division's O.M. No.F.1(1)-Imp/83, dated 18.8.1983, shall, therefore, mean "leave pay" and "three hundred and sixty five days" respectively, as in para 17 of Revised Leave Rules 1980.

3. A civil servant, who wishes to forego his L.P.R. in favour of cash compensation, shall exercise his option to this effect in writing 15 months prior to the date of retirement, and submit it to the authority competent to sanction for the payment of cash compensation.

4. After having exercised the option for encashment of L.P.R., the government servant shall have to perform duty during the entire period upto the date of retirement and cannot, save as stated in para 5 below, avail himself of any kind of leave, during the last 15 months of his service if the leave, at his credit was 365 days or less, and during the last 12 months of his service if the leave at his credit was more than 365 days. Provided that in the later case, leave can be taken prior to the period of the last 12 months only to the extent that the balance leave at credit does not fall below 365 days.

5. The competent authority may, where it is satisfied that the leave applied for is unavoidable or is fully justified, e.g, in cases of illness, supported by medical certificate, or for performance of 'Hajj' etc, grant leave to an employee during the last 15 or 12 months of his service, as the case may be, in accordance

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\* Amended *vide* Finance Division Notification No. S.R.O. 70(KE)/2012, dated 29-8-2012.

with para 4 above. In such a case, the amount of cash compensation shall be reduced by an amount equal to the leave pay for half of the period of leave taken. For example, if an employee, who has opted for encashment of L.P.R., has taken 60 days of leave, his cash compensation equal to 30 days leave pay would be forfeited.

6. It is requested that the cases of encashment of L.P.R. may be regulated according to the clarifications contained in this Office Memorandum.

### **3.3 Encashment of LPR on Premature Retirement**

The matter of allowing of encashment of L.P.R on premature retirement, on completion of 31 years qualifying service, has been under consideration of the Finance Division. It is clarified that encashment of LPR upto \*365 days will also be admissible to a civil servant who renders 31 years or more qualifying service and who seeks voluntary retirement on three months' notice in terms of Finance Division's O.M No. 591-R.4/83, dated 04-09-1983 treating the last year of his service (including the notice period) as duty performed during LPR. It is further clarified that such a government servant would also be entitled to encash his LPR upto maximum of 365 days subject to the same terms and conditions as laid down in rule \*18-A of the Revised Leave Rules, 1980' as amended from time to time read with Finance Division's O.M No. F.1 (19) R.3/83, dated 11-07-1984 and F.1 (73) R.4/84, dated 10-12-1989 respectively.

[*Authority:-* Finance Division (Regulations Wing) O.M. No.F.1(8)R-4/90, dated 2-6-1991]

### **3.4 Encashment of L.P.R**

Reference Finance Division's Office Memorandum No. F.1(8)r-4/90, dated 2<sup>nd</sup> June, 1991 on the subject. It is to state that the competent authority has been pleased to withdraw the O.M referred to above with immediate effect.

[*Authority:-* Finance Division (Regulations Wing) O.M. No.F.1(2)R-4/2001, dated 12-03-2002]

### **3.5 Encashment of L.P.R (Clarification)**

Reference Finance Division's Office Memorandum No. F. 1 (2) R-4/2001, dated March, 12, 2002 on the subject. Through the aforesaid OM, this Division's earlier OM No. F.1(8)-R.4/90, dated 2<sup>nd</sup> June, 1991 has been withdrawn being contradictory to rule 18-A (1) or Revised Rules, 1980. The cancellation of OM dated 02-06-1991 has created the impression as if the facility of encashment of LPR has been discontinued is not correct. The OM dated 02-06-1991, stipulates that encashment of LPR is admissible on completion of 31 years service. On the other hand, under rule 18-A(1), encashment of LPR is admissible on superannuation or thirty years qualifying service. Therefore, with the cancellation of this Division OM No. F.1(8)-R.4/90, dated 02-06-1991, the cases regarding encashment of LPR may be decided under rule 18-A (1) of Revised Leave Rules, 1980.

[*Authority:-* Finance Division (Regulations Wing) OM No. F.1(2) R-4/2001, dated 27-03-2002].

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\* Substituted *vide* Finance Division's Notification S.R.No.70(KE)/2012 dated 29-8-2012.

**3.6 Encashment of LPR/Amendment in the Revised Leave Rules 1980 in Respect of Leave Encashment/Grant of Encashment of LPR for 365 Days Instead of 180 Days**

Sub rule (2A) inserted in Rule 18-A of the Revised Leave Rules, 1980 vide Finance Division SRO 70 (KE)/2012 dated 29-08-2012 clearly says that encashment of Leave Preparatory to Retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of July 2012, and shall, for the entire period of leave refused or opted for encashment, be applicable to a Civil servant retired or, as the case may be, retiring on or after the first day of July, 2012, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days. A civil servant, whose last working day was 30<sup>th</sup> June, 2012 and who stood retired w.e.f. 01-07-2012, is not entitled to the encashment of leave preparatory to retirement (LPR) @ 365 days in lieu of 365 days (LPR).

*[Authority:- Finance Division's (Regulation Wing) O.M.No.F.1(7)R-4/2004-Encashment dated 28-01-2013].*

**Sl.No. 4**

**Permission to Seek Private Employment by Civil Servants During LPR Within Two Years of Retirement**

A proforma is required to be filled in by civil servants who may be desirous or seeking private employment during LPR or within two years of the date of the retirement, in accordance with Section 14 of the Civil Servants Act, 1973.

*[Authority:- Establishment Division's O.M. No.8/1/81-D.4/D.3, dated 17-07-2002].*

**Annexure**  
**Revised Proforma**  
**(See. Sl. No. 4)**

**APPLICATION FORM FOR SEEKING PRIVATE  
EMPLOYMENT DURING LPR/WITHIN TWO YEARS OF RETIREMENT**

1. Name: .....
2. Appointments held during last 5 years of service:

Post(s) held with BPS	Department(s)/Organization(s)	Total Period of Stay	
		From	To

3. Nature of Retirement (\*):.....
4. Date of Proceeding on LPR: .....
5. Date of Retirement: .....
6. Particulars of Private Employee: .....
- (i) Name of organization : .....
- (ii) Law under which registered: .....
- (iii) Composition of the Board of Directors: .....
- (iv) Nature of business *etc*: .....
- (v) Location of Head Office: .....
7. Designation of the Post and Pay Offered: .....
8. Nature of duties: .....
9. Whether the firm had official dealings with any of the department in which the officer served during the last five years. If so please give details:
10. Any other information

Signature  
with Designation/Grade  
of last post held and Organization

- (i) On attaining the age of superannuation.
- (ii) Voluntary retirement on completion of 25 years service.
- (iii) Premature retirement, under Section 13(1)(i) of Civil Servants Act, 1973.
- (iv) Compulsory retirement on account of disciplinary action.
- (v) Retirement on medical grounds.
- (Additional sheet(s) may be added where necessary)

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\* Pl. indicate one of the following:

- (a) Voluntary retirement on completion of 25 years service.
- (b) Retirement on attaining the age of superannuation (60 Years).

#### **4.1 Arrangements for Providing Substitutes for Officers Proceeding on L.P.R**

The maximum period upto which a civil servant may be granted LPR shall be 365 days.

2. To make suitable arrangement for the replacement of retired personnel, a list should in the beginning of a calendar year be prepared of such officers and other employees who may be due to retire during that calendar year and early next year. Those officers/employees should accordingly be asked in writing whether or not they intend to proceed on LPR and if so by which date. Thereafter, action for providing suitable substitute should be initiated. On this principle, action may be taken much in advance during the year preceding the year during which officers are due to retire.

3. Establishment Division is to be contacted as early as possible by (or through) the Ministry/Division concerned for providing a substitute if he belongs to an administrative group/service which is controlled by the Establishment Division.

*[Authority:- Establishment Division's O.M. No.8/53/78-F.1, dated 31-10-1978].*

#### **SI.No. 5**

#### **Special Instructions Relevant to Leave of Civil Servants: Absence from Headquarters**

Absence from headquarters during leave, holidays or casual leave without obtaining permission from the competent authority is irregular. It is necessary for the government servant concerned to take permission of the authority which sanctioned the leave before leaving his headquarters station and keep his controlling officer advised of the change of address.

*[Authority.- Estt. Division's O.M. No. 23(49)-RI(2)/54, dated 29-12-1954].*

#### **5.1 Leaving Headquarters During Holidays or Casual Leave**

The orders contained in the Ministry of Finance Office Memorandum No.46-F. 23 (49)-RI (2)/54, dated the 29th December, 1954 are also applicable to the cases of government servants who leave their headquarters during holidays or while they are on casual leave.

*[Authority.- Estt. Division's O.M. No. 7/6/55-SE-II, dated 13-6-1955].*

#### **5.2 Bar Against Leaving Place of Duty Without Waiting for Sanction of Leave**

The civil servants applying for grant of leave are not to leave their offices/places of duty without waiting for actual sanction of the leave applied for. Attention is invited to F. R. 67 wherein it is clearly stated that leave cannot be claimed as of right. Thus an application for leave should not be anticipated as

grant of leave. It should therefore, be brought home to the civil servants serving under the control of Ministries/Divisions that if they apply for grant of leave, they must wait for sanction of leave and should not leave the place of their duty before the leave applied for is actually granted by the competent authority. Non-compliance of these instructions might warrant action on account of misconduct under the relevant rule.

[Authority:- Establishment Division's O.M. No.10/22/83-R.2, dated 12-08-1985]

### **5.3 Procedure for Grant of Leave to High Officials and to the Officers Belonging to Groups/Services/Cadres Controlled by Establishment Division**

Under rule 38 of the Revised Leave Rules, 1980, leave is to be sanctioned by the head of the Ministry, Division, Department, Office or any other officer authorized by him to do so and in the case of the head of office by the next above administrative authority. While the officers belonging to Group/Service/Cadre controlled by the Establishment Division shall apply and be granted leave as provided for in rule 38, copies of notifications granting leave to such officers shall invariably be endorsed to Establishment Division. Where a Ministry/Division required a substitute in place of the officer belonging to the Groups/Services/Cadres controlled by the Establishment Division who is desirous of proceeding on leave of duration of 90 days or more, leave may be granted after consulting the Establishment Division.

2. In the case of grant of leave to a Secretary General, Secretary or Acting Secretary to the Federal Government, or to Additional Secretary/Joint Secretary Incharge of a Ministry/ Division or Heads of department in BPS-22 and civil servants of equivalent status serving as heads of the autonomous and semi-autonomous bodies/corporations under the administrative control of the Federal Government, the following procedure will be followed:—

- (i) The application for leave on full pay upto a period of 30 days will be submitted through the Minister to the Prime Minister for orders and a copy of the notification granting leave shall be endorsed to the Secretary, Establishment Division.
- (ii) The application for leave on full pay for a period of more than 30 days would be submitted through the Secretary, Establishment Division by the Minister to Prime Minister for obtaining the Prime Minister's orders.

3. The Provincial Governments will continue to exercise the powers to grant leave, including leave ex-Pakistan, upto 120 days to the officers of \*All Pakistan Unified Grades/Services/Cadres working under them. Applications for leave in excess of 120 days shall be referred to the Establishment Division.

4. The Establishment Division shall be consulted prior to the grant of leave to officers of the \*APUG and OMG for a period exceeding four months.

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\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

5. When an officer is transferred from one department to another, no leave should be sanctioned to him by the department from which he is transferred. In such cases, leave can be allowed only by the authority under whose control the transferred officer has to go.

6. Ministries/Divisions are to ensure compliance of the above instructions also by the Attached Departments, Subordinate Offices, Autonomous/Semi-autonomous Bodies/Corporations under their administrative control.

[Reviewed by Establishment Division's O.M. No.10/22/83-R.2, dated 18-11-1985  
vide Establishment Division's O.M. No.10/13/2001-R.2, dated 01-03-2001]

### **Sl.No. 6**

#### **Grant of Leave to Government Servants for the Period Spent in Giving Evidence Otherwise than on Behalf of the State in a Criminal/Civil Case not Connected with their Official Duties**

A question has arisen as to whether a government servant who is summoned by a court of law to give evidence otherwise than on behalf of the State is to be treated on duty or on leave. It has been decided in consultation with the Ministry of Finance that in such cases the government servant concerned should be granted leave.

[Authority.- Estt. Division's O.M. No. 846/59-E, XII, dated 17-11-1959].

### **Sl.No. 7**

#### **Grant of Leave to Officers Transferred to Other Posts**

It has been decided that, in future, an officer transferred to another post, either in the Federal Secretariat, its Attached or Subordinate Offices, or to a post under a Provincial Government on reversion from the \*Centre, should not be allowed leave for any period, except by the authority to whose control he is transferred.

[Authority.- Estt. Division's O.M .No.6 (21)/60-E.IX, dated 8-10-1960].

#### **7.1 Sanction and Notification of Leave of Officers Transferred to Other Posts**

Doubts have arisen as to who should sanction and notify the leave in the case of officers referred to in Establishment Division Office Memorandum No. 6(21)/60-E.IX, dated the 8th October, 1960. The intention is that after the date of issue of transfer orders, leave should be allowed and notified only by the authority under whose control the officer transferred has to go.

[Authority.- Estt. Division's O.M. No. 8/20/60-F.I., dated 30-11-1961].

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\* Federal Government.



**Sl.No. 8****Grant of Extraordinary Leave (Leave Without Pay) under Rule 9 of the Revised Leave Rules, 1980**

It is clarified after consultation with Law and Justice Division, Establishment Division and Auditor General of Pakistan that EOL of five years is admissible to a government servant for each 'spell of' ten years of continuous service. If, however, a civil servant has not completed ten years of continuous service on each occasion/time, EOL without pay for a maximum period of two years may be granted at the discretion of the head of his Ministry/Division/Department.

2. The maximum leave availed during one continuous period should also not exceed 5 years.

3. The cases already decided by the Ministries/Divisions need not be re-opened.

*[Authority:- Finance Division's Notification No.F.1(68)/R.4/84, dated 02-07-1991]*

**8.1 Grant of (EOL) Without Pay and  
Conversion of EOL into Another  
Kind of Leave**

The following special features of the EOL need to be kept in view while dealing with such cases:-

- (i) The pay and allowances are inadmissible during the EOL. Annual increments also are inadmissible under FR-26.
- (ii) The period of the EOL is not counted towards pension under CSR 361.
- (iii) The EOL can cover a period of unauthorized absence; either under an administrative order vide rule 9(3) of Revised Leave Rules 1980 or on a court's directions.
- (iv) The period of EOL is not considered as period spent on duty under FR-9 (6).

2. Due to the special characteristics of EOL stated above, no rule has been framed for its conversion into another kind of leave retrospectively because it not only involves payment of salary for the previous EOL period but would also involve change in the directions/orders of the authority. Moreover, a government servant under rule 24 of Revised Leave Rules 1980, has been given the option to apply for any kind of leave. The leave sanctioning authority has no power to change the nature of leave. This option, once exercised by the government servant, is considered final. Sometimes, cases for retrospective conversion of EOL into another kind of leave are moved on the basis of CSR 232 (3) despite the fact that this rule does not specifically deal with EOL. Similarly, Government decision (3) under FR-87 cannot be used for conversion of EOL into another kind of leave because the said rule governs the leave salary. In the light of foregoing,

it has been decided that EOL cannot be converted into any other kind of leave, retrospectively.

[Authority:- Finance Division (Regulation Wing)'s O.M. No.F.1(12) R.4/97, dated 7-1-2002]

## **8.2 Employment of Government Servants with International Organizations, Foreign Governments on the Basis of Leave DUE/EOL**

Ministries/ Divisions/Provincial Governments have to obtain, through Establishment Division, approval of the competent authority in case of employment of government servants with international organizations/UN specialized agencies/foreign governments on the basis of leave due/EOL. Ministries/Divisions/Provincial Governments must ensure compliance with the existing requirement to obtain clearance of all such cases of employment of government servants (BPS-17 and above/equivalent) with international organizations/UN specialized agencies/foreign governments from the SSB\* and approval for BPS-20 and above officers from the Prime Minister.

2. The cases of officers in BPS-16 and below/equivalent may be approved by the administrative Secretary of the Ministry/Division.

[Authority:- Establishment Division's O.M. No.1/65/90-T.IV, dated 11-07-2000]

### **SI.No. 9**

#### **Grant of Special Leave to Khuddam-ul-Hajjaj**

'Khuddam-ul-Hajjaj', (servants of the pilgrims) who remain away from their respective duties to work as khuddam, (servants) may be granted special leave on full pay for that period outside their leave account.

[Authority:- Finance Division's O.M. No.F.1(15) R.4/82, dated 11-08-1982]

### **SI.No.10**

#### **Leave Reserve under the Section Officers' Scheme and its Proper Utilization**

The posts of Section Officers, Assistants, Stenotypists, Upper Division Clerks and Lower Division Clerks created under the Section Officers' Scheme include posts in the leave reserve which is equal to ten per cent of the sanctioned strength in those \*\*grades. The position in regard to the utilization of the leave reserve and of filling up of the leave vacancies in the \*\*grades in which leave reserve has been provided, is as follows:-

- (i) No leave vacancy in the \*\*grades in which leave reserve has been provided, should normally be filled.

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\* Special Selection Board.

\*\* BPS/Post(s).

- (ii) In case there is a deficiency in the \*grades in which leave reserve has been provided, or where the number of persons on leave is in excess of the number of persons actually available in the leave reserve and it is difficult for the Ministry concerned to discharge its responsibilities efficiently without additional staff, officiating arrangements may be made as a special case, after consulting the Financial Adviser in the case of non-gazetted staff and the Ministry of Finance in the case of Gazetted officers.
  - (iii) All officers and staff employed in the \*grades in which leave reserve has been provided should be asked, towards the end of each calendar year to indicate the approximate date on which and the period for which they wish to proceed on leave during the next year. On the basis of the information so collected, a leave programme for the year should be prepared in such a way that, at any given time, the number of persons on leave does not, as far as possible, exceed the leave reserve in the \*grade concerned. The officer and staff available against the leave reserve would thus be available to attend to the work of those granted leave. If there are occasional gaps when the number of officers/staff wishing to proceed on leave is less than the leave reserve, the services of the officers/staff available as leave reserve may be utilized for special items of work which the Ministry may be called upon to undertake, the clearance of arrears in overworked Sections or re-arranging and weeding the records of the Ministry.
  - (iv) Leave reserve should be treated as an integral part of the \*grades concerned and the persons who are appointed against that reserve should not be labelled as such. The work in a Ministry or Division should, however, be divided in such a way as to facilitate the proper utilization of leave reserve on the lines suggested above.
- (2) This issues with the concurrence of the Ministry of Finance.

*[Authority.- Estt. Division's O.M. No.3/1/60-SR, dated 1-2-1961].*

### **10.1 Leave Reserve Section**

The review of the staff position carried out by the Management Services Wing has revealed that practically all Ministries/Divisions have converted Leave Reserve Section Officers into regular Sections by assigning to them specific items of work which are of regular nature. It defeats the very objective for which Leave Reserve has been created.

2. In order to ensure the proper utilization of the Section Officers and their ancillary staff in the Leave Reserve, it has been decided that following arrangements should be made in various Ministries/Divisions:-

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\* BPS

- (i) Experienced Section Officers along with their ancillary staff who could dispose of all types of cases, should be selected to work as Leave Reserve Officers, and no regular work should be assigned to them ;
- (ii) The Leave Reserve Section Officer(s) at Rawalpindi /Islamabad or Karachi should be attached directly with the Secretary or other senior officer(s) at the station; and
- (iii) When not employed in leave vacancies, the Section Officers should, along with their ancillary staff, attend to the difficult cases of other Sections which may be assigned to them by the Secretary or the senior officer(s) with whom they have been attached.

[Authority.- Estt. Division's O.M. No.3/1/60-C-III, dated 4-10-1961].

## **10.2 Utilization of Leave Reserve Section**

It is obligatory on the Ministries/Divisions to observe the instructions contained in the Establishment Division Office Memoranda No. 3/1/60-SR, dated the 1st February, 1961, and No. 3/1/60-C.II, dated the 4<sup>th</sup> Oct., 1961 regarding the utilization of Leave Reserve Section Officers. In this connection, it may be mentioned that in their meeting held on the 14th November, 1961, the 'Standing Committee for Consideration of Ideas for Improvement in Administration' observed that the Leave Reserve Officers were primarily to be used for the purpose for which they were meant and should not be absorbed in the normal organisation of the Ministries and that when not employed against leave vacancies they should be used as a striking force to deal with arrears in any section or sudden pressure of work. In view of this, the Ministry of Commerce, etc. are requested to re-organize their Sections in such a way as not to entrust the Leave Reserve Section Officers with regular Sections. However, if they require any additional post of Section Officer they should take up the matter in the normal way. Attention in this connection is also invited to the Establishment Division's Office Memorandum No. 5/34/59-SR, dated the 13th February, 1961 (*Annex*) regarding procedure for creation/abolition of posts of Section Officers.

[Authority.- Estt. Division's O.M. No.3/1/60-C-III, dated 5-2-1962].

### **(ANNEX)**

#### **[Copy of Estab. Div. OM No. 5/34/59-SR dated 13<sup>th</sup> February, 1961].**

Procedure for creation/abolition of posts of Section Officers: For some time past, the Establishment Division have been considering the question of issuing sanction letters regarding the creation of posts of Section Officers. It has now been decided in consultation with the Ministry of Finance that such sanction letters should be issued by the administrative Ministries concerned in the usual manner.

2. It has further been decided that prior concurrence of the Establishment Division should invariably be obtained before any additional post is created or any existing post is abolished in the cadre of the Section Officer.

### 10.3 Filling-up of Vacancies on Proceeding of Section Officers on LPR

It has since been decided in consultation with the Ministry of Finance that leave vacancies caused due to Section Officers proceeding on leave preparatory to retirement, may be filled in accordance with the rules.

*[Authority.- Estt. Division's O.M. No. 3/1/60-C.III, dated 6-4-1962].*

### 10.4 Leave and Training Reserve

A Leave Reserve equal to ten per cent of the duty posts in the Section Officers Grade has been provided to each Ministry/ Division. Instructions regarding the utilization of the services of Section Officers in this Reserve are contained in the Establishment Division Office Memoranda No. 3/1/60-SR, dated the 1st February, 1961 and No. 3/1/60-C.III, dated the 4<sup>th</sup>, October 1961 and 5th February, 1962. These instructions, inter alia, provide that Leave Reserve Section Officers should not be absorbed in the regular sections of the Ministries. However, it has been observed that with the passage of time these instructions have been lost sight of by almost all the Divisions who have converted the Leave Reserve into regular Sections. The result is that when any Section Officer proceeds on leave, no Leave Reserve Section Officer becomes available to attend to his work. This has defeated the very purpose for which the Leave Reserve was created, i.e., to have a pool of Officers whose services could immediately become available without any dislocation when any Section Officer proceeded on leave.

2. In addition to the Leave Reserve, each Division has been provided with a Training Reserve, equal to ten per cent of the duty posts in the Section Officers' Grade. This reserve is mainly intended to accommodate the Section Officers (Probationers) after the completion of their training at the Secretariat Training Institute and till their absorption against regular vacancies on the successful completion of their probationary period. The officers in this Reserve are also required to attend to the work of those Section Officers who proceed on training (e.g. to the S.T.I., the NIM and training courses abroad etc.). Establishment Division's Office Memorandum No. 2/2/62-C.III, dated the 30th November, 1962 refers in this connection. It is observed that like the Leave Reserve, the Training Reserve has also been absorbed in the regular set-up of the Divisions. Therefore, this also has militated against the very concept of having a Training Reserve with the result that Ministries/Divisions are usually unable to make available their officers for training when required to do so on the plea that arrangements against the resultant vacancies cannot be made. This obviously retards the process of training of Section Officers which is so necessary for improving efficiency in the Secretariat.

3. In order to ensure proper utilization of the Leave and Training Reserves, all the Ministries are requested to review the position and limit the number of their regular Sections to the number of duty posts in the Section Officers Grade sanctioned for them.

*[Authority.- Estt. Division's O.M. No.3/1/60-C-III, dated 17-6-1967].*

**SI.No.11****Grant of Study Leave Outside Pakistan**

The grant of study leave outside Pakistan admissible under F.R. 84 read with Appendix No. 9 of F.R. & S.R. Volume II was held in abeyance. Subject to the conditions laid down in the succeeding paragraphs the ban imposed on the grant of study leave is lifted.

2. In the case of professors, teachers and professional experts like engineers and doctors, study leave may be granted subject to the usual conditions provided necessary facilities in the particular field of study are not available in Pakistan.

3. In the case of other government servants, study leave should be granted, in consultation with the Financial Adviser concerned, in exceptional cases, after it has been established that the proposed course of study shall be beneficial in relation to the functions of the Ministry/Division etc. and that suitable and/or equivalent facilities for such a study are not available within the country.

[Authority:- Finance Division's O.M No.F.10(3)-R-I/65, dated 20-09-1966].

**11.1 Study Leave for L.L.M. (Shariah and Law)  
Courses of Islamic University Islamabad**

Under F.R. 84 read with Appendix 9 of F.Rs. & S.Rs Vol.II that study leave is admissible to permanent officers in BPS 16 and above for the study of scientific, technical or similar problems, or to undertake special courses of instruction. The study leave may be granted to permanent officers of BPS 16 and above to study the course of L.L.M. (Shariah & Law) introduced by the Islamic University, Islamabad, subject to the limit and other conditions as laid down in Appendix 9 of F. Rs & S. Rs Vol. II and orders issued thereunder.

[Authority:-Finance Division's O.M. No. F.1(39)R-4/81-801, dated 17-12-1981].

**11.2 Study Leave Rules Prescribed  
by the President (F.R. 84)\***

Study leave may be granted as additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.

2. These rules are not intended to meet the case of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules.

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\* See FR 84 at pages 127-128, Compilation of FRs and SRs Vol. I, First Edition (Second Reprint), 1978. SR 22 above is at *Appendix 9* (FR 84), Vol. II, pages 65-68, Appendices & Forms, Second Edition Revised (corrected upto September, 1985 of the book *ibid*).

3. The rules shall apply to the Department of Archaeology, Public Health and Medical Department, Botanical Survey, Civil Veterinary Department, Factory Departments, Geological Survey of Pakistan, Agricultural Department, Meteorological Department, Railways Division (Traffic, Locomotive & Engineering Branches), Education Department, Pakistan Public Works Department, Pakistan Forest Institute and National Council for Conservation of Wild Life (except in respect of continental tours, to which special rules apply).

4. The rules may be extended by the authorities empowered to sanction study leave to any Government servant, including a Government servant of a Provincial Service, not belonging to any of the departments mentioned above, in whose case if the sanctioning authority is of the opinion that leave should be granted in the public interest to pursue a special course of study or investigation of a scientific or technical nature.

5. The powers granted by these Rules to the Government of Pakistan or to local Governments may be delegated by them to the Ambassador for Pakistan subject to any condition they may think fit to impose.

6. Extra leave on half pay for the purpose of study leave may be taken either in or outside Pakistan. It may be granted to a Government servant of any of the Departments named above by the Local Government under whom he is serving provided that when a Government servant borne permanently on the cadre of one Province or department is serving temporarily in another Province or department the grant of leave is subject to the conditions:-

- (a) that the sanctioning authority can take local arrangements to carry on his work in his absence; and
- (b) that the sanction of the Province or department to which he is permanently attached is obtained before leave is given.

7. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 25 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

8. Ministries and Divisions of the Government of Pakistan may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a Local Government.

\*9. The study leave should be granted with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve absence of a Government servant for more than forty-eight months from regular duties nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. The study

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\* Amended *vide* Finance Division (Regulation Wing) Notification No. F.1(2)R.4/2003 dated 5-6-2004.

leave if taken on different occasions, shall not exceed forty-eight months in entire service of a Government servant.

10. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

11. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in Pakistan to his taking it as ordinary leave.

12. Except as provided in Rule 13, all applications for study leave should be submitted with the Audit Officer's certificate to the Head of the Department through the prescribed channel and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is abroad the Head of the Department should also forward to the Ambassador for Pakistan a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application, or if, at leaving Pakistan he wishes to make any changes in the programme which has been approved in Pakistan, he should submit particulars as soon as possible to the Ambassador for Pakistan. In such cases he should not unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course through the Ambassador.

13. (1) Government servants on leave ex-Pakistan who wish to convert part of the leave into study leave or to undertake a course of study during leave, should before commencing study and before incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Ambassador for Pakistan. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course, or examination, has the approval of the authorities in Pakistan. In the absence of such evidence the programme may, if approved by the Ambassador, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in Pakistan is received.

(2) Government servants on leave ex-Pakistan who desire to have it extended for purposes of study under these Rules, should address the Ambassador for Pakistan but in addition to furnishing a statement of proposed study they must support their application with documentary evidence of their having obtained the approval of the authorities concerned in Pakistan to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in Pakistan to the grant of study leave or study allowance or both.

14. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in Pakistan in



accordance with Rules 12 and 13 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in Pakistan, it has been approved in detail by the Ambassador before it is begun.

15. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized Institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of Pakistan or the Local Government.

16. Study allowance will be admissible up to 14 days for any period of vacation. A period, during which a Government servant interrupts his course for his own convenience, cannot be considered as vacation. Study allowance may be given at the discretion of the Government of Pakistan or a local Government for any period up to fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave, the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

17. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases, the Government of Pakistan or the Local Government will be prepared to consider proposals that such fees should be paid by Government.

18. On completion of a course of study a certificate on the proper form (which may be obtained from the Ambassador), together with certificates of examinations passed or of special study shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognized Institution, the study allowance will be payable by the Ambassador or in Pakistan, as the case may be, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under Rule 12 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the Ambassador or to the authority in Pakistan which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestion as to the possibility of applying such methods or operations to Pakistan. The sanctioning authority in Pakistan will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in Rule 15 may be granted.

19. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules\*.

20. During study leave a Government servant will draw half pay. A Government servant may, subject to the approval of the proper authorities being obtained as required by Rule 12 or 13, undertake or commence a course of study during leave on average pay, and, subject to Rules 15 and 16, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the entire service of a Government servant. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

21. On an application for study leave abroad being sanctioned by a Local Government, it should inform the Ambassador of the particulars of the case. It will be necessary for the Government servant concerned to place himself in communication with the Ambassador, who will arrange any details and issue any letters of introduction that may be required.

*[Authority.- Finance Division's Notification No. S.R.O. 923(I)/85, dated 8-9-1985 published in gazette of Pakistan, Extraordinary dated 1-10-1985].*

## **SI.No. 12**

### **Casual Leave – Grant of Maximum Leave at a Time**

Amount of Casual Leave admissible during a calendar year and the maximum at a time. It has been decided that Casual Leave upto a maximum of 20 days in a calendar year may be granted to the staff employed in the offices of the Federal Government.

*[Authority.- Home Affairs Division's O.M. No.34/27/48-Public, dated 13-3-1948].*

#### **12.1 Grant of Casual Leave at a Time**

Under the existing orders, 20 days' Casual Leave is admissible during a calendar year, and the maximum amount that can be allowed at a time is 10 days in the case of members of staff and 15 days in the case of officers. It has now been decided that 15 days' casual leave at a time may be granted to the members of staff also. This rule may be relaxed at the discretion of the Head of Department in special circumstances in the case of officers as well as members of staff.

2. It has also been decided that Ministries, Departments, etc., should be more liberal in the grant of casual leave. Although casual leave cannot be claimed as a matter of right, it should be granted invariably unless the presence of an officer is absolutely necessary e.g. in an emergency or in very extraordinary circumstances.

*[Authority.- Home Affairs Division's O.M. No.9/2/53-Public, dated 12-8-1953].*

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\* Compilation of FR&SR, Vol I, Part IV, Chapter 10. FR 84 read with Appendix 9.

## **12.2 Spreading of Casual Leave Over Two Years**

A question has been raised whether casual leave can be granted within the prescribed limit at one time in such a manner as to spread it over 2 years, i.e. some portion of it in one calendar year and the rest in the following year in one stretch. It has been decided that a Head of Department may grant casual leave in one spell within the prescribed limit so as to debit a part of it against the account of one calendar year and part of it against the account of the following calendar year, provided leave is due. For instance, if a person take 15 days casual leave on the 22nd December and has to his credit 10 days casual leave in that year, there will be no objection if 10 days leave is debited against that credit and the remaining 5 days are debited to the account of the following year. In other words, he would be deemed to have taken 10 days casual leave at the end of that year and 5 days leave in the beginning of the next year.

*[Authority.- Home Affairs Division's O.M. No.9/1/56-Public, dated 9-8-1956].*

## **12.3 Combination of Casual Leave with Holidays**

Some doubts have been raised regarding the combination of casual leave with holidays. After careful consideration of the matter it has been decided that:

- (a) casual leave may be prefixed or suffixed to a closed or optional holiday,
- (b) casual leave may be sandwiched in between two closed or optional holidays.

2. However, if a closed or an optional holiday falls between two days of casual leave it should also be counted as a casual leave.

*[Authority.- Home Affairs Division's O.M. No.9/1/53-Public, dated 24-4-1953].*

## **12.4 Procedure for Grant of Casual Leave to the Secretaries to the Government and Heads of Departments**

A question has been raised as to who should grant leave to Secretaries to the Government of Pakistan.

2. According to item 48 in Appendix 13 of the Fundamental and Supplementary Rules-Volume II, the Ministries have been delegated full powers to grant leave to a gazetted Government servant not in foreign service.

3. In accordance with the above rule, the Secretary as the official head of the Division is empowered to grant leave to his subordinates. It is not, however, clear as to who is the appropriate authority for grant of leave to the Secretaries. Under the Rules of Business, 1973, the Minister, who is the next higher authority, is mainly concerned with policy matters and does not ordinarily pass executive orders himself. Normally, such cases have to be submitted for the President's orders. In order to avoid frequent references to the President, the following procedure has been laid down:-

- (i) The Minister-in-Charge may grant casual leave upto 10 days to a Secretary to the Government of Pakistan on behalf of the President and the Establishment Division should be informed in such cases.
  - (ii) All cases of casual leave beyond 10 days and cases of earned leave upto a period of 1 month will be submitted through the Minister to the President\* for orders under intimation to the Establishment Division.
  - (iii) Leave applications of Secretaries for a period of more than 1 month would be endorsed by the Minister to the Establishment Division for obtaining the President's orders.
4. The above instructions may please be brought to the notice of all concerned for strict compliance.

*[Authority.- Estt. Division's O.M.'s No. 23 (I)/69-AI, dated 18-3-1969].*

### **12.5 Procedure for Grant of Casual Leave to Secretaries**

Reference Establishment Division's O.M. No. 23(1)/ 69-A.I. dated 18-3-1969. With immediate effect, the following procedure shall be observed for grant of casual leave to a Secretary General, Secretary or Acting Secretary to the Federal Government or to Additional Secretary/Joint Secretary Incharge of a Ministry/Division:-

- (i) In cases of leave upto ten days, the Minister-in-Charge may sanction the leave and intimation to that effect given to the Secretary, Establishment Division by the Ministry/Division concerned.
  - (ii) In cases of leave beyond ten days, the leave application shall be submitted by the Minister-in-Charge to the Prime Minister for orders and if the leave is sanctioned, an intimation to that effect shall be given to the Secretary, Establishment Division by the concerned Ministry/Division.
2. The above instructions may be brought to the notice of all concerned for compliance.

*[Authority.- Estt. Division's O.M. No.10/22/83-R. 2, dated 18-11-1985].*

### **12.6 Grant of Casual Leave to Heads of Departments and Subordinate Offices**

A reference is invited to the Establishment Division letter No. D-671/ 71-F.I, dated the 13th July, 1971, in which Ministries/ Divisions were requested to inform the Establishment Division about the present practice followed in regard to the method of appropriation of casual leave by the Heads of their Attached Departments and Subordinate Offices. From the replies received, the Establishment

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\* Prime Minister.

Division has observed that no uniform practice is being followed in this regard. While some officers appropriate their own casual leave without reference to the Ministry/Division concerned, and take permission only when they have to leave the station, others simply inform the Ministry/Division after the casual leave has been availed of. The question of laying down a uniform policy in this regard has been examined in the Establishment Division and the following instructions are issued for compliance:-

- (1) The Heads of Attached Departments/Subordinate Offices should obtain, as far as possible, prior approval of the Ministry/Division concerned before availing themselves of the casual leave, when the purpose thereof could be foreseen in advance.
- (2) In case of unforeseen and urgent circumstances when the casual leave is required for one or two days and it is not possible to obtain prior permission, he may avail of the leave and send leave application to the authority concerned immediately, and may also, if possible, inform the authority on telephone.
- (3) In special circumstances when even the procedure mentioned at (2) above cannot be followed, the officers should appropriate their own casual leave and inform in writing, the officer concerned in the Ministry/Division as early as possible.

2. As regards the status of officers in the Ministries/Divisions administratively concerned to whom the Heads of Attached Departments/Subordinate Offices should apply for casual leave, the normal procedure for applying to the next higher officer should be followed. For example, if the Head of the Department/Subordinate Office enjoys the status of Deputy Secretary to the Federal Government or is of equivalent rank, he may apply to the Joint Secretary of the Ministry/Division concerned and so on.

*[Authority:- Estt. Division's O.M. No. D-671/71-F.I, dated 29<sup>th</sup> December, 1972].*

### **12.7 Absence from Office Due to Curfew to be Treated as Casual Leave**

During curfew/emergency, such absence should be treated as Casual Leave but not debited to the causal leave account.

*[Authority:- Establishment Division's O.M. No.8/2/69-F.1, dated 12-03-1969]*

### **12.8 Grant of Casual Leave Ex-Pakistan**

It has been decided that the authority competent to grant leave to a government servant can also permit him to avail himself of casual leave ex-Pakistan in special circumstances subject to the condition that the limit of 20 days casual leave as prescribed is not exceeded.

*[Authority:- Home Affairs Division's O.M. No.9/10/54-Public, dated 27-01-1955]*

### **12.9 Grant of Casual Leave to Government Servants Deputed Abroad**

According to the administrative instructions in Para V (2) of Appendix 3 of the Fundamental and Supplementary Rules, Volume II, casual leave must not be granted to a government servant so as to cause evasion of the rules regarding return to duty. Similarly, according to Government Order under F.R 51-A, the grant of return passage to Pakistan on conclusion of deputation abroad is conditional on the official's return to duty forthwith on the conclusion of the deputation, unless the arrangement to the contrary effect had been specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun. A question had been raised as to whether in view of these instructions, the grant of casual leave to a government servant deputed outside Pakistan on temporary official duty or on training, either before the commencement or after the expiry of the sanctioned period of deputation, which, would have the effect of extending his stay outside Pakistan, would be in order. It is clarified that although there is no absolute bar on the grant of casual leave outside Pakistan in such cases, it should, ordinarily be discouraged and should be allowed only in exceptional circumstances.

*[Authority:- Finance Division's O.M. No.F.8 (7)-R.2 (Rwp)/61, dated 17-11-1961]*

### **12.10 Grant of Leave to Officers in BPS-22 other than Secretaries and Heads of Departments in BPS-22**

The Secretaries of Ministries/Divisions sanction leave to officers in BPS-22 and equivalent, other than Special Secretaries and Heads of Departments in BPS-22, posted under their respective charge.

2. All orders passed in exercise of the powers as delegated, should invariably be endorsed to Establishment Division.

*[Authority:- Establishment Division's O.M. No.10/15/2000-R.2, dated 29-10-2001]*

### **Sl.No.13**

#### **Grant of Leave to Secretaries, Heads of Departments and Heads of Autonomous/Semi-Autonomous Bodies/Corporations**

The following procedure for grant of leave to Secretaries to Federal Government, Heads of Departments and Autonomous Bodies shall be followed:-

- (i) All requests for grant of leave on full pay (LFP) including leave ex-Pakistan, to Secretaries of Ministries/Divisions, Heads of Departments in BPS-22, and Heads of Autonomous Bodies in M-I shall be submitted to Minister Incharge of the respective Ministry/Division who will be competent to grant LFP subject to title.
- (ii) All requests for leave from officers mentioned at (i), should also suggest specific arrangements for entrusting the work of the Secretary or Head of Department or Autonomous Body, as the

case may be, during the period of leave. The Minister may approve for a maximum period of three months following temporary arrangements for entrusting the work of the officer proceeding on leave to another officer:

- (a) current charge of the duties of the post may be given to the most senior officer available within the organization, and
- (b) where an officer of an appropriate seniority and background is not available within the organization, the work may be entrusted to another officer of the same status working under the charge of the Minister.
- (iii) All requests for grant of LFP to Heads of Departments in BPS-21 and below and Heads of Autonomous Bodies in M-II and M-III, shall be decided by the Secretary of the respective Ministry/ Division.
- (iv) All orders passed in exercise of the powers delegated at (i), (ii) and (iii) above should invariably be endorsed to Establishment Division.

[Authority:- Establishment Division's O.M.No. 10/15/2000-R.2, dated 08-04-2000]

### **13.1 Grant of Leave to Secretaries, Heads of Departments and Heads of Autonomous Bodies**

Reference Establishment Division's instructions regarding grant of LFP including leave ex-Pakistan to Secretaries of Ministries/Divisions, Head of Departments in BPS 22 and Heads of Autonomous Bodies in M-I issued vide its OM No. 10/15/2000-R.2, dated 8.4.2000. Sub para (i) of the aforesaid instructions read as under:

- “(i) All requests for grant of \*LFP including leave ex-Pakistan, to Secretaries of Ministries/Divisions, Head of Departments in BPS 22, and Head of Autonomous Bodies in M-I shall be submitted to Minister Incharge of the respective Ministry/Division who will be competent to grant LFP subject to title”.

2. Secretaries of the Ministries/Division concerned are competent to grant LFP to Heads of Departments in BPS 21 and below and Head of Autonomous Bodies in M-II and M-III. Secretaries of the Ministries/Divisions have also been authorized to grant leave to officers in BPS 22 and equivalent other than Heads of Departments in BPS 22 posted under their respective charge vide Division's OM No. 10/15/2000-R-2, dated 29.10.2001.

3. Procedure for visits abroad by government officials has been prescribed separately vide Cabinet Division's D.O. Letter No. F.9-148/2002-Min,

dated 19<sup>th</sup> February, 2003. According to para 2 of the said instructions, visits abroad by the Secretaries/Additional Secretaries Incharge of the Ministries/Divisions and Head of Autonomous/Semi-Autonomous Bodies and Corporations in MP-I Scale shall require prior approval of the Prime Minister.

4. A question has arisen as to whether \*LFP including leave ex-Pakistan to Secretaries/Additional Secretaries Incharge of the Ministries and Head of Departments in BPS 22 and Heads of Autonomous Bodies in MP-I Scale shall be granted by the Minister Incharge or such leave would require approval of the Prime Minister.

5. The matter has been considered. It is accordingly clarified that grant of LFP\* including leave ex-Pakistan to Secretaries/Additional Secretaries Incharge of the Ministries/Division, Head of Departments in BPS 22 and Head of Autonomous in MP-I Scale shall be granted by the Minister Incharge. Whereas, for official visits abroad only *i.e.* participation in international conferences, meetings, seminars, workshops etc. by the Secretaries/Additional Secretaries Incharge of the Ministries/Divisions, Heads of Department in BPS 22 and Heads of Autonomous Bodies in MP-I Scale, the prior approval of the Prime Minister shall be required.

*[Authority:- Estab. Div's OM No. 10/15/2000-R.2., dated 30<sup>th</sup> March, 2006].*

**SI.No. 14**

**Expeditious Processing of Cases Where a Medical Authority Certified that a Government Servant is Permanently Incapacitated for Service**

According to the provisions contained in FR 10-A, the competent authority is empowered to retire, from service, a government servant, if a medical authority certifies that the government servant is permanently incapacitated for further service. The cases of such government servants are to be processed expeditiously. As such, Ministries/Divisions may process such cases expeditiously for seeking orders of the competent authority.

*[Authority:- Establishment Division's O.M. No.14/2/95-R.2, dated 18-10-2000]*

**SI.No. 15**

**Employment of Government Servants with NGOs or Private Organizations within Pakistan**

Refer to Establishment Division's of even number dated 11-06-2001 on the subject cited above and to state that the competent authority has been pleased to desire that existing policy regarding grant of permission to Government servants to work with NGOs/private sector organizations, firms, establishments or persons on leave/EOL basis allowed through Establishment Division's O.M.No.F.9/4/66-E.5(DMG), dated 11-06-2001 is cancelled forthwith. Further, the Government servants who have already been granted such permission/leave etc. be advised to report back for duty as soon as their

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\*Leave on Full Pay.



leave/existing contract with private employers expire.

2. Ministries/Divisions are requested to bring the above policy decision in the notice of attached departments/sub-ordinate offices under their administrative control for strict compliance with immediate effect.

[*Authority:-* Establishment Division's O.M.No.F.9/4/99-E.5(DMG) dated 28<sup>th</sup> August,2002].

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CHAPTER-5

## **RETIREMENT AND RE-EMPLOYMENT**

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## CHAPTER 5

**RETIREMENT AND RE-EMPLOYMENT**

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**I. RETIREMENT FROM SERVICE  
(STATUTORY PROVISIONS)**

**Sl. No. 1****Retirement on Completion of Sixtieth Year of Age**

A civil servant shall retire from service on the completion of the sixtieth year of his age.

*[Authority:- Civil Servants Act, 1973, Section 13 (1) (ii).]*

**1.1 Authorities Competent to Accept  
Requests for Retirement**

A reference is invited to the Establishment Division's Office Memorandum No. 1/2/67-CV, dated the 6th December, 1967 (**Annex**) in which it was stated that it was not necessary to submit requests for retirement on completion of 25 years' qualifying service to the \*President for orders where the appointing authority was the \*President. This was so because government had allowed all civil servants the right to apply for retirement and the intimation of intention to retire once submitted by a civil servant was final and could not be modified or withdrawn. This right of the civil servant is, however, subject to the provisions of the Essential Services (Maintenance) Act, and is not available to a civil servant against whom a departmental enquiry is pending. The question has, therefore, arisen as to which authority is competent to accept such requests for retirement. It has been decided that requests for retirement of officers of BPS mentioned in column 1 below should be submitted to the Authority mentioned in column 2 for orders:-

Sr. No.	BPS of officers	Authority competent to accept Request for retirement
** (i)	BPS 21 and above.....	Prime Minister. The summary after approval by the Minister concerned would be submitted through the Establishment Division.
** (ii)	BPS 17 to 20 .....	Secretary of the Ministry/Division which administratively controls the cadre or department to which the post belongs.
** (iii)	BPS 16.....	Head of Department.
** (iv)	BPS 1 to 15.....	Head of Department or Head of Office.

*[Authority.- Estt. Div.'s O.M.No.1/5/73-CV, dated 6-6-1974].*

\* Prime Minister.

\*\* *Note.*— Competent Authorities may be meant as described under Rule 6(1) &(2) of the (Appointment, Promotion and Transfer) Rules, 1973.

**(ANNEX I)****[Copy of Establishment Division O.M. No. 1/2/67-CV, dated 06.12.1967]**

Subject:- Right to retire on a retiring pension after completing 25 years qualifying service-Policy.

A point has been raised whether or not the approval of the \*President (where the President is the appointing authority) is required for the termination of services of a \*\*Class I officer who opts for retirement in pursuance of paragraph (5) of the Ministry of Finance O.M. No. O.B. 2/12/63-IMP (I), dated the 18th August, 1966 .

2. The point has been examined in the Establishment Division and it has been decided in consultation with the Law Division that it is unnecessary to submit such cases to the President\*. Only such cases of officers of and above the level of heads of major departments and Joint Secretaries to the Federal Government may be submitted to the President\* for information.

**1.2 Retirement on Completion of 25 Years  
Service – Right to Retire Through  
Written Intimation**

A question has been raised whether a government servant who intends to retire after completing 25 years service qualifying for pension, can submit a written intimation of his intention to retire even before completing 25 years qualifying service.

2. The matter has been examined, in consultation with the Law Division and the Finance Division, and it has been decided that the right to retire from service accrues to a government servant only after he has completed 25 years' service qualifying for pension. As such, he can exercise the said option and submit a written intimation of his intention to retire only after the date of completion of his 25 years' service qualifying for pension. Application for L.P.R\*\*\*, if due, shall also be submitted after that date.

3. If a government servant desires to leave service before completion of his 25 years' service qualifying for pension, he may do so by tendering resignation from service. In that case he will not be entitled to any pensionary benefits.

*[Authority.- Estt. Division's O.M. No. 23/2/81-CV (A), dated 12-4-1981].*

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\* Prime Minister

\*\* BPS 17 and above.

\*\*\* Leave Preparatory to Retirement.



**1.3 Retirement on Completion of 25 Years  
Service Qualifying for Pension  
(General Instructions) - Retiring Pension**

Subject to the provisions of the Essential Services (Maintenance) Act, 1952, all government servants shall have the right to retire on a retiring pension after completing 25 years qualifying service, provided that a government servant, who intends to retire before attaining the age of superannuation, shall, at least **\*(Six)** months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such an intimation, once submitted, shall be final and shall not be allowed to be modified or withdrawn. [The right given by this paragraph shall not, however, be available to government servant against whom a departmental enquiry is pending].

*[Authority.- Para 5 of the Finance Division's O.M. No. O.B.2/12/63-IMP(I), dated 18-8-1966 as amended vide Finance Div.'s O.M No. OB.2/12/63-Imp. (1), dated 14.12. 1967]].*

**1.4 Notifying Retirement of an  
Officer on Attaining the Age  
of Superannuation**

It has come to notice of the Establishment Division that in some cases no notification was issued regarding retirement of the officer who retired from service on attaining the age of superannuation, i.e., the age of 60 years. The absence of a notification regarding the retirement led to delay in payment of the pension and other dues. The matter has, therefore, been considered by the Establishment Division and it is stated that while a notification may not be necessary in the case of officers who attain the age of superannuation for retiring them from service, it is necessary to notify the retirement of such officers to all concerned for the recovery of dues from the officers, if any, and to facilitate payment of pension and other dues of the officers. The Ministries/Divisions are, therefore, requested to ensure that retirement of officers working under them are notified well in time even if the officer concerned does not take leave preparatory to retirement. In case the retiring officer is on deputation with the Ministry/Division or with any of their Attached Departments/ Subordinate Offices and the orders regarding his retirement are to be issued by his parent Ministry/Department, that Ministry/ Department may please be informed of the date of retirement of the officer so that they may issue notification regarding his retirement.

*[Authority.- Estt. Division's O.M.No.8/22/75-C.I., dated 26-2-1976].*

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\* Amended in terms of CSR 907.

**Sl. No. 2****Withdrawal of Applications for Premature Retirement**

According to "Note 1" below Article 465-B/CSR, a written intimation once submitted by a government servant who intends to retire after completing 25 years service qualifying for pension, shall be final and shall not be allowed to be modified or withdrawn.

2. The matter has been examined, in consultation with the Law Division and the Finance Division, and it has been decided that, in partial modification of the existing rules/orders, if a government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be.

*[Authority.- Estt. Division's O.M. No. 23/2/81-CV (B), dated 12-4-1981].*

**2.1 Recall to Duty After Premature Retirement**

Attention is invited to Establishment Division's O.M. No.23/2/81-CV(B) dated 12.4.1981 according to which option to withdraw or modify the request for premature retirement is available to a government servant only before the said request is accepted by the competent authority. Requests for premature retirement once accepted by the competent authority, cannot, repeat cannot, be allowed to be withdrawn or modified. Recall to duty after acceptance of request for voluntary retirement amounts to re-employment for which approval of the Prime Minister is required.

2. Ministries/Divisions are requested to bring the above position to the notice of all concerned including their attached departments and subordinate offices, autonomous and semi-autonomous organizations, etc., to ensure strict compliance with the above stated provision.

*[Authority.- Estt. Division's O.M. No. F. 14/10/95-R.2 dated 25-8-1996].*

**Sl. No. 3****Indication of Date of Superannuation of Officers Proposed for Appointment to Tenure Posts**

Cases have come to the notice in which some officers, who were about to attain the age of superannuation within a few months time, were recommended for appointment to tenure posts, and in the Summary for the Prime Minister, there was no indication that the tenure of the proposed appointment would last much beyond the age of superannuation of the recommendee. Submission of such proposals to the Prime Minister without indication of date of birth amounts to disguised recommendation for re-employment. The competent authority has viewed the

aforesaid lapse with displeasure and has directed that all proposals entailing to appointment to tenure posts should, besides providing other relevant information, specifically mention the date of superannuation of the recommendee so that the competent authority may be able to exercise conscious discretion in regard to appointing a person to a tenure post involving his retention in public service beyond the date of his superannuation.

*[Authority.- Estt. Division's O.M. No.1/134/99-E.6, dated 3-9-1999].*

#### **Sl. No. 4**

#### **Future Good Conduct of Pensioners**

Attention is invited to clause (1) of Article 351 of the Civil Service Regulations which reads as follows :-

"Future good conduct is an implied condition of every grant of a pension. The Local Government and the Government of Pakistan reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct."

2. It has been decided that the provision of the above Article should be strictly enforced in all cases by the pension sanctioning authorities. In cases where a pensioner commits misconduct, prompt action should be taken to withhold or withdraw his pension or any part of it.

3. Misconduct in such cases would mean conduct prejudicial to good behaviour or unbecoming of a gentleman. The decision of the President on any question whether any act on the part of the pensioner is misconduct or not shall be final and binding.

*[Authority.- Establishment Secretary's D.O. letter No.5/4/73-D, IV, dated 11-8-1973].*

#### **4.1 Taking Part in Politics by Pensioners**

Attention is invited to clause (2) of Article 351 of the Civil Service Regulations which reads as follows :-

"(2) Except with the previous sanction of the \*Central Government, no pensioner shall, within a period of two years from the date of his/her retirement, take part in any election or engage in political activity of any kind."

2. It would be noticed from the above that the pensioner can participate in political activity within two years of his retirement from service only with the previous sanction of the Federal Government. It has, however, been decided that

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\* Federal.

as a matter of policy no permission should in future be granted to any pensioner to engage in political activity of any kind.

3. It may be clarified that political activity would include activities like affiliation with political parties, public speeches, writing articles, giving statements, attending political meetings, making monetary contribution for political purposes etc. This clarification may be brought to the notice of the government servants and also to pensioners who have not yet completed two years from the date of their retirement.

*[Authority:- Establishment Secretary's D.O. letter No. 5/3/73-D.IV, dated 31-7-1973].*

### **Sl. No. 5**

#### **Grant of Medical Allowance to Civil Pensioners of the Federal Government**

The sanction of the President to the introduction of Medical Allowance with effect from 1<sup>st</sup> July, 2010 to all civil pensioners of the Federal Government including civilians paid from Defence Estimates and Civil Armed Forces at the following rates:—

- (i) Pensioners who retired in BPS 1-15 @15% of pension drawn.
- (ii) Pensioners who retired/will retire in BPS 16-22 @20% of pension drawn.

2. The medical allowance will be allowed after allowing increases in family pension, pension and minimum pension notified vide following O.Ms:-

- i. No.F2(3)-Reg.6/2010                      dated 05-07-2010.
- ii. No.F.4(1)-Reg.6/2010                  dated 05-07-2010.
- iii. No.F.15(1)-Reg./2010                 dated 05-07-2010.

3. The re-employed pensioners will be allowed medical allowance after allowing increases in pension on notional basis as increases in pension are not admissible to them during re-employment.

4. The existing facility of reimbursement of amounts spent on account of purchase of medicines by the retired Government servants and local purchase of medicines by Government Hospitals for Outdoor Patients (OPD) will be discontinued. However, the existing facilities for consultation and diagnostic investigations at OPD will continue as before. Reimbursement/Local Purchase on account of Cancer, Hepatitis B,C and Insulin dependent diabetes would be admissible for OPD patients. The existing facility of reimbursement of all kinds of expenditure on account of indoor Medical Treatment will continue as before.

*[Authority:- Finance Division's O.M.No.F.16(1)-Reg.6/2010-778 dated 5<sup>th</sup> July,2010].*

### **5.1 Grant of Medical Allowance to Civil Employees/Pensioners of the Federal Government**

In partial modification of Finance Division's O.Ms. No. 1(1)Imp/2010-622 and No.F.16(1) Reg-6/2010-778, both of dated 5<sup>th</sup> July,2010 regarding the subject mentioned above, that it has been decided in consultation with Ministry of Health that serving/retired civil employees of the Federal Government or member of his/her family suffering from the following chronic diseases, will be entitled for reimbursement of amount spent on account of purchase of medicines for the medical treatment at OPD:—

- 1) Chronic pulmonary-cardiovascular and circulatory disorders.
- 2) Tumours, malignancies, cancer and chronic blood disorders (Thalassaemias etc).
- 3) Chronic hepato-renal disorders, organ failure, dialysis and transplants.
- 4) Chronic neuro-psychiatric diseases, neuropathies, epilepsy, paralysis.
- 5) Chronic inflammatory-infectious diseases (rheumatoid, arthritis, hepatitis, TB, tetanus etc.)
- 6) Chronic endocrine disorder(diabetes/goiter pancreatitis etc).
- 7) Chronic degenerative disorders.
- 8) Poisoning, dog and snake bite.
- 9) Drug Abuse, STD,HIV/AIDS, VHF.
- 10) Chronic skin diseases, allergies-chronic connective tissue and auto immune disorders.
- 11) Injuries including orthopaedics, burns, gunshot, blast and head injuries.
- 12) Day surgery (obstetric-gynae disorders, deliveries, cataract and eye/ENT day procedures).
- 13) Shock, cardiogenic shock, stroke and electrolyte disorders.
- 14) Treatment for eye, ENT and disabilities/handicaps.
- 15) Dental treatment.

2. The financial impact arises-out from reimbursement of medical charges in the matter will be met out of the allocated budget for the year 2010-2011 by the respective Ministries/Divisions and no supplementary grant would be given on this account.

3. Ministry of Health will issue necessary instructions for constitution of a Medical Board at each Government Hospital, which will examine the serving/retired Government servant or a member of his/her family and decide suffering from chronic disease, not covered under the above stated list, for reimbursement of medical expenses incurred for the treatment in OPD and their decision shall be final.

[Authority:-Finance Division's O.M. No.F.6(1)R-10/2010-171-2011 dated 24-03-2011].

### **Clarification for the Grant of Medical Allowance to Civil Employees/ Pensioners of the Federal Government**

Refer to Finance Division's O.M. of even number dated 24<sup>th</sup> March,2011 on the above subject and to clarify that provisions of the said O.M. are applicable to all serving/retired Civil Employees (Gazetted/Non-Gazetted) of the Federal Government with effect from 1<sup>st</sup> July,2010.

[Authority:-Finance Division's O.M. No. F.6(1)R-10/2010-564 dated 5<sup>th</sup> July,2011].

### **5.2 Grant of Medical Allowance to Civil Pensioners of the Federal Government**

Refer to Finance Division's O.M.No.F.16(1)-Reg.66/2010-778 dated 5<sup>th</sup> July,2010 and to state that the Government introduced Medical Allowance with effect from 1<sup>st</sup> July,2010 to all civil pensioners of the Federal Government including civilians paid from Defence Estimates and Civil Armed Forces.

2. In terms of para-22 of Finance Division's O.M. No.F.1(5)-Imp/2011-419 dated 04-07-2011 it was decided that:-

- (i) Medical Allowance admissible to the existing retired Civil Servants in BPS-1 to BPS-15 and BPS-16 to BPS-22 @ 25% and @ 20% of the net pension respectively shall continue to be admissible at the frozen level of its admissibility as on 30-06-2011 till further order.
- (ii) All the Civil Servants in BPS-1 to BPS-15 and in BPS-16 to BPS-22, who shall retire on or after 01-07-2011 onwards, shall be allowed Medical Allowance @ 25% and @ 20% of the net pension respectively and shall stand frozen at the same level.

3. Now the President has been pleased to sanction, w.e.f. 01-07-2015 until further orders 25% increase in the amount of medical allowance being drawn by the civil pensioners of Federal Government, civilian paid from Defence Estimates and Civil Armed Forces and to the future retirees on the medical allowance admissible to them at the time to retirement and shall stand frozen at same level.

[Authority:-Finance Division's O.M.No.16(1)-Reg.6/2015-698 dated 07-07-2015].

**Sl.No. 6****Traveling Allowance for Journey on Retirement**

Grant of T.A. on Retirement of Government Servants Posted in Missions Abroad. The President has been pleased to sanction the grant of T.A. as admissible under the rules on retirement within a period of six months from the date of retirement by approved route to home-based government servants serving in Pakistan Missions abroad and their families from the station of retirement to Pakistan.

2. In the event of the legitimate children of the retiring government servants receiving education at the station of retirement, the T.A. for such children may be claimed within one year from the date of retirement. In either case no T.A. advance is to be paid, instead the Mission will itself arrange necessary tickets and charges for the transportation of personal effects in accordance with entitlement.

3. This issues with the concurrence of the Ministry of Finance vide their U.O..note No. 668-R5/64, dated the 30th March, 1964.

*[Authority: Foreign Affairs O.M. No. Rules 4/7/63, dated the 4<sup>th</sup> April, 1964].*

**6.1 Revision of Traveling Allowance Rules**

The existing rules governing the grant of traveling allowance to government servants on tour and on transfer, etc. within Pakistan were framed long ago and do not conform to the present day conditions, the President has, therefore, has pleased to decide as follows:-

X X X X

**TRAVELLING ALLOWANCE FOR JOURNEY ON RETIREMENT**

17.(a) A government servant shall be allowed TA to the extent specified below, in respect of the journey from the place of his last posting to his home town, performed during leave preparatory to retirement or on or after retirement.

- (i) Actual fare by rail or \*air of the class to which he was entitled immediately before his retirement for himself and for each member of his family. For journeys by road between places not connected by rail or \*air, mileage allowance shall be allowed.

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\* Amended vide Finance Division's O.M.No.F.1(5)R-10/2010-98 dated 24-04-2014.

- (ii) Cost of transportation of personal effects to the extent admissible to him immediately before retirement for journeys on transfer.
- (b) Advance payment for expenditure as at (a) above shall be made and be treated as final payment.
- (c) The home town shall be determined according to entries pertaining to the permanent address of the government servant in his service record or according to the declaration, made by him for purposes of leave travel concession.
- (d) The term "retirement" shall mean retirement on attaining the age of superannuation, or on completing prescribed service limit, or voluntary retirement on completion of 25 years qualifying service or on invalid pension or compulsory retirement.

	X	X	X	X
18. [omitted]	X	X	X	X

19. The existing rules and general orders on the subject shall be deemed to have been modified to the extent indicated in the preceding paragraphs.

20. These orders shall come into force from the 1st January, 1973.

*[Authority: Para 17 of Finance Division's OM No. F. 2(1)-Rev., 1/72, dated 20-12-1972].*

**6.2 T.A. for Journey on Retirement -  
Cost of Transportation of Personal  
Car/ Motorcycle/Scooter**

Reference paragraph 17 of this Division O.M. No. F. 2(1)-Rev.1/72, dated the 20th December, 1972, as amended from time to time.

2. It has been decided that, in addition to the cost of transportation of personal effects prescribed in paragraph 17 of the Office Memorandum referred to above, the cost of transportation of personal car or motor cycle or scooter shall also be admissible for journey to home town on retirement. The cost shall, however, be calculated by road and restricted to the distance by the practicable route.

3. These orders shall have immediate effect.

*[Authority:- Finance Division's OM No. 2(3)-R. 9/79-dated 23<sup>rd</sup> January, 1979].*



### **6.3 T. A. for Journey on Retirement – Determination of Home Town**

According to paragraph 17 of this Division's Office Memorandum No. F. 2(1)- Rev. 1/72, dated the 20th December, 1972, a civil servant is entitled to travelling allowance for journey on retirement up to his home town, on the scale and to the extent prescribed therein. The home town for this purpose is determined according to entries pertaining to the permanent address in his service record or according to the declaration made for purpose of leave travel concession.

2. A question has arisen as to how the home town should be determined in cases where the civil servant had no occasion to make a declaration for the purpose of leave travel concession; nor was any entry pertaining to permanent address available in his service records or, where available, the service book/service record shows- a place of permanent residence in territories now forming part of India. It has been decided that the following procedure shall be adopted to regulate such cases:—

- (i) Civil servants who have already retired or are on leave preparatory to retirements.—They may be allowed to give declaration to this effect now and granted travelling allowance accordingly.
- (ii) Civil servants who are in service.—They may be required to declare their home town within a period of six months from the date of issue of these orders.

*[Authority:- Finance Division's O.M. No. F. 2 (42)-R. 9/75, dated the 24<sup>th</sup> November, 1975].*

### **6.4 Time-Limit for Availing of the Concession of Traveling Allowance After Retirement**

Reference paragraph 17 of this Division's Office Memorandum No. F. 2(1)-Rev. 1/72, dated the 20th December, 1972, according to which a retiring civil servant is entitled to claim Travelling Allowance for journey, upto his home town, performed during leave preparatory to retirement or on or after retirement to the extent prescribed therein.

2. It has now been decided that a civil servant who did not avail himself of the concession of retirement T.A. during leave preparatory to retirement, may do so within six months after the actual date of his retirement. If, however, a retired civil servant dies during this period, without having availed himself of the concession, it may be allowed to the family on application to the Head of Department and should be availed of before the expiry of six months from the date of retirement of the deceased government servant or within three months of the date of his death, whichever may be later.

3. It has further been decided that in the case of retired civil servants who are re-employed immediately after, or within six months from the date of their retirement, the time limit prescribed in paragraph 2 above, shall commence from the date on which the period of re-employment concludes.

[Authority:- Finance Division's O.M. No. F. 2 (5)-R. 9/76, dated the 3<sup>rd</sup> March, 1976].

**6.5 T. A. for Journey on Retirement –  
Admissibility of TA to Employees with  
Home Towns of \*Gilgit Baltistan and Chitral**

According to paragraph 17 of this Division O.M. No. F.2(l) Rev. 1/72 dated the 20th December, 1972 a government servant, on retirement, is entitled to T.A. to the extent specified therein.

2. A question has been raised as to what amount of T.A. shall be admissible to employees whose home towns are in \*Gilgit, Baltistan, Chitral and therefore, of necessity, they have to perform the journey on retirement, by air. The matter has been considered and it has been decided that in such cases T.A. shall be allowed as under:—

- (i) For the portion of journey connected by rail, rail fare of the class of entitlement.
- (ii) For the portion of journey connected by road, mileage allowance at prescribed rate.
- (iii) Air fare (economy class) for self and family, from the airport of Rawalpindi/Peshawar, as the case may be, upto the airport near the home town;
- (iv) and cost of transportation of personal effects \*\*paisas 3 per road mile from the residence at the old station of posting to the residence at his home town, irrespective of mode by which the personal effects are carried.

[Authority:- Finance Division's O.M. No. F. 2(16)-R. 9/77, dated the 29<sup>th</sup> July, 1977].

**6.6 Time Limit for Availing of the Concession  
of Traveling Allowance after Retirement –  
Admissibility in Re-employment in Government**

Reference Finance Division's Office Memorandum No. F. 2(5)-R9/76, dated the 3rd March 1976, on the subject noted above. A question has been raised as to whether the concession of retirement T.A in case of re-employment is also admissible to retired civil servants who are re-employed in autonomous/ semi-autonomous organizations or private companies. It is clarified that the

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\*Previously "Northern Areas".

\*\*As per Revised Rates amended from time to time.

concession of retirement T.A. in 'case' of re-employment is admissible only to those retired civil servants who get re-employment in government departments and not to those re-employed in autonomous/semi-autonomous organizations or private companies. It is also clarified that a retired civil servant is entitled to avail of the T.A. concession any time during leave preparatory to retirement or after his retirement but before the expiry of the time limit of six months after the date of retirement. In the case of re-employment during leave preparatory to retirement or within six months from the date of retirement, a retired civil servant can avail of the concession any time before the termination of his re-employment or within a period of six months from the date on which his re-employment period ends.

[Authority:- Finance Division's O.M. No. F. 2 (28-R.9/80; dated the 10<sup>th</sup> March, 1981].

### **6.7 Revision of Transfer Grant, Transportation of Motorcar/ Motorcycle/Scooter and Mileage Allowance**

Reference Finance Division's O.M. No. F.2(1)-Rev.1/72 dated the 20th December, 1972, on the above mentioned subject, as amended from time to time. It is stated that the President has been pleased to decide that the existing rates of Transfer Grant, Transportation of Motor Car/Motorcycle/Scooter by road and the Mileage Allowance shall be revised with immediate effect, as under:-

#### **(I) TRANSFER GRANT**

(i)	Employees having family	One month's pay.
(ii)	Employees not having a family	Half month's pay.

- Note:
- (i) Transfer TA is admissible where change of residence is involved in consequence of change of headquarters.
  - (ii) Transfer grant is admissible only where breaking-up of the house hold establishment at the old station and setting up of the house hold establishment at new station takes place, and a certificate to this effect is recorded on the Transfer TA bill by the Government servant concerned duly countersigned by the controlling officer (No.F.2(34)-r.9/84-999/84, dated 30.09-1984).

[Authority:- Finance Division's O.M. No.F.1(2)-Reg.10/2005, dated 10<sup>th</sup> September, 2005].

**\*(II) TRAVELLING AND MILEAGE ALLOWANCE**

<b>Transportation</b>	<b>Previous</b>	<b>Existing</b>
(i) Motor Car	Rs. 2/- k.m.	Rs. 5/- per k.m.
(ii) Motor Cycle/Scooter	Rs. 1/- per k.m.	Rs. 2.5/- k.m.
<b>Mileage Allowance</b>		
(i) Personal Car/Taxi	Rs. 5/- per k.m.	Rs. 10/- pr k.m.
(ii) Motor Cycle/Scooter	Rs. 2/- per k.m.	Rs. 4/- per k.m.
(iii) Bicycle/Animal back/ foot	Rs. 1/- per k.m.	Rs. 2/- per k.m.
(iv) Public Transport	Rs. 1/- per k.m. (BPS-6 and below).	Rs. 2.5/- per k.m.
	Rs. 1/- per k.m. BPS-7 and above).	Rs. 2.5/- per k.m.
<b>Travel by Air</b>	Govt. servants in BPS-17 and those in receipt of pay of Rs. 54000 and above.	Govt. servants in BPS-17 and above.
Carriage of Personal effects on Transfer/ Retirement	Rs. 0.008 per k.m. Per k.g.	Rs. 0.02 per k.m. per k.g.

(ii) Government servants shall be allowed to use the mode of transport as shown below:—

<b>Mode of Transport</b>	<b>Category of Government servants</b>
Personal car, borrowed car, hiring of a full taxi.	Officer of Category I. In the case of others, a taxi may be engaged, if the urgency of the situation so demands, with the approval of the controlling officer.
Personal Motor Cycle/Scooter.	Category I and II.
Bicycle etc. and public transport plying for hire single seat basis.	All Government servants.

[Ministry of Finance O.M. No. F. 2(1)-Imp. 1/77, dated the 29th April, 1977.]

It has been decided to reimburse the toll tax on Motor Way paid by an officer while travelling in an official vehicle on official duty/tour on production of original receipt in token thereof. \*It has also been decided to allow reimbursement of the Toll Tax on Motor Way paid by an officer while travelling on official duty/tour by his own car subject to production of original receipt in token thereof.

[Authority:—Finance Division's O.M. No. 1(5) R. 9/98-345, dated 13th March, 2002.]

\* Revised vide Finance Division's O.M No. F.1(3)/Imp/2012 dated 16-07-2012.

## II. RE-EMPLOYMENT

### **Sl. No. 7**

#### **Employment after Retirement- Policy and Procedure – Re-employment after Superannuation**

It has been noticed that Ministries/Divisions initiate proposals for re-employment of government servants after superannuation as a routine measure. It is emphasized that re-employment beyond superannuation should be an exception and not the rule. It may be recommended only in cases where government considers that the experience gained by the retiring person is of vital importance and can be gainfully utilized, particularly in fields where suitably qualified and experienced persons are not available.

2. For achievement of the objective mentioned above, the present government has framed a policy for re-employment of government servants and cases for re-employment would, in future, be considered in accordance with the following criteria:

- (i) non-availability of suitably qualified or experienced officers to replace the retiring officer;
- (ii) the officer is a highly competent person with distinction in his profession/field;
- (iii) the re-employment does not cause a promotion block; and
- (iv) retention of the retiring officer, for a specified period, is in the public interest.

This policy would also apply to government controlled corporations and other autonomous bodies.

3. Proposals for re-employment are required to be accompanied with the following documents/information:-

- (a) the proposal duly signed by Secretary or Additional Secretary Incharge of the Ministry concerned to be received in the Establishment Division 6 months before the officer is due to attain the age of superannuation and has the approval of the Minister Incharge;
- (b) the steps taken to train the substitute, if any;
- (c) PERs with photograph, ICP chart and bio-data on prescribed proforma; and
- (d) certificate that the officer is medically fit.

4. Re-employment beyond the age of superannuation in all cases requires the approval of the Prime Minister.

5. It is requested to instruct all concerned in Ministries/ Divisions and Attached Departments/autonomous bodies to strictly follow the guidelines given above.

[Authority.- Establishment Secretary's D.O. letter No.7/3/ 89-OMG-II dated 28-01-1989].

### **7.1 Re-employment of Civil Servants After Compulsory Retirement or Termination of Service**

A person, whose services have been terminated as a result of a disciplinary action against him, or retrenched due to winding up of an organization (where he was serving) on grounds of its having been set up irregularly, will not be re-employed without obtaining the orders of the President\*.

2. Such cases for re-employment of persons, in all \*\*grades, both in government service and corporations etc., should be submitted by the Ministry concerned (together with its recommendations and bio-data of the proposed person), through the Establishment Division, to the \*President for orders. Such a proposal shall be made in the form of a "Summary", containing the approval of the Minister-in-charge, and signed by the Secretary or Additional Secretary Incharge.

3. Ministries/Divisions are requested to bring these instructions to the notice of all Attached Departments/Subordinate Offices/Corporations etc. under their administrative control, for information and necessary action.

[Authority.- Estt. Division's O.M. No. 2/6/78-CV, dated 08-1-1979].

### **7.2 Re-employment During Refused L.P.R**

A question has arisen whether a government servant, whose L.P.R. has been refused, should be recommended for re-employment on the same post, after superannuation.

2. It has been decided that as a matter of policy, re-employment, beyond superannuation, may not be initiated as the period of refused L.P.R. gives ample time to find out replacement of the retiring officer. In exceptional cases, where re-employment beyond superannuation is inevitable, the reasons therefor may specifically be brought out in the "Summary for the \*President".

3. Ministries/Divisions may please bring these instructions to the notice of the autonomous bodies/corporations etc.

[Authority.- Estt. Division's O.M. No. 3/60/81, dated 17-11-1982].

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\* Prime Minister.

\*\* BPS.

### **7.3 Re-employment after Superannuation by Corporations/ Autonomous Bodies**

It has time and again been stressed that the approval of the President\* would be necessary in all cases of re-employment after the age of superannuation in government as well as in the autonomous bodies. In this connection attention is invited to Establishment Secretary's D.O. letter No. 8/1/72-CV, dated 29-5-1972 and Establishment Division O.M. No. 2/2/78-CV, dated 24-12-1978. According to these instructions the age of superannuation of all government servants should be 60 years and this should apply equally to government controlled corporations/ autonomous bodies etc. and if such organizations have prescribed age beyond 60 years they were required to amend their recruitment/service rules and inform the Establishment Division of compliance. It was abundantly made clear that in case no communication was received, it would be assumed that the age of superannuation, as prescribed in their rules, is 60 years.

2. Contrary to the explicit instructions referred to above, it has come to notice that corporations/autonomous bodies have been re-employing persons after the date of superannuation without obtaining prior approval of the President.

3. It is, therefore, reiterated that no person who has already attained the age of 60 years should be allowed to be in employment without obtaining prior approval of the President\*.

*[Authority.- Estt. Division's O.M. No. 2/48/84-ABC dated 23-1-1985].*

### **7.4 Cabinet Decision Regarding Re-employment**

The Cabinet in its meeting held on 12-11-1990 has decided that no re-employment beyond the age of superannuation should be allowed except in very exceptional cases for which approval of the Prime Minister would need to be obtained.

2. This decision is also applicable to autonomous bodies/semi-autonomous bodies and may please be brought to their notice for strict compliance.

*[Authority.- Estt. Division's O.M. No.4/2/90-R.I dated 5-12-1990].*

### **7.5 Re-employment beyond Superannuation in Unavoidable Cases**

The Ministries/Divisions are advised not to initiate cases of re-employment of civil servants beyond the age of superannuation unless that is considered unavoidable due to non-availability of his replacement and the importance and sensitivity of the job which must be clearly brought out while initiating any such proposal.

*[Authority.- Estt. Division's O.M. No.4/1/93-R.I dated 27-8-1995].*

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\* Prime Minister.

**Sl. No. 8****Continuation in Service Beyond Superannuation**

The Prime Minister has taken serious notice of cases in which civil servants were allowed to continue in service beyond the date on which they attained the age of superannuation or completed the specified period of their re-employment on contract simply on the grounds that proposals for their re-employment beyond the age of 60 or beyond the period of re-employment had been submitted or were being submitted. This practice is in violation of government's clear instructions issued time and again. In this connection, attention is invited to circular (d.o. letter No. 4/1/84-R.I dated 20-6-1984).

2. The procedure for employment of civil servants after retirement should be strictly followed. It should particularly be ensured that all proposals for re-employment beyond the age of 60 or for extension of the period of current re-employment are made at least 6 months before the date of attaining the age of superannuation or the date of expiry of the current period of re-employment, as the case may be.

3. In case a proposal for re-employment has been submitted and no decision has been received by the date on which the civil servant concerned attains the age of 60 or completes the current period of re-employment, it is the responsibility of the head of office to ensure that the civil servant relinquishes the charge on such date.

*[Authority.- Establishment Secretary's D.O. No. 4/1/84-R.I, dated 8-8-1985].*

**8.1 Requirements for Re-employment beyond Superannuation**

In continuation of the Establishment Division's Office Memorandum No.2/2/78-CV, dated the 24th December, 1978, it is re-emphasized that re-employment of government servants beyond superannuation is allowed in exceptional cases to meet the shortage of experienced and competent persons where replacements from present cadres are not available. Proposals for re-employment, to be submitted by the Ministry concerned through the Establishment Division to the \*President, are to indicate reasons for non-availability of substitute, steps taken to train a substitute and that the re-employment/extension is not likely to block the promotion prospects of other officers. The instructions have been circulated in our Office Memorandum referred to above under which detailed information is required to be provided alongwith the proposal for re-employment.

2. It is requested that while submitting Summaries for re-employment/extension in re-employment, detailed information may also be furnished on the prescribed proforma attached as Annex.

*[Authority.- Estt. Division's D.O. letter No. 5/10/83-E.4, dated 23-4-1983].*

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\* Now Prime Minister.





### **8.2 Need for Re-employment beyond Superannuation**

Re-employment of government servants beyond superannuation is to be recommended in exceptional cases particularly to meet the shortage of experienced and competent persons where replacement from the existing cadres is not available.

2. The Prime Minister has been pleased to observe that no case for re-employment/extension in re-employment should be put up unless specifically asked for.

*[Authority.- Estt. Division's D.O. letter No.1/2/90-D.S. dated 07-3-1990].*

### **8.3 Continuation of Contract Appointment/ Re-employment Without Approval**

It has been observed by the Establishment Division that officers appointed on contract or serving on re-employment and secondment in the Federal Government continue in their posts after the expiry of their tenure without specific orders of the competent authority.

2. All Ministries/Divisions are requested to please adhere to the instructions issued by the Establishment Division and not to allow any officer to continue in service beyond the age of superannuation or contractual appointment without the prior approval of the competent authority.

*[Authority.- Estt. Division's O.M.No.4/1/84-R.I. dated 2-9-1990].*

### **8.4 Guard Against Unauthorised Overstayal after Superannuation/on Expiry of the Period of Contract Re-employment**

It has been observed by the Establishment Division in certain cases that officers on superannuation or on expiry of contract re-employment continue in office which is violation of the existing instructions issued on the subject from time to time. Attention is invited to this Division's D.O. letters No. 5/10/83-E-4, dated 23-4-1983, No.4/1/84-R.1, dated 20-11-1986, O.M.No.4/1/84-R.1, dated 2-9-1990 and O.M. No.4/2/90-R.1, dated 5-12-1990.

2. In view of the above, all the Ministries/Divisions are requested to ensure that the instructions already issued by the Establishment Division are complied with in letter and spirit and no officer is allowed to continue in office after superannuation/on expiry of the period of contract re-employment unless prior approval of the competent authority is obtained in advance. In case of unauthorized overstayal, the financial liability for such an irregularity shall rest upon the head of the department and the officer concerned himself.

3. If it is intended to get the retiring person re-employed on contract in public interest or to get his contract extended, a proposal in the form of a summary for the Prime Minister should be submitted to Establishment Division about six months in advance from the date of his retirement from service/expiry of the contract so that Establishment Division could have sufficient time to process it properly.

4. The proposal for re-employment on contract/extension in contract should invariably contain the following information:-

- (a) A brief report on the performance of the officer during the period of his contract re-employment (only for the cases for extension in contract).
- (b) Certificate that the proposed re-employment/ extension in contract will not create promotion blockade for the departmental officers.
- (c) Steps taken to train a substitute of the officer and a statement of circumstances in which no officer could be groomed to take up the assignment.

5. No request for grant of ex-post-facto approval to the contract re-employment/extension in contract, in any circumstances, will be entertained.

6. All the Ministries/Divisions are requested to strictly abide by the above guidelines. If a proposal, floated on the subject, either fails to give adequate information, as mentioned above or is not received in the Establishment Division in time, the same will be liable to be summarily rejected by the Establishment Division and will not be processed further.

7. All the Ministries/Divisions are requested to bring the above instructions to the notice of the Attached Departments/ organizations for strict compliance.

*[Authority.- Estt. Division's O.M. No.3/16/99-CP-6, dated 26-5-1999].*

### **Sl. No. 9**

#### **Request for Re-employment by Officers Retired Voluntarily**

As per existing policy of the government, re-employment of retired civil servants beyond superannuation is not encouraged except in cases when a civil servant possesses such expertise that his services are irreplaceable.

2. The Prime Minister has been pleased to decide that requests for re-employment of ex-civil servants, who have voluntarily retired from service, shall be summarily rejected. Ministries/Divisions are advised not to initiate any such proposal in future.

*[Authority.- Estt. Division's O.M. No.4/1/96-R.I, dated 16-11-1996].*

**Sl. No. 10****Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act No. XII of 1966)**

An Act\* to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign Agency.

WHEREAS, in the interest of the security of Pakistan, it is expedient to prohibit Ex-Government Servants from seeking or taking up employment with a foreign Government or foreign agency;

AND WHEREAS the national interest in relation to the security of Pakistan requires Central legislation in the matter under clause(2) of Article 131 of the Constitution;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**— (1) This Act may be called the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) "ex-Government servant" means any person who was, at any time, appointed or employed as an officer or servant of the Central Government or a Provincial Government and has ceased to be so appointed or employed;

(b) "foreign agency" means any office or establishment of the diplomatic or consular representative of a foreign Government by whatever name called and includes any information, public relations, trade or commercial agency, service, centre or foundation established or maintained by any such Government or by any person who is a national of a foreign country; and

(c) "foreign Government" means the Government of a foreign country.

3. **Prohibition of employment, etc.**— (1) No ex-Government servant shall, except with the previous permission in writing of the Federal Government or a person \*\*\*[or authority authorized by it in this behalf] seek or take up employment as an officer or servant of a foreign government or a foreign agency.

\* Article 241, Constitution of Pakistan, 1973 provides for continuance in force of laws, rules and orders consistent with the provisions of the Constitution, 1973.

\*\* Now Federal.

\*\*\* Section 3, as amended vide Ordinance No. XXIX of 1984, dated 27-6-1984.

(2) No ex-Government servant who is, at the commencement of this Act, in the service of a foreign government or a foreign agency shall, except with the permission in writing of the \*Central Government, continue in such service after the expiry of three months from such commencement.

\*\*[4. **Penalty.**— Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to fifty thousand rupees or with forfeiture of property, or with any two or more of the said punishments].

*[Authority.- The Act Published in the Gazette of Pakistan Extraordinary Part-I, dated 7-7-1966].*

### **10.1 Ex-Government Servants Employed by UN Agencies**

Ex-Government servants employed by U.N. or its agencies are not affected by the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act No.XII of 1966).

*[Authority.- Para 3 of Ministry of Foreign Affairs Circular No. SS (A) EGS/66, dated 17-12-1966].*

### **10.2 Production of Certificate of Physical Fitness by Retired Government Servants on Re-employment to Gazetted Posts**

Under S.R.4-A (6), retired government servants re-employed immediately after retirement are exempted from producing medical certificate of health. It has, however, been noticed that the appointing authorities do not insist upon the production of a medical certificate even where there has been a break between the retirement and re-employment of the government servants. The attention of the Ministries/Divisions is drawn to the provisions of the said rules and it is stated that the medical certificate of health should be obtained in all cases in which an interval occurs between government servant's retirement and re-employment.

*[Authority.- Estt. Division's O.M. No. 5/5/49-Ests. (SE), dated 23-8-1949].*

### **10.3 Re-employment and Medical Examination**

The orders contained in the Ministry of Finance Office Memorandum No. 20-F. 38(1) RI/(2)/54, dated the 17th August, 1954 (Annex) also apply to the cases of re-employment to Gazetted posts when an interval occurs between the retirement and re-employment of a government servant. A medical certificate of

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\* Now Federal.

\*\* Subs. vide Ordinance No. XI of 1982, dated 18-5-1982.

health is necessary in such cases under the orders contained in the Establishment Division Office Memorandum No. 5/5/49- Ests. (SE), dated the 23rd August, 1949.

[Authority.- Estt. Division's O.M. No. 15/28/ 54-SEII, dated 4-5-1955].

**(ANNEX)**

**[Copy of Finance Division O.M. No. 20-F. 38(I) RI(2)/54, dated the 17th August, 1954].**

The question has been raised whether candidates appointed direct to Gazetted posts under Central\* Government should be examined by a Medical Board or by a Civil Surgeon. Since those orders are not clear on some points the question has been reconsidered and it has been decided that –

- (i) All persons not already in service under the Federal Government should be required to undergo medical examination. The examination should be by a Medical Board if the post is permanent, or quasi-permanent or is likely to last for more than a year and by a Civil Surgeon if the post is likely to last for not more than a year. If an appointment initially made for a period not more than a year is subsequently extended beyond that period, the person concerned should be required to undergo medical examination by a Medical Board.
- (ii) Persons already in temporary service under Federal Government whether in Gazetted or non-Gazetted posts will also be subject, *mutatis mutandis*, to the general rules in (i) above; provided that any person appointed to a post not likely to last for more than a year who has already been medically examined by an authority not lower than a Civil Surgeon in respect of a previous post need not undergo examination again until and unless the period of the post is extended beyond one year. If such a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh medical examination before confirmation.
- (iii) A person, who is already permanent or quasi-permanent in a post under the Federal Government, need not be medically examined on appointment to a Gazetted post; provided that if the new appointment is not in normal line of promotion of the person concerned and requires a different medical standard from that required in his permanent or quasi-permanent appointment or the rules for recruitment to the new appointment prescribe a fresh medical examination in respect of all candidates, he shall undergo a fresh

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\* Federal

medical examination by the prescribed standard and by the prescribed medical authority.

2. These orders will not have retrospective effect and cases already decided need not be re-opened.

3. These orders do not apply to the medical examination of persons recruited through competitive examinations held by the Federal Public Service Commission, the rules for which make separate provision for the purpose.

Note:- The above orders also apply to female candidates appointed to Gazetted posts vide Establishment Division letter No. 1/15/58-SEI, dated 27-5-1958, reproduced at Serial No. 5 of Part IV of the Ministry of Finance's Compilation of General Orders (2nd Edition).

#### **10.4 Fixation of Pay and Allowances of Re-employed Government Servants – Principles for Fixation of Pay**

The question of formulating a uniform policy in regard to the fixation of pay of retired government servants re-employed under the Government of Pakistan and in autonomous bodies had been under the consideration of the Ministry of Finance for some time past. The President has now been pleased to decide that, in supersession of all previous orders on the above subject, the pay of retired government servant on re-employment shall be fixed in accordance with the following principles:-

- (i) Where the new post carries a fixed pay, he should be allowed the pay of that post less pension.
- (ii) Where the new post carries a time-scale of pay:-
  - (a) If the substantive pay last drawn by the officer before retirement was less than the minimum of the scale of the new post, he should be allowed the minimum of the scale less pension.
  - (b) If the substantive pay last drawn was more than the minimum of the scale but less than the maximum of the scale of the new post, his pay should be fixed at the stage in the scale corresponding to the pay last drawn, or if there be no such stage, at the next lower stage in the scale. From the pay so fixed the amount of pension should be deducted.
  - (c) Where the substantive pay last drawn was more than the maximum of the scale of the new post the pay should be fixed at the maximum less pension.

- (iii) A re-employed government servant should earn increments in all cases where pay has been fixed in a scale at a stage lower than the maximum.
- (iv) In case a re-employed pensioner is promoted to a higher post, his pay should be fixed in such a manner as if he was a serving officer with the difference that from the pay so determined the pension would be deducted.
- (v) In a case where officiating pay higher than the substantive pay was drawn for a continuous period of 3 years or more immediately before retirement, the officiating pay drawn before retirement may be treated as substantive pay for the purpose of these orders.

2. The above principles should be made applicable to employment in autonomous bodies and public limited companies in which government holds controlling shares.

3. These principles should be followed in case of appointments to statutory posts as those of Governors, Speakers, Ministers etc. A retired official appointed to any statutory post should draw the pay of the post less the amount of pension drawn by him.

4. The pay of the retired military personnel, re-employed in civil posts, may also be fixed in accordance with the above principles. In their case substantive pay shall also include the following elements; provided that they were drawn before retirement/release/leave/leave pending retirement for a continuous period of 3 years or more:-

- (a) Command/Staff/Charge Pay.
- (b) Instructional pay.
- (c) Qualification pay.
- (d) Disturbance Pay.

5. The word 'pension' wherever used in these orders means pension before commutation and/or surrender.

6. These orders will have effect from the date of issue of this Office Memorandum.

*[Authority.- Finance Division's O.M. No.F. 4(7)-Regs.7/72, dated 1-1-1973].*



### **10.5 Grant of Allowances During Re-employment/ Contractual Appointment**

The queries have been received from different quarters about the payment of Orderly Allowance, Senior Post Allowance and Qualification Allowance (where admissible) during re-employment/contractual appointment. It is clarified that these allowances are not admissible during re-employment/contractual appointment because:-

- (1) 100% Orderly Allowance is already included in pension, as Special Additional Pension.
- (2) Similarly, Senior Post Allowance also forms part of pension. Moreover, this allowance is admissible to civil servants: whereas a contractual appointee is not a civil servant.
- (3) Qualification Pay also forms part of pension. This has been examined many times in the past. The view has been:

"QP is not admissible because, the philosophy at the time of its introduction was to encourage the government officers in service to do the higher courses and was made a condition for future promotion. It was meant as an incentive for government's regular, permanent officers who are in service. Moreover, the Qualification Pay is counted towards pension. As such, there can not be two benefits at the same time, as the officer was already drawing."

2. If these allowances are again granted on re-employment, it will amount to duplication. This policy is being kept in mind while vetting the terms and conditions of contractual appointments and the payment of the above discussed allowances is not allowed to retired government servants.

*[Authority.- Finance Division's O.M. No. 5(4)R-3/96 dated 16-4-1996].*

### **10.6 Fixation of Pay of Retired Government Servants Civil/Military Re-employed under the Government and in Autonomous Bodies**

The question of fixation of pay of retired government servants, civil and military, on re-employment in civil posts under Federal Government and in autonomous bodies has been reviewed by government and the President has been pleased to decide that re-employment and re-employment pay of retired government servants shall henceforth be regulated in accordance with the following principles:-

- (I) Post on which re-employment shall be made
- (i) Re-employment of retired civil servants shall be made in \*grades equivalent to substantive \*grade or temporary \*grade if held for one year by the government servant before retirement.
  - (ii) In the case of officers of armed forces, re-employment shall be made on contract in accordance with the instructions contained in the Establishment Division O.M. No. 14/5/78-D. III, dated 10-2-1980 in the case of civil posts and in the light of orders issued in pursuance of the Establishment Division No.14/5/78-D.III, dated 11-2-1980 in the case of autonomous bodies. The equivalent grade in the civil post shall be determined according to the equivalence formula approved by the President.
- (II) Pay on re-employment under clause (I) above.
- (i) (a) When a retired civil servant is re-employed under Federal Government after superannuation or after completion of 30 years pensionable service, his initial pay shall be fixed at the minimum of the pay scale of the post in which he is re-employed.
  - (b) When a retired civil servant is re-employed under the government owned/controlled autonomous/ semi-autonomous bodies and corporations after superannuation or after completion of 30 years pensionable service, the initial pay of such a government servant shall be fixed at the minimum of the scale of pay of the post in which he is re-employed.
  - (c) A re-employed government servant would earn increments under normal rules.
  - (d) In addition to pay, as indicated in clause (a) and (b), full pension shall be admissible to the re-employed civil servant.
  - (ii) (a) When a retired military officer of the rank of Major/ equivalent and above is re-employed under Federal Government or under an autonomous body in accordance with clause I (ii), his pay may be fixed at the minimum of the equivalent grade in which re-employment is made and,

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\* BPS.

in addition, full service pension as admissible under the rules shall be paid. The pay scale of the post shall for this purpose be determined with reference to the equivalence formula mentioned in Clause I (ii).

- (iii) The pay of retired government servants other than those covered by I & II shall be fixed in accordance with the Ministry of Finance O. M. No. F. 4(7) Reg. 7/72, dated 1-1-1973 referred to above, as amended from time to time.

2. Existing re-employed retired civil servants may opt to be governed by the existing rules/orders or by the revised orders in this Office Memorandum. Where such a government servant opts to be governed by the revised orders, his initial pay should be re-fixed at the minimum of the scale of the post held by him with effect from the 1st of the month in which option is given and pension may be allowed in addition as provided in part (II) (i) above.

3. Existing retired officers of the armed forces of the rank of Major/equivalent and above who were re-employed in civil posts for a specified period may opt either to be governed by their existing terms and conditions or by the revised orders in this Office Memorandum. Where such re-employed officers opt to be governed by the revised orders, they will be brought on the revised terms and conditions with effect from 23rd December, 1979 on which date the President was pleased to approve the scheme published vide Establishment Division O.M. No.14/5/78-D. III, dated 10-2-1980. From that date, their re-employment would be converted into re-employment on contract on the terms and conditions laid down in the O.M. of 10-2-1980 for the remaining term of their re-employment or for a period of 3 years, whichever is less. Their pay will be re-fixed at the minimum of the scale of the post held by them w.e.f 23-12-1979, and if the pay so fixed plus pension is less than the pay received by them immediately before 23-12-1979, the difference shall be allowed as personal pay to be absorbed in future increase of pay.

4. The option will be submitted to the Audit Officer concerned under advice to the Ministries/Divisions, Departments or offices administratively concerned.

*[Authority.- Finance Division's O.M. No.F.4(4)-Reg.7/78 dated 20-3-1980].*

### **10.7 Principle of Equivalence – Defence Services and National Pay Scales**

The President has been pleased to approve the following 'principle of equivalence' between the rank held in the Defence Services with appointment in \*National Pay Scales.

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\* Basic Pay Scales.

## Defence Service Rank

Major General and equivalent	*Grade-21 or 22 at the discretion of the Government.
Brigadier and equivalent.	*Grade-20.
Colonel and Lt. Colonel (with 18 to 20 years commissioned service) and equivalent.	*Grade-19
Major and equivalent.	*Grade-18
Captain and equivalent and Lt. 2/Lt. and equivalent.	*Grade-17

[Authority.- Estt. Division's Circular No. 16/4/79-AV, dated 8-8-1979].

**Sl. No. 11****Re-employment – Pay Fixation**

Reference sub-clauses (i) (b) and (ii) (a) of clause II of para 1 of this Division's O.M. No. F. 4(4) Reg. 7/78, dated 20th March, 1980 laying down the method of fixation of pay of retired civil and military officers on appointment to posts in government owned/controlled autonomous and semi- autonomous bodies. The position has been further reviewed with particular reference to re-employment against a post in an autonomous/semi-autonomous body or corporation included in Management \*Grades vide Finance Division O. M. No. F. 6(27) Imp. 1/79, dated 30th April, 1980, and appointment to which is, by law, required to be made and the salary of which is required to be fixed, by the Federal Government. It is clarified that in the case of such re-employment, the re-employed officer, civil or military, shall be entitled to draw minimum of the rank/\*grade from which he has retired. In addition, he will be entitled to pension and pre-requisites attached to the management post concerned.

[Authority.- Finance Division's O.M.No.F.4(4)-Reg.7/78-1520, dated 30-11-1980].

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\* For Grade, read 'BPS'.

### 11.1 Re-fixation of Pay After Introduction of Revised National Pay Scales

Under the existing orders, the pay of a retired government servant who has been re-employed under the Federal Government or in an autonomous body or public limited company in which government holds controlling shares and who has not attained the age of 60 years, is required to be fixed after taking into account the amount of gross pension, *i.e.* pension before commutation and/or surrender. Consequent upon the liberalisation of pension rules for civil servants vide Finance Division O.M. No. F. 6(l)-Rev. 1/75, dated 7-1-1977 the amount of gross pension in the case of existing pensioners is also required to be enhanced with effect from 1-2-1977 in accordance with the provisions of paras 3 and 8 of the above mentioned O.M., with resultant adjustment in the pay.

\*2. It has been decided that, consequent upon the introduction of Revised National Scales of Pay, the pay of retired government servants re-employed since before 1-5-1977 who have been drawing, or may elect to draw, pay in, or with reference to the National Scales of Pay shall, with effect from 1st May, 1977, be fixed in the relevant revised National Scales of Pay in the manner indicated below:-

- (i) In the case of a re-employed government servant who has not attained the age of 60 years on 1-5-1977, the initial pay in the relevant Revised National Scale of Pay shall be fixed at the stage equal to, or if there is no such stage, at the stage next above, the amount arrived at by allowing an increase of 10% over the aggregate of the basic pay, which for this purpose shall be taken as inclusive of gross pension, *i.e.* pension before commutation and/or surrender, and the dearness allowances that would have been admissible thereon, but for these orders, on the 1st May, 1977. The pay so re-fixed shall then be reduced by the amount of gross pension and the amount of pension will continue to be drawn separately in addition to the pay so determined, subject to the condition that pay plus pension shall be limited to the maximum of the Revised National Scale of pay or the last pre-retirement substantive pay inclusive of dearness allowances, whichever is more.
- (ii) In the case of a re-employed government servant who has already crossed the age of 60 years before 1-5-1977 and is thereby entitled to draw pension in addition to pay of the post vide this Division O.M. No.F.4(3)-R.7/76, dated 17-2-1976 (**Annex**), the initial pay in the relevant Revised National Scale of Pay will be fixed as in (i) above on the basis of the pay he is entitled to draw in accordance with the above mentioned O.M., together with the dearness allowances subject to the pay so fixed not exceeding the maximum of the Revised National Scale of Pay. The amount of pension shall not

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\* Subs. vide Finance Division's O.M.No.F.1(4)Imp/77 dated 30-7-1977.

figure in the calculation anywhere and shall in his case continue to be drawn separately in addition to the pay so fixed.

3. When the pay of an existing re-employed government servant is fixed in the revised National Scale of Pay, the amount of Dearness Allowance, Special Dearness Allowance and Additional Dearness Allowance shall cease to be admissible with effect from 1st May, 1977.

4. In the case of a retired government servant employed on or after 1-5-1977, the initial pay shall be fixed in the revised National Scale of Pay in accordance with the relevant orders for the time being in force, provided that the last pre-retirement pay in his case would be taken as inclusive of the amount of Dearness Allowance, Special Dearness Allowance and Additional Dearness Allowance, actually drawn or which would have been drawn, on the date of retirement.

5. For the purpose of grant of allowances, the pay or basic pay on which the allowances are to be calculated would, in addition to actual pay drawn, also include the amount of gross pension which had been taken into account for the purpose of determination of pay during the period of re-employment.

*[Authority.- Finance Division's O.M. No. F. 1(4)-Imp.11/77, dated 14-5-1977].*

**(ANNEX)**

**[Copy of Finance Division O.M. No. F. 4(3)-R. 7/76, dated the 17th February, 1976].**

SUBJECT:- Fixation of Pay, of Retired Civil Servants Re-employed in the Government of Pakistan and in Autonomous Bodies.

A reference is invited to the Finance Division's O. M. No. F. 4 (7)Reg. 7/72, dated the 1st January, 1973 read with O.M. No. F. 4(6)-Reg. 7/73, dated the 22nd August, 1974 and it is stated that according to the instructions issued therein, the salary of a re-employed pensioner, as determined with reference to the scale of pay of the post to which he is appointed, is to be reduced by the amount of his gross pension. The position has been further reviewed and it has been decided that, in partial modification of the instructions referred to above, a retired civil servant who is re-employed after, or continues to be re-employed beyond, the age of 60 years, he may, with effect from the date of his appointment or of attaining the age of 60 years, as the case may be, allowed to draw his pension in addition to the pay of the post.

2. The above decision will be applicable to retired government servants appointed to posts, other than statutory posts, under government or in autonomous bodies and public limited companies in which government hold controlling shares.

3. The pay of the existing re-employed pensioners of the above categories shall be re-fixed in accordance with these orders with effect from the date of issue of this Office Memorandum.

### **11.2 Leave Salary Admissible During Re-Employment**

The government servants who proceed on leave preparatory to retirement on voluntary premature retirement on proportionate pension on completing 25 years of qualifying service and re-employed during LPR under the \*Central or a Provincial Government or in an autonomous or semi-autonomous corporation or body set up by or under the control of the \*Central or Provincial Government or in a local body or Local Fund, will be entitled to leave salary, which shall be restricted to the amount of anticipated pension in accordance with Government decision below F.R. 69.

*[Authority.- Finance Division's O.M. No. F.2(59)-R.1/79, dated 22-7-1979,  
read with O.M. No. F. 2(59)-R.1/79, dated 5-7-1980].*

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\* Federal.

**THE ALL PAKISTAN SERVICES/  
ALL PAKISTAN UNIFIED GRADES (APUG)  
AND FEDERAL UNIFIED GRADES (FUG)**  
(567 - 568)



## CHAPTER 6

**THE ALL PAKISTAN SERVICES/  
ALL PAKISTAN UNIFIED GRADES (APUG)  
AND FEDERAL UNIFIED GRADES (FUG)**

<b>Sl. No(s).</b>	<b>Chapter Contents</b>	<b>Page No(s).</b>
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**THE ALL PAKISTAN SERVICES/  
ALL PAKISTAN UNIFIED GRADES (APUG)  
AND FEDERAL UNIFIED GRADES (FUG)**

*Sl. No. 1*

**C.S.P. Resolution and Principal Decisions of Government**

**Cabinet Secretariat  
(Establishment Branch)**

Karachi, the 8<sup>th</sup> November, 1950

**RESOLUTION**

**No.F.25/4/50-Ests(SEI).**— Before the Partition, the premier administrative Service in India was the Indian Civil Service. This was a single service divided up into a number of cadres on a Provincial basis. Officers appointed to this Service were allotted to the various Provinces and they remained members of the Indian Civil Service cadre of their Provinces throughout their careers. The \*Central Government met their own needs by the deputation of officers from the provinces. There was also in undivided India the Indian Political Service, the two main sources of recruitment to which were the Indian Civil Service and the Indian Army.

2. The Government of Pakistan have decided to constitute their Civil Service as a centralized Service on a All-Pakistan basis. It will be called THE CIVIL SERVICE OF PAKISTAN. This decision has been taken in order to create a well-knit Civil Service for the whole of Pakistan, constituted and operated on a centralized basis, thereby increasing association between the various Provinces and developing homogeneity in administration. The members of this Service, who shall be liable to be posted to any of the Provinces of the Dominion, will be administratively more useful to the \*Central as well as the Provincial Governments than if they belonged to Provincial Cadres, because of the knowledge and experience they will acquire by serving in the Provinces of West Pakistan as well as in East Pakistan, and uniform standards of administration in all parts of the Dominion will also be achieved.

3. The Civil Service of Pakistan shall consist of a \*central cadre as distinct from the Provincial cadres of the former Indian Civil Service. All of the Service shall be liable to serve in any Province.

The Service shall consist of posts on the cadre of the former Indian Civil Service in the various Provinces and on the cadre of the former Indian Political Service and of most of the higher posts in the \*Central Secretariat. The posts which will form this centralized cadre are mentioned in the Annexure. Posts may in future be added to or removed from the cadre.

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\* Now Federal.

4. The principal decisions of Government with regard to the constitution of the Civil Service are given below:—

#### **Initial Composition of the Service**

Initially, the Civil Service of Pakistan shall be composed of the following:-

- (a) Officers of the former Indian Civil Service and the former Indian Political Service employed in Pakistan in continuation of service (other than those who might be transferred to the Pakistan Foreign Service);
- (b) Officers appointed to the Pakistan Administrative Service;
- (c) Officers to be recruited on an ad hoc basis from the Provincial Civil Services, in numbers not exceeding, for each PROVINCE, 10 percent of the duty posts reserved for the Civil Service of Pakistan in that Province.

The Central Government will lay down the procedure of making recruitment from the Provincial Civil Services.

#### **Normal recruitment to the Service**

In future, recruitment to the Service shall be made by selection on the basis of an open competitive examination to be held each year by the Federal Public Service Commission except in the case of officers of the Armed Forces, who may be appointed to the Service on the recommendations of the Commission arrived at through an interview and a scrutiny of service records.

#### **Appointment and training**

- (1) Appointments to the Service shall be made by the \*Central Government.
- (2) Candidates appointed direct to the Service will be appointed on probation and will be required to undergo training in the Civil Service Academy at Lahore.
- (3) Rules regulating the conduct, discipline and training of probationers will be issued separately by the \*Central Government.
- (4) A probationer on successful completion of his probation may be confirmed in the Service.

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\* Now Federal.

### Initial postings and liability for transfer

(1)\* ..... Transfers from one Province to another or from the Centre to a Province and *vice versa* shall be made by the Federal Government in consultation with the Provincial Governments concerned and shall be regulated in the interest of sound administration, prospects of promotion, suitability of officers for particular appointments and similar other considerations\* .....

(2) The units within which the centre will make transfers shall be—

- (a) \*\*East Bengal,
- (b) Punjab,
- (c) \*\*\*Sind, and
- (d) Frontier i.e. @NWFP., Tribal Areas

### Promotion and Leave

1. Promotions from the junior scale to the senior scale on an officiating basis may be made by the Provincial Government concerned, but the @@Central Government shall be informed.

2. Substantive appointments to the senior scale shall be made by the Federal Government on the recommendations of the @@Pakistan Public Service Commission, who will ascertain the views of the Provincial Government concerned and forward them to the @@Central Government with their own recommendations.

3. Appointments at the Centre, including appointments of secretaries to Government, shall be treated as tenure appointments.

4. The Provincial Governments may grant leave to officers of the Service for a period of 4 months or less. Leave in excess of 4 months shall be granted by the @@Central Government.

### Listed Posts in Provinces

1. Posts not exceeding 25 percent of the Superior posts allocated to the Provinces in the Annexure shall be treated as Listed appointments, which officers of the Provincial Civil Services will be eligible to hold. The position shall,

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\* Omitted in view of the orders contained in the Establishment Division letter No.25/165/ 51-SEI dated the 10<sup>th</sup> September,1952 and letters No.9/58/59-CI dated the 13<sup>th</sup> August,1960 and 18<sup>th</sup> November,1960.

\*\* East Bengal stands deleted.

\*\*\* Now Sindh

@ Now K.P.K.

@@ Now Federal.

however, be reviewed after 5 years.

2. Promotion to Listed Posts shall be made in consultation with the Federal Public Service Commission, in accordance with the procedure which may be laid down by the Federal Government.

3. Provincial Governments may make promotions to Listed Posts only on an officiating basis and in each case the Federal Government shall be informed. Confirmations in the Listed Posts shall be made by the Federal Government, on the recommendations of the Provincial Governments and in consultation with the Federal Public Service Commission.

4. In the matter of disciplinary safeguards, permanent holders of Listed Posts shall have the same rights as members of the Service.

5. Holders of Listed Posts shall not be liable to be transferred away from Provinces in which they are serving except to the Centre.

[Please also see Rule 7 of the C.S.P. (Composition and Cadre Rules)]

#### **Appointments to Posts at the Centre**

1. Not less than 2/3<sup>rd</sup> of posts of Deputy Secretary at the Centre shall be reserved for officers of the Service. For the remaining posts in these grades, officers of the Service as well as officers not belonging to the Service, *i.e.*, officers of the Central Services Class I, the Secretariat Service, the General Administrative Reserve and the Provincial Services, shall be eligible.

This Decision shall be reviewed at the end of 5 years.

2. Not less than 2/3<sup>rd</sup> of posts of Secretary and Joint Secretary at the Federal taken together shall be reserved for the Service but officers of the Service as well as officers not belonging to the service shall be eligible for appointment to the remaining posts in those grades.

*Note:*— The above decisions shall apply to posts other than the posts which may be included in the Pool of officers which is being constituted on the lines of the Pool of the Finance and Commerce Departments in undivided India.

5. **ORDERED** that this Resolution should be published in the official Gazette.

**ANNEXURE**  
Schedule  
**CIVIL SERVICE OF PAKISTAN**  
**CADRE STRENGTH**  
Superior Posts

**Centre:**

Secretaries	..	..	..	..	..	10*
Joint Secretaries	..	..	..	..	..	<u>8*</u>
						18
Less one-third	..	..	..	..	..	<u>6</u> <u>12</u>
						26*
Deputy Secretaries	..	..	..	..	..	<u>9</u> <u>17</u>
Less one-third	..	..	..	..	..	
<b>East Bengal:</b>						
Chief Secretary	..	..	..	..	..	1
Member, Board of Revenue	..	..	..	..	..	1
Commissioners of Divisions	..	..	..	..	..	3
Secretaries to Government	..	..	..	..	..	8
Joint Secretaries	..	..	..	..	..	3
Deputy Secretaries	..	..	..	..	..	5
Provincial Transport Commissioner	..	..	..	..	..	1
District Magistrates	..	..	..	..	..	17
Additional District Magistrates	..	..	..	..	..	10
District Judges..	..	..	..	..	..	15
Additional District Judges	..	..	..	..	..	8
Director of Land Records and Survey..	..	..	..	..	..	1
Settlement Officer	..	..	..	..	..	1
Private Secretary to Governor	..	..	..	..	..	1
Secretary of Chief Minister..	..	..	..	..	..	1
Commissioner of Excise and Taxation ..	..	..	..	..	..	1
Registrar of Co-operative Societies	..	..	..	..	..	1
Registrar, High Court	..	..	..	..	..	1
Judges, High Court	..	..	..	..	..	<u>2</u>
						<u>81</u>
Posts to be filled by promotion of Provincial Civil Service Officers @ 25% ..	..	..	..	..	..	<u>20</u> <u>61</u>

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\* Including temporary posts.

**Punjab:**

Financial Commissioner..	..	..	..	..	..	1
Development Commissioner..	..	..	..	..	..	1
Chief Secretary..	..	..	..	..	..	1
Commissioner..	..	..	..	..	..	3
Secretaries to Government	..	..	..	..	..	4
Legal Remembrancer..	..	..	..	..	..	1
Deputy Secretaries..	..	..	..	..	..	2
Secretary to Governor ..	..	..	..	..	..	1
Secretary to Chief Minister..	..	..	..	..	..	1
Deputy Commissioners..	..	..	..	..	..	16
Colonisation and Settlement Officers..	..	..	..	..	..	4
Provincial Transport Controller..	..	..	..	..	..	1
Director of Industries..	..	..	..	..	..	1
Registrar of Co-operative Societies..	..	..	..	..	..	1
Judges of High Court ..	..	..	..	..	..	2
Registrar, High Court..	..	..	..	..	..	1
District and Sessions Judges..	..	..	..	..	..	12
Additional District and Sessions Judges....	..	..	..	..	..	2

55

Posts to be filled by promotion of Provincial Civil Service

Officers @ 25% .. .. .. .. .. 14 41

**\*Sindh:**

Chief Secretary to Government ..	..	..	..	..	..	1
Secretaries..	..	..	..	..	..	3
Secretary to Governor..	..	..	..	..	..	1
Deputy Secretaries..	..	..	..	..	..	2
Revenue Commissioner for *Sindh..	..	..	..	..	..	1
Collectors ..	..	..	..	..	..	7
Deputy Commissioner, Upper Sind Frontier..	..	..	..	..	..	1
Manager, Encumbered Estates..	..	..	..	..	..	1
Revenue Officer, Lloyd Barrage..	..	..	..	..	..	1
Anti-Corruption Officer..	..	..	..	..	..	1
Judges, Chief Court..	..	..	..	..	..	2
District and Sessions Judges..	..	..	..	..	..	4
Remembrancer of Legal Affairs..	..	..	..	..	..	1
Administrator, Karachi..	..	..	..	..	..	1
Deputy Administrator, Karachi ..	..	..	..	..	..	1

\* Now Sindh.



Collector, Karachi .. .. .	1	
	<u>29</u>	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25% .. .. .	7	22
<b>*N.W.F.P.:</b>		
Revenue and Divisional Commissioner .. .. .	1	
Chief Secretary .. .. .	1	
Secretaries to Government .. .. .	3	
Secretary to Governor .. .. .	1	
Political Agents, Kurram, Khyber, North Waziristan, Malakand and South Waziristan .. .. .	5	
Deputy Commissioners .. .. .	6	
Judicial Commissioner .. .. .	1	
District and Sessions Judges .. .. .	3	
Senior Sub-Judge, Peshawar .. .. .	1	
Additional District and Sessions Judges .. .. .	2	
Political Secretary to His Excellency the Governor, *N.W.F.P. .. .. .	1	
	<u>25</u>	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25% .. .. .	6	19
<b>**Baluchistan:</b>		
Agent to the Governor-General .. .. .	1	
Revenue and Judicial Commissioner .. .. .	1	
Secretary to Agent to the Governor-General .. .. .	1	
District and Sessions Judge .. .. .	1	
Political Agents .. .. .	5	
Political Secretary to the Agent to the Governor- General.. .. .	1	
Deputy Secretary to the Agents to the Governor- General.. .. .	1	
Wazir-e-Azam, Kalat.. .. .	1	
	<u>12</u>	
Posts to be filled by promotion of Provincial Civil Service Officers @ 25% .. .. .	3	9
<b>Total</b>	<u>181</u>	

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\* Now K.P.K.

\*\* Now Balochistan.

Posts to be filled by direct recruitment	..	..	..	..	181
Deputation Reserve @ 10%	..	..	..	..	18
Leave Reserve @ 15%	..	..	..	..	27
Training Reserve @ 10%	..	..	..	..	18

#### Junior Posts

Centre	..	..	..	..	24
East Bengal	..	..	..	..	13
Punjab	..	..	..	..	9
*Sind	..	..	..	..	12
**N.W.F.P	..	..	..	..	22
***Baluchistan	..	..	..	..	8
					88
Direct recruitment posts	..	..	..	..	332
Promotion posts					50
					382
Total Authorized Strength					382

Note:- The schedule to the Resolution has also been superseded by the Schedule attached to the Civil Service of Pakistan (Composition and Cadre) Rules, 1954.

#### **Sl. No. 2**

#### **Civil Service of Pakistan (Composition and Cadre) Rules, 1954**

WHEREAS the @Governor-General and the Governors of @@[\*\*\*], the Punjab, Sindh and the North-West Frontier Province have agreed that there shall be constituted a Service of the Federation to be known as the @@@[Pakistan Administrative Service] and that certain posts in connection with the affairs of the Provinces shall be filled by members of that Service and specify, as far as need be, the conditions of service of its members, whether serving in posts in connection with the affairs of the Federation or of a Province:

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\* Now Sindh.

\*\* Now K.P.K.

\*\*\* Now Balochistan

@ 'President' subs. vide Estab. Div. Notification No. SRO 1237(1)/73, dated 21.8.1973 for 'Governor General.

@@ Deleted vide S.R.O No.88(I)/2014, dated 10-02-2014 w.e.f. 04-05-1974.

@@@ 'Pakistan Administrative Service' Subs. vide S.R.O No.88(I)/2014, dated 10-02-2014 for Civil Service of Pakistan.

NOW, THEREFORE, in pursuance of that agreement and in exercise of the powers conferred by \* [Article 146 of the Constitution of Islamic Republic of Pakistan, 1973], and of all other provisions empowering him in this behalf, the \*\* [President] is pleased to make the following Rules:-

1. These Rules may be cited as the Civil Service of Pakistan (Composition and Cadre) Rules, 1954.

2. In these Rules, unless the context otherwise requires:

- (a) "Cadre post" means any duty post included in the Schedule.
- (b) "Commission" means the [Federal Public Service Commission];
- (c) "Schedule" means the Schedule to these Rules;
- (d) "Service" means the \*\*\* [Pakistan Administrative Service].

@ [3. Appointment to the service shall be made by the President on the basis of results of open competitive examination held by the Federal Public Service Commission, except in the case of officer of the Armed Forces, who may be appointed to the Service on the recommendation of the FPSC arrived at through an interview and a scrutiny of services record.

4. Persons appointed to the Service shall, unless the \*\* [President] otherwise directs, be appointed on probation and the \*\* [President] may make rules specifying the terms and incidents of such probation. In particular, he may provide for the removal from the Service during his term of probation of any person whose conduct and progress is unsatisfactory or for the withholding of increments from such persons.

@@ [5. (1) The cadre posts shall be filled either by members of the Service or by persons not being members of the Service, appointed in accordance with the provisions of these Rules.

(2) The tenure of the member of the Service appointed to a Provincial sub-Cadre post other than a Chief Secretary appointed under Rule 15, shall be determined by the Provincial Government by Order.

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\* Article 146 of the Constitution of Islamic Republic of Pakistan, 1973, Subs. vide S.R.O No. 88(I)/2014 dated 10-02-2014 for sub-section (1) and (2) of Section 241 of the Government of India Act, 1935.

\*\* 'President' subs. vide Establishment Division's S.R.O. No. 88(I)/2014 dated 10-02-2014 for Governor General.

\*\*\* 'Pakistan Administrative Service' Subs. vide S.R.O No.88(I)/2014, dated 10-02-2014 for Civil Service of Pakistan.

@ Substituted existing Rule 3 vide S.R.O. No. 88(I)/2014 dated 10-02-2014.

@@ Rules 5 to 7 added vide S.R.O. No. 88(I)/2014 dated 10-02-2014.

(3) The tenure of the member of the Service appointed to a Federal sub-Cadre post shall be determined by the Federal Government by Order.

(4) A person who is not a member of the Service, temporarily appointed to a Provincial or Federal sub-Cadre post may not hold that post for a period exceeding one year, save with the approval of the Federal Government or the Provincial Government as the case may be.

6. (1) The posts described and borne on the "Schedule" of the Federal sub-Cadre appended herewith, excluding the posts in the Federal Secretariat specified below, shall be reserved for the officers of the Pakistan Administrative Service, namely:—

- (i) 75% of the sanctioned posts of Deputy Secretary.
- (ii) 65% of the sanctioned posts of Joint Secretary.
- (iii) 100% posts of Senior Joint Secretary.
- (iv) 35% of the sanctioned posts of Additional Secretary.
- (v) 35% of the sanctioned posts of Federal Secretary.

(2) The Federal posts excluded under sub-rule(1) above, shall be reserved and appointed amongst other services under the Federal responsibility, as may be specified by the Federal Government from time to time in public interest, keeping in view the deputation reserves of various services without further consultations with the federating units.

7. (1) The sanctioned posts in the respective Provincial sub-Cadre of the Schedule as specified below shall be reserved for the officers of the Pakistan Administrative Service as per agreed Posts-Sharing arrangement:—

BS-17	BS-18	BS-19	BS-20	BS-21
25%	40%	50%	60%	65%

(2) The officers of the Provincial Management Services/Provincial Civil Services, recruited directly in BS-17 through respective Provincial Public Service Commission and have held a Cadre Post in the Province for not less than five years, shall be eligible for appointment in the Pakistan Administrative Service, against Cadre Posts, not more than 30% of the superior posts, borne on the Federal sub-cadre in BPS-19 and above on the recommendations of the respective Provincial Government, by the Federal Public Service Commission, in a prescribed manner.

(3) An officer appointed under Rule 7(2) in the Service, shall not be liable to serve anywhere except the Province of his initial residence or under the Federal Government].

8. (1) The \*[President], in the case of posts in connection with the affairs of the Federation, and the Governor in the case of posts in connection with the affairs of a Province, may, as the exigencies of the public service require, appoint a person not being a member of the Service to any Cadre post.

(2) Every such appointment made by a Governor shall be provisional and, if the person so appointed is intended to hold the appointment, for a period exceeding 3 months, shall forthwith be reported to the \*[President] with the reasons for making it and if the \*[President] so directs the Governor shall thereupon cancel the appointment.

(3) Any person appointed to hold a Cadre post under this rule shall not be employed in the post for a period exceeding 12 months save with the previous sanction of the \*[President].

9. (1) If a Governor proposes to keep any Cadre post in connection with the affairs of a Province vacant for a period exceeding 3 months, he shall forthwith make a report to the \*[President] of the reasons for the proposal, the period for which he proposes to keep the post vacant and whether it is proposed to make any and, if so, what arrangements for the performance of the duties of the post held in abeyance.

(2) If the \*[President] directs that the post shall be filled, the Governor shall appoint a person to fill it in accordance with the provisions of these rules.

10. The \*[President] may by special or general order temporarily dispense with the provisions of rules 8 and 9 requiring a Governor to report to the \*[President] any case in which a Cadre post is filled otherwise than under rule 7 by a person not being a member of the Service or in which a Cadre post is kept vacant for a period exceeding 3 months.

11. The Governor of a Province may direct that two Cadre posts in connection with the affairs of a Province shall be held jointly if he considers this necessary for the purpose of facilitating any leave arrangement or for a period not exceeding 3 months if he considers this necessary for any other purpose.

12. No change shall be made in the duties of the holder of any reserved post if, in the opinion of the \*[President], the character of that post would thereby be altered:

Provided that this shall not apply to a temporary change consequential on leave arrangements or to a change not arising from leave arrangements which will not last more than three months.

13. (1) The \*[President] may from time to time, and in the case of posts in connection with the affairs of a Province, after consultation with the Governor of that Province, remove any post from the Schedule or include any post therein.

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\* Subs. for "Governor General".

\*[(2) A Governor may, if the exigencies of the public service so require, create a cadre post in connection with the affairs of a Province below the rank of a Commissioner of a Division, for a period not exceeding three months. If subsequently the Governor proposes to retain that cadre post for a further period, he shall forthwith make a report to the \*\*[President] of the reasons for the proposal and the period for which he proposes to retain that post and shall act in accordance with such directions as the \*\*[President] may give].

14. An officer belonging to the Service shall be liable to serve anywhere in Pakistan under the \*\*[Federal Government] and may be deputed by that Government to serve under a Provincial Government. He shall submit himself to the orders of the Government under which he is serving for the time being and of all the officers and authorities under whom he may from time to time be placed by that Government. His whole time shall be at the disposal of the Government under which he is serving.

@[15. (i) The transfer of an officer belonging to the Service from the Province to another or from the Federation to a Province or from a Province to the Federation shall be made by Federal Government in consultation with the Provincial Government or Governments concerned.

(ii) A Provincial Government may post an officer belonging to the Service whose services have been placed at its disposal on any Cadre-post or equivalent in the public interest, under intimation to the Federal Government.

(iii) An officer so deputed to a Provincial Government shall not be posted in a higher post except with the approval of the Provincial Government and in accordance with the prescribed procedure.

(iv) A PAS officer shall be posted a Chief Secretary in a Province by the Federal Government in consultation with the Provincial Government concerned and due consideration will be given to the recommendations of the Provincial Governments:

*Provided that consultation will mean the intimation of a name, or a panel of names of PAS officers to be conveyed to the Provincial Government concerned for such a posting, preferably in writing. If there is no response from a Provincial Government within 15 days, the Federal Government will proceed to make such an appointment of the named officer or any such officer named on the panel and it will be deemed to have the approval of the Provincial Government concerned:*

*Provided further that if urgency so warrants, the Federal Government may convey its proposal by telephone/fax or any other means and hold necessary consultation with the Provincial Government concerned. If there is no response upto*

\* Added vide Estt.Div.'s Notification No. S.R.O 830(K), dated 7<sup>th</sup> July,1960.

\*\* Subs. for "Governor General".

\*\*\* Subs. for "Central Government" vide Estt. Div.'s Notification No.SRO 1237(I)/73,dated 21-08-1973.

@ Rule 15 substituted vide S.R.O No. 88(I)/2014 dated 10-02-2014

15 days, the Federal Government will proceed to pass appropriate orders. A written confirmation of the proceedings would be sent in each such case.

(v) The procedure of deputing to and withdrawal from any Province of a PAS officer will be the same as indicated above, except that Provincial Government may respond to the proposal within a period of one month].

\*[16. (1) The \*\*[President] may by rules provide for the conduct and discipline of officers of the Service, and officers of the Service shall at all times obey such rules, and shall perform such duties as may be assigned to them.

\*(2) Notwithstanding anything contained in any other law, rule, contract or instructions to the contrary for the time being in force any person holding a Provincial or Federal sub-Cadre post may be directed by the appropriate government to report to another duty post, station, for training and proceed on leave, as per prescribed procedure].

\*\*\*[17. The Cadre Schedule appended to the 1954 Agreement shall be amended from time to time, as per Rules 6 and 7 in consultation with Provinces].

[Authority.- Estt. Division's Notification No. F.25/12/51-SEI, dated 1-6-1954].

### **Schedule of Cadre strength of the \*\*\*Pakistan Administrative Service**

#### **FEDERAL GOVERNMENT**

##### **Superior posts**

All posts of Deputy Secretary under the Federal Government and all posts of and above the rank of Joint Secretary under the Federal Government or borne on the strength of a Corporation set up or established by, or an organization or an establishment subordinate to, the Federal Government.

#### **BALUCHISTAN**

Superior posts of Commissioner's level and above.....	5
Chief Secretary.....	1
Member, Board of Revenue.....	1
Revenue Commissioner.....	1
Home Secretary.....	1
Commissioner, Planning and Development.	1
Superior posts of senior scale level..	37
Junior posts.....	3

\* Rule 16 renumbered/added vide S.R.O. No. 88(I)/2014 dated 10-02-2014.

\*\*Subs. for "Governor General" vide Estt. Div.'s Notification No.SRO 1237(I)/73,dated 21-08-1973.

\*\*\* Subs. vide S.R.O. No. 88(I)/2014 dated 10-02-2014.

**SINDH**

Superior posts of Commissioner's level and above.....	13
Chief Secretary.....	1
Member, Board of Revenue.....	1
Additional Member, Board of Revenue..	2
Secretary.....	6
Revenue Commissioner.....	1
Land Commissioner.....	1
Commissioner, Social Security Institution.	1
Superior posts of senior scale level..	43
Junior posts.....	28

**PUNJAB**

Superior posts of Commissioner's level and above.....	24
Chief Secretary.....	1
Additional Chief Secretary.....	2
Additional Chief Land Commissioner.	1
Member, Board of Revenue.....	4
Land Commissioner.....	2
Divisional Commissioner.....	5
Secretary.....	9
Superior posts of senior scale level..	51
Junior posts.....	40

**\*N.W.F.P**

Superior posts of Commissioner's level and above.....	8
Chief Secretary.....	1
Development Commissioner.....	1
Divisional Commissioner.....	3
Member Board of Revenue.....	1
Secretary.....	2
Senior posts of senior scale level....	32
Junior posts.....	15

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\* Now K.P.K.



**Sl. No. 3****Promotion of Officers of the \*[All-Pakistan Unified Grades] from \*\*Grade 17 to \*\*Grade 18**

According to \*All-Pakistan Unified Grades (Probation, Training and Seniority) Rules, 1954<sup>\*\*\*</sup>, probation of a probationer appointed to \*\*Grade 17 does not terminate unless he has passed the following examinations:

- (i) The Academy test;
- (ii) An examination held by the FPSC, generally called the Final Passing Out Examination.

The Officers are also required to pass such departmental examinations within 3 years of joining a province by such standards as may be prescribed by the Provincial Government concerned. Failure (i) to pass the Academy test and the Final Passing Out Examination or (ii) to pass the Final Passing Out Examination in two attempts or (iii) to pass the departmental examinations makes a probationer liable to removal from the service.

2. It has been observed that the Provincial Governments have in the past promoted officers from \*\*Grade 17 (then known as junior scale) to \*\*Grade 18 (senior scale) without the officers having passed the departmental examinations or the Final Passing Out Examination. Promotion of officers from \*\*Grade 17 to \*\*Grade 18 without their having fully cleared the Academy test, the Final Passing Out Examination and departmental examinations is irregular.

3. It has, therefore been decided that in future:

- (i) an officer of the \*All-Pakistan Unified Grades in \*\*Grade 17 should not be promoted to \*\*Grade 18 unless:-
  - (a) he has completely passed all the examinations prescribed by the \*All-Pakistan Unified Grades (Probation, Training and Seniority) Rules; and
  - (b) the probation period has been successfully completed and formally terminated.

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\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* BPS.

\*\*\* The reference is to the Civil Service of Pakistan (Probation, Training and Seniority Rules), 1954 repealed vide Estt. Div. Notification No. SRO 874(I)/90, dated 23-08-1990 and replaced by Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990.

- (ii) the probation period should in future be terminated by issue of a Gazette notification on successful completion of the probation period. This notification will be issued by the Establishment Division in consultation with the Provincial Government concerned.

[Authority.- Estt. Div.'s Letter No.10/4/73-CI, dated 29-11-1973 to all Provincial Governments].

#### **Sl. No. 4**

#### **Creation/Abolition of Posts of Joint Secretary, Deputy Secretary and Section Officers**

Posts of Secretary, Joint Secretary and Deputy Secretary at the \*Centre are borne on the C.S.P. Cadre, which is administered by the Establishment Division. It has, however, been noticed that additions to/deletion from this Cadre are made by Ministries without consulting the Establishment Division. It has, therefore, been decided that prior concurrence of the Establishment Division in addition to that of the Ministry of Finance, should invariably be obtained before any additional post is created on the C.S.P.\*\* or any existing post is abolished.

[Authority.- Estt. Division's O.M. No. 1/9/61-CI, dated 14-9-1961].

#### **Sl. No. 5**

#### **Sanction of Post not to be Issued Without Clearance by Establishment Division**

The Ministry of Finance are requested that they should withhold financial approval unless the proposal has first been cleared by the Establishment Division.

[Authority.- Para 4 of Estt. Division's O.M. No. 26(1)/ 68-AI(CI), dated 20-2-1968].

#### **Note:—**

*Sl.Nos.1,2,3,5,6,7,9,10 and 15 Esta-Code (Edition-2007) have been abolished because these instructions were modified in pursuance of SRO 1307(1)/73 dated 14-09-1973, which stands repealed vide SRO 89(I)/2014 dated 10-02-2014.*

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\* Federal Government.

\*\* DMG (District Management Group)\*\*\*, successor to CSP (Civil Service of Pakistan).\*\*\*"District Management Group" renamed as "Pakistan Administrative Service" vide Establishment Division's O.M.No. vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

CHAPTER 7

**RULES AND PROCEDURES APPLICABLE  
TO OCCUPATIONAL GROUPS/SERVICES**  
(587 - 588)

## CHAPTER 7

**RULES AND PROCEDURES APPLICABLE TO  
OCCUPATIONAL GROUPS/SERVICES**

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**RULES AND PROCEDURES APPLICABLE  
TO OCCUPATIONAL GROUPS/SERVICES**

**Sl.No. 1**

**Framework of Rules and Procedure applicable to:**

**1.1 Commerce and Trade Group**

In pursuance of the Administrative Reforms, it has been decided to form another occupational group to be called the "Commerce and Trade Group". The Group shall comprise posts in the following Departments and such other posts as may be included in the group from time to time.

- (i) \*Export Promotion Bureau.
- (ii) Deleted vide Cabinet Division's Memo No. 412/92-Min.I, dated 25.01.1997].
- (iii) Tariff Commission.
- (iv) Cotton Board.
- (v) Department of Insurance.
- (vi) Trade Marks Registry.

2. The Group will be under the administrative control of the Ministry of Commerce and will function within the following framework of rules and procedure.

3. \*\*Grades 1 to 16.—Each Department/ Office will operate separately as hithertofore. The existing instructions in regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the Appointing Authorities for various \*\*grades etc. will continue to apply. The provisions of recruitment rules already framed for various categories of posts with the approval of Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised, except posts in \*\*Grade 16 which will be reported to the Federal Public Service Commission.

\*\*\*4. Grade 17.—@[Sixty per cent of posts in \*\*Grade 17 will be filled through competitive examination to be conducted by the F.P.S.C. and 40% by promotion from amongst the Departmental incumbents holding posts in \*\*Grade 11 and above.] After completion of integrated training at the Academy for Administrative Training@@, the probationer officers allocated to the "Commerce

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\*Converted into Trade Development Authority of Pakistan.

\*\* BPS

\*\*\*Para 4 to be seen in light of Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990.

@Subs vide Estt. Division O.M. No. 3/3/86-CP-2 dated 8-9-1987.

@@ Civil Services Academy (CSA). May be read as such in subsequent Sl. Nos. wherever it occurs.

and Trade Group" will undergo common departmental training\* to be followed by a departmental examination, the details of which will be worked out by the Secretary, Ministry of Commerce, in consultation with this Division and the Federal Public Service Commission. Thereafter, they will be allocated to a particular department. They will ordinarily remain in that department until they get promotion to the higher grade. With the exception of very special cases, there will be no horizontal movement at this stage from one Department to the other.

5. \*\*Grade 18 and above\*\*.— Posts will be filled by promotion or direct recruitment in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time or by horizontal movement of suitably qualified and experienced officer from other groups. In case of appointment of Director General ML&C, the Prime Minister may appoint any officer of the corresponding rank/grade and having required/special expertise and experience on secondment.

6. Eligibility for posts in the Secretariat.—Officers of Commerce and Trade Group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement, as well as by lateral entry through examination etc.

7. For posts in \*\*Grades 21 and 22.—Additional Secretaries and Secretaries and equivalent, the selection would be made from amongst Government servants of Grade 20 and above and also from amongst professionally qualified persons from other occupational groups as well as the private sector.

8. Lateral entry.— In order to meet shortages of officers in the Commerce and Trade Group or to meet specific requirements, appointments may be made to posts in the Group in any grade by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly, officers of this group may be posted to appropriate posts in corporations and private organizations under Government management and control.

9. Seniority: \*\*Grades 1 to 16.—Separate Department wise seniority lists would be maintained for all posts in \*\*Grades 1 to 16 as hithertofore, on the basis of continuous regular officiation in the \*\*grade.

10. Seniority: \*\*Grade 17.—All officers of \*\*Grade 17 will be borne on the combined seniority list of the "Commerce and Trade Group". The *inter-se seniority* of direct recruits to \*\*Grade 17 will be determined on the basis of marks obtained at the Federal Public Service Commission examination and the

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\* There is now a Foreign Trade Institute of Pakistan.

\*\* BPS

\*\*\* Amended vide Establishment Division O.M.No.6/4/2004-CP-II (ML&C) dated 29<sup>th</sup> October, 2014.

assessment during training at the Training Institutes/Academies. Those recruited direct on the basis of interview only shall reckon their seniority from the date of appointment. The seniority of officers promoted to \*Grade 17 will be determined with reference to the dates of their regular continuous officiation in \*Grade 17. As for seniority of direct recruits *vis-a-vis* promoted officers, the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

11. Seniority: \*Grade 18 and above.— Seniority will be determined in each \*grade from the date of regular continuous officiation in the \*grade.

12. Officers of other occupational groups working in the Departments referred to in para above.— Such officers of other groups as may be working in posts now borne on the Commerce and Trade Group may be inducted into the Group subject to their option and suitability.

13. Provision for accelerated promotions to posts in \*Grade 17.— To enable bright young persons who have failed to secure, through competitive examination conducted by the F.P.S.C., direct entry to \*Grade 17 posts, to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

- (a) Those of age upto 30 years can appear in the competitive examination conducted by the FPSC provided they have put in at least two years government service;
- (b) There will also be a Departmental Examination under which departmental candidates will be considered for promotion to posts in \*Grade 17. All officials having a minimum of five years Government service in \*Grade 11 and above employed in the Ministry of Commerce, its Attached Departments and Subordinate Offices which are included in the Commerce and Trade Group, will be eligible to appear in this Examination provided they are otherwise eligible. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination, and 35 years for all subsequent examinations.

14. The Secretary, Ministry of Commerce will prepare a scheme for the Departmental Examination at (b) above and obtain the approval of Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the \*\*[promotion quota].

15. The existing arrangements with regard to personnel management of the "Commerce and Trade Group" will continue under the overall supervision of the Ministry of Commerce who will prepare gradation lists of all officers in

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\* BPS

\*\* Subs. *vide* Estt. Division O.M. No.3/3/86-CP.2 dated 8-9-1987.



\*Grade 17 and above. Each department under the Ministry of Commerce will prepare, issue and maintain seniority lists of \*Grade 16 and below. The Ministry of Commerce will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, Ministry of Commerce.

[Authority.-Estt.Division's O.M. No. 6/2/75-ARC, dated 8-5-1975].

## 1.2 \*\*Pakistan Customs Service

In pursuance of the Administrative Reforms, it has been decided to constitute the "Pakistan Customs Service". The group shall comprise all posts in the Customs and Central Excise Department. The overall administration of this group will remain with the \*\*\*Federal Board of Revenue under the Ministry of Finance. It will function within the following broad framework of rules and regulations.

2. \*Grade 1 to \*Grade 16.—The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the appointing authorities for various grades, etc., will continue to apply as hithertofore. All posts to be filled by direct recruitment will be advertised except posts in \*Grade 16 which will be reported to the Federal Public Service Commission.

3. \*Grade 17.— 75% posts in \*Grade 17 will be filled through competitive examination conducted by the Federal Public Service Commission and 25% through promotion. After completion of one year's training at the Academy for Administrative Training, the probationer officers allocated to this group will undergo departmental and on-the-job training to be followed by an examination. Officers promoted to \*Grade 17 may also be required to undergo such departmental training as the Federal Board of Revenue\*\*\* may prescribe.

4. The following provisions are being made to enable educationally qualified persons in \*Grade 16 and below to secure entry in \*Grade 17:-

- (a) They can appear in the competitive examination upto the age of 30 years provided they have put in at least 2 years service. A maximum of two chances will be allowed after one has entered government service.

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\* BPS

\*\* Nomenclature "Customs and Excise Group" renamed as "Pakistan Customs Service vide Estt. Division's O.M. No. 4/2/75-ARC dated 12-09-2009.

\*\*\*Revenue Division (Federal Board of Revenue) inserted in the Rules of Business, 1973 (as amended upto 16<sup>th</sup> January, 2007), vide Cab. Div. Notification No. 4-14/98-Min. I. dated 1-12-1998, Schedule II [Rule 3(3) Distribution of Business Among the Divisions.

- (b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination, and 35 years for all subsequent examinations.

The Federal Board of Revenue\* will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Finance and Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 20% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

5. \*\*Grade 18 and above.— The procedure for promotion and other matter; as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 will be observed subject to the length of service as prescribed in Establishment Division O.M. No. 3/7/74-AR-II, dated the 29th May, 1974 namely:-

For \*\*Grade 18.....5 years service in \*\*Grade 17.

For \*\*Grade 19.....12 years service in \*\*Grade 17 and above.

For \*\*Grade 20.....15 years service in \*\*Grade 17 and above.

6. Secretariat Posts.— Officers of this group will be also eligible for Secretariat Posts (Deputy Secretary and above) to which appointment is made through examination or by horizontal movement with the approval of the Central Selection Board.

7. Lateral entry.— In order to meet shortages of officers in this Group or to meet specific requirements, appointments may be made to posts in the Group in any \*\*Grade by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession, or in the service of a corporation or private organisation, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly, officers of this Group may be posted to appropriate posts in corporations under government management and control.

8. Seniority-(i) \*\*Grades 1 to 16.— Seniority lists for all posts in \*\*Grades 1 to 16 would be maintained as hithertofore on the basis of continuous regular officiation in the \*\*Grade.

(ii) \*\*Grade 17.— The inter se seniority of direct recruits to \*\*Grade 17 will be determined on the basis of order of merit, of probationers determined at

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\*Revenue Division (Federal Board of Revenue) inserted in the Rules of Business, 1973 (as amended upto 16<sup>th</sup> January, 2007), vide Cab. Div. Notification No. 4-14/98-Min. I. dated 1-12-1998, Schedule II [Rule 3(3) Distribution of Business Among the Divisions.

\*\* BPS

the time of final passing out from the Academy for Administrative Training. The inter se seniority of the promoted officers to \*Grade 17 shall be determined according to the date of their regular continuous officiation in \*Grade 17. Direct recruits of a particular year, however, shall as a batch be placed junior to the officers promoted to \*Grade 17 in that year.

(iii) \*Grade 18 and above.—Seniority in each grade will be determined from the date of regular continuous officiation in the \*grade.

9. The existing arrangement with regard to personnel management of the Customs and Central Excise Department will continue under the overall supervision of the Federal Board of Revenue and the Ministry of Finance. The Federal Board of Revenue will prepare gradation list of all officers in \*Grade 16 and above. The lists will be prepared Grade-wise. Each Collector of Customs and Central Excise will prepare, issue and maintain seniority lists of \*Grade 15 and below.

10. The Federal Board of Revenue will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of Establishment Secretary and the Chairman of the Federal Board of Revenue.

*[Authority.-Estt. Division's O.M. No. 5/2/75-ARC, dated 9-5-1975].*

### **1.3 \*\*Inland Revenue Service**

In pursuance of the Administrative Reforms, it has been decided to constitute the "\*\*\*Inland Revenue Service". The group shall comprise all posts in the Income Tax Department. The overall administration of this group will remain with the Federal Board of Revenue under the Ministry of Finance. It will function within the following broad framework of rules and procedure:-

2. \*Grades 1 to 16.—The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the appointing authorities for various \*Grades, etc. will continue to apply as hitherto. All posts to be filled by direct recruitment will be advertised except posts in Grade 16 which will be reported to the Federal Public Service Commission.

3. \*Grade 17.— 75% of the posts in \*Grade 17 will be filled through competitive examination conducted by the Federal Public Service Commission and 25% through promotion. After completion of one year's training at the Academy for Administrative Training, the probationer officers allocated to this group will undergo departmental and on-the-job training to be followed by an examination. Officers promoted to Grade 17 may also be required to undergo such departmental training as the Federal Board of Revenue may prescribe.

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\* BPS

\*\* "Income Tax Group" renamed as "Inland Revenue Service" vide Estt. Div.'s O.M.No.F.6/2/2009-C.P.II dated 12-09-2009.

4. The following provisions are made to enable educationally qualified persons in \*Grade 16 and below to secure entry in \*Grade 17:-

- (a) They can appear in the competitive examination upto the age of 30 years provided they have put in at least 2 years service. A maximum of two chances will be allowed after one has entered Government service.
- (b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

The Federal Board of Revenue will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Finance and Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 20% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

5. \*Grade 18 and above.—The procedure for promotion and other matters as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, will be observed subject to the length of service as prescribed in Establishment Division O.M. No. 3/7/74. AR II, dated the 20th May, 1974, namely:-

- |                  |  |
|------------------|--|
| For *Grade 18 .. | 5 years service in *Grade 17.            |
| For *Grade 19 .. | 12 years service in *Grade 17 and above. |
| For *Grade 20 .. | 15 years service in *Grade 17 and above. |

6. Secretariat Posts.— Officers of this group will be eligible for Secretariat posts in \*\*[All Pakistan Unified Grades] in \*Grade 19 and above in accordance with the procedure prescribed for appointment to Secretariat posts of Deputy Secretary and above.

7. Lateral Entry.— In order to meet shortages of officers in this group or to meet specific requirements, appointments may be made to posts in the Group in any \*Grade by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly officers of this Group may be posted to appropriate posts in corporations and other organizations under Government management and control.

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\* BPS

\*\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

8. Seniority.— (i) \*Grade 1 to 16.— Seniority lists for all posts in Grade 1 to 16 would be maintained as hithertofore on the basis of continuous regular officiation in the Grade. The inter se seniority of direct recruits in \*Grade 16 in a particular year will be determined in accordance with the merit position obtained by them in the competitive examination conducted by the Federal Public Service Commission.

(ii) \*Grade 17.—The inter se seniority of direct recruits in \*Grade 17 will be determined on the basis of order of merit of the probationers determined at the time of final passing out from the Academy for Administrative Training. The inter se seniority of officers promoted to \*Grade 17 will be determined with reference to the dates of their regular continuous officiation in the grade. As for seniority of direct recruits vis-a-vis promoted officers, the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

(iii) \*Grade 18 and above.— Seniority will be determined in each \*Grade from the date of regular continuous officiation in the \*Grade.

9. The existing arrangement with regard to personnel management of the Income Tax Department will continue under the overall supervision of the Federal Board of Revenue and the Ministry of Finance. The Federal Board of Revenue will prepare Gradation Lists of all officers in \*Grade 16 and above. The lists will be prepared Grade-wise. Each Commissioner of Income Tax will prepare, issue and maintain seniority lists of \*Grade 15 and below.

10. The Federal Board of Revenue will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Chairman of the Federal Board of Revenue.

*[Authority. -Estt. Division's O.M. No.4/2/75-ARC, dated 09-5-1975].*

#### **1.4 Tax Administration Reforms: Reorganization of Federal Board of Revenue - Creation of New Occupational Service Namely Inland Revenue Service**

In terms of S.No.10.2.(i) of Schedule-II of Rules of Business,1973 and in continuation of this Division's O.M. No.5/2/75-ARC dated 9-5-1975 and O.M. No. 4/2/75-ARC dated 9-5-1975, to say that in view of the ongoing Tax Administration Reforms that include reorganization of Federal Board of Revenue, it has been decided to create a new Occupational Service namely Inland Revenue Service with immediate effect.

2. All the business concerning Income Tax, Sales Tax and Federal Excise currently being done by the officers and staff of Inland Revenue Service and Pakistan Customs Service is transferred to the new Inland Revenue Service.

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\*BPS.

Existing Customs and Excise Group will be renamed as Pakistan Customs Service.

3. Federal Board of Revenue shall seek from each officer and staff of the existing Customs & Excise Group and Income Tax Group an irrevocable option for inclusion or otherwise into the new Inland Revenue Service. Such option once exercised shall be final. In order to facilitate the officers in this process, FBR shall apprise each officer (1) the number of posts which would form part of the new occupational service (2) upon option, the seniority in the new service shall count from the date of regular appointment in the present post in the existing Customs & Excise Group and Income Tax Group in accordance with Civil Servants (Seniority) Rules, 1993, as amended from time to time.

4. Upon receipt of requisite options. Federal Board of Revenue shall proceed as under:-

(a) **Scenario-I**

In case, some officers from the Pakistan Customs Service and some officers from the Inland Revenue Service opt for Inland Revenue Service, the shortage of the Inland Revenue Service shall be met by posting of officers of Pakistan Customs Service and defunct Inland Revenue under Section 10 of the Civil Servants Act, 1973. Depending upon number of options to be exercised by the officers of Pakistan Customs Service and Inland Revenue Service, the tentative cadre strength of new Inland Revenue Service and Pakistan Customs Service may be as under (i.e. equivalent to existing combined strength of the Inland Revenue Service and Pakistan Customs Service):—

**New Inland Revenue Service**

<b>Functions</b>	<b>Officers</b>
• Federal Excise	218
• Sales Tax	
• Inland Revenue Service	978
<b>Total</b>	<b>1196</b>
• Pakistan Customs Service	

<b>Functions</b>	<b>Officers</b>
Customs	218

Upon completion of exercise of options, the exact cadre strength shall be finalized by the Establishment Division in consultation with Revenue Division.

(b) **Scenario-II**

In case all the officers of the Customs and Excise Group and Income Tax Group opt for new Service, the Service be renamed as "Pakistan Revenue Service" with common seniority and doing all the revenue and tax business. All officers would be part of one cadre. The tentative cadre strength of new service may be as under (i.e. equivalent to existing combined strength of the Inland Revenue Service and Pakistan Customs Service):—

<b>Functions</b>	<b>Officers</b>
• Federal Excise	218
• Sales Tax	
• Income Tax	978
• Customs	218
<b>Total</b>	<b>1414</b>

Upon completion of exercise of options, the exact cadre strength shall be finalized by the Establishment Division in consultation with Revenue Division.

5. In both the scenarios mentioned in para-4 above, the Income Tax Group officers not opting for the new service will remain in the existing Income Tax Group which will be a defunct and dying cadre without any future intake.

6. The *inter-se-seniority* of the officers of existing Inland Revenue Service and Pakistan Customs Service exercising option for inclusion in the new Pakistan Revenue Service or Inland Service, as the case may be, shall count from the date of regular appointment in the present post in the existing Customs and Excise Group and Income Tax Group in accordance with Civil Servants (Seniority) Rules, 1993, as amended from time to time.

7. Other measures shall be taken as under:—

- (a) All the existing posts currently forming part of Income Tax Group as well as those meant for Federal Excise Business but currently forming part of Customs and Excise Group shall form part of the new Inland Revenue Service with immediate effect. The said posts will, however, be transferred to the new Service upon completion of exercise of option.
- (b) Further recruitment to the existing Income Tax Group is stopped.
- (c) Effective from 2009, fresh recruitment to the newly constituted Inland Revenue Service or Pakistan Revenue Service as the case may be, shall be initiated through Federal Public Service Commission.

8. Establishment Division's O.M. No. 5/2/75-ARC dated 9-5-1975 and O.M. No. 4/2/75-ARC dated 9-5-1975 regarding constitution of existing Inland Revenue Service and Pakistan Customs Service shall be deemed to have been modified to the above extent. In case of inconsistency between the provisions of said O.M.s dated 09-05-1975 and this O.M., the provisions of this O.M. shall have the overriding effect.

9. To overcome the difficulties and interpretation of the methodology an Anomaly Committee is constituted comprising Additional Secretary-II, Establishment Division, Chairman, Federal Board of Revenue and Additional Secretary, Law and Justice Division whose interpretation shall be final subject to approval of Establishment Division.

10. The Anomaly Committee and all others concerned shall ensure that the decisions contained in this O.M. do not create any administrative complications.

[Authority.-Estt. Division's O.M. No. F.6/2/2009-CP-II,, dated 12-9-2009].

### **1.5 \*Pakistan Administrative Service**

In continuation of Establishment Division Office Memorandum No. 1/2/74-ARC, dated the 23rd January, 1974 regarding the formation of the Pakistan Audit and Accounts Service, it has been decided with Prime Minister's approval to constitute another occupational group called the \*Pakistan Administrative Service, comprising field posts in the civil administration of the district and the division viz. Commissioner, Deputy Commissioner, Additional Deputy Commissioner, Assistant Commissioner and such other posts as may be included in the group from time to time.

2. The \*Pakistan Administrative Service will function within the following framework of rules and procedure. These instructions will apply to members of [Omitted] and to all other Government servants holding the posts specified in the Schedule of Cadre Strength of the Civil Service of Pakistan (now called \*\*[All Pakistan Unified Grades]).

3. \*\*\*Grades 17 to 19: Recruitment to \*\*\*Grade 17 will continue to be made through Federal Public Service Commission as hithertofore except to the extent the posts have to be filled through promotion. Separate orders in this regard will be issued. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to Pakistan Administrative Service will undergo departmental training as hithertofore to be followed by an examination. Promotion to \*\*\*Grades 18 and 19 will be made by the Central Selection Committee as explained in subsequent paragraphs.

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\* "District Management Group" renamed as " Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

\*\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\*\* BPS



4. In view of the importance of the post of Deputy\*Commissioner which at present is a \*\*Grade 18 post carrying special pay, it has been decided as follows:-

- (i) The post of Deputy Commissioner would be a selection post and selection will be made from amongst officers having at least 10 years service in police, armed forces, civil administration or military lands and Cantonments Department\*\*\*. The selected persons shall be given training in administration and law, if necessary, before posting as Deputy Commissioner.
- (ii) To ensure appointments of experienced persons, the post of Deputy Commissioner in major Districts will be placed in \*\*Grade 19. As in other groups, for promotion to \*\*Grade 19 a minimum service of 12 years in \*\*Grade 17/18 shall be a condition precedent.

5. \*\*Grade 20.—Promotion to \*\*Grade 20 shall be made by selection from officers of the group who have had at least 15 years of service in \*\*Grades 17-19.

6. Secretarial Posts.— As in other occupational groups, officers of this service will be eligible for Secretariat appointments in accordance with the procedure already prescribed. The officers will be selected, after written tests and interviews, for posts of Deputy Secretary and Joint Secretary in the Federal Government and equivalent posts in the Provincial Secretariat. These posts will be in a common pool to which officers of all Federal and Provincial Departments will be eligible. Those selected for Deputy Secretary and Joint Secretary or equivalent posts would be put through a training programme of 3-4 months. Their final selection would be made after satisfactory completion of training. No posts of the rank of Deputy Secretary and Joint Secretary in the Federal Secretariat, or their equivalent in the Provincial Secretariats tenable by officers of @[All Pakistan Unified Grades] would be filled except from these panels. Relaxation will be made with Prime Minister's approval in individual cases.

7. \*\*Grades 21-22.—For posts of Additional Secretaries and Secretaries to the Federal Government and equivalent posts in the Provincial Governments, selection would be made from government servants of various occupational groups in \*\*Grade 20 and above and also from amongst professionally qualified persons from the private sector.

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\*Since abolished, except in the ICT administration & FANA, as a result of devolution plan under the local government system introduced in the country. Now District Coordination Officer (DCO) is the principal administrative officer.

\*\* BPS

\*\*\* Directorate of Military Lands & Cantonments; ref. Rules of Business, 1973 as amended upto 16<sup>th</sup> January, 2007, rule 4(4), Schedule III.

@All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

8. Lateral entry.— To bring in fresh blood and to relieve shortages, if any, at various levels, lateral entry will be resorted to. Lateral entry selections will be made only by the Federal Government.

"9. \*Seniority.— (i) Seniority inter-se of direct recruits to \*\*Grade 17 appointed in a batch to the \*\*\*Pakistan Administrative Service on the results of the competitive examination held by the F.P.S.C. shall be determined on the basis of the order of merit of the probationers determined at the time of final passing out from the Academy for Administrative Training. Seniority of direct recruits to \*\*Grade 17 appointed otherwise than through the competitive examination held by the FPSC shall be determined on the basis of the date of continuous regular officiation in that \*\*grade in the Pakistan Administrative Service. If the date of continuous regular officiation is the same, the older in age shall rank senior.

(ii) Seniority in \*\*Grade 18 and above shall be determined on the basis of the date of continuous regular officiation in the \*\*grade provided that those who are selected for promotion to a higher grade in one batch shall, on their promotion to the higher grade retain their inter se seniority as in the lower grade.

(iii) Gradation list of officers in @[All Pakistan Unified Grades] would be issued by the Establishment Division periodically."

10. Under Article 240 of the Constitution, appointments to and conditions of service of persons in the All-Pakistan Services @(now All Pakistan Unified Grades) are to be determined by the Federal Government. The concept of All-Pakistan Services has been retained in the Constitution with a broader national purpose, viz. national integration and cohesion. It is, therefore, emphasized that all matters pertaining to the appointment, promotion, transfer, etc. of members of the @[All Pakistan Unified Grades] are the responsibility of Federal Government.

11. In the past, substantive appointments to posts in \*\*Grade 18 were made on the recommendations of the Federal Public Service Commission by the Federal Government after consulting the Provinces concerned. This procedure was, however, reduced to a mere formality as the Provinces who were permitted to make officiating appointments on temporary basis continued such appointments without interruption. For appointments to \*\*Grades above 18, no reference to Federal Public Service Commission was necessary; in their case recommendations were made by the Provinces to the Federal Government and with their approval promotions were made. While making officiating appointments or making recommendations for

\*Subs.vide Estt. Division O.M. No. 2/2/74-ARC, dated 14-12-1976. This amendment takes effect from the date of issuance of Estt. Division O.M.No.2/2/74-ARC, dated 23-2-1974.

\*\* BPS

\*\*\* "District Management Group" renamed as " Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

@All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

promotions, the Provinces usually considered only those Government servants who were working within their jurisdiction. The cases of senior persons with good record of service working at the Centre\* or in other Provinces were generally not considered by the Provinces. This procedure now requires modification for various reasons. Firstly, under the revised procedure consultation with Federal Public Service Commission in the matter of substantive promotion to \*\*Grade 18 is no longer necessary and, therefore, distinction between officiating and substantive appointments is no longer valid. Secondly, as a result of the introduction of the administrative reforms a number of officers from other services have been inducted into \*\*\*[All Pakistan Unified Grades] (which replaces All Pakistan Services). It is, therefore, necessary that their claim for promotion should also be fully taken into account before making appointments to higher \*\*Grades.

12. It has, therefore, been decided that:

- (i) A Central Selection Committee under the Establishment Secretary in which Chief Secretaries of the Provinces would be associated would make recommendations for promotion to \*\*Grade 18 and above. For appointments in the Provinces, the cases will be first submitted to Governor/Chief Minister as at present before submitting the cases to the Prime Minister for approval. Instead of making recommendations in each case of promotion, panels of names for promotion to higher \*\*Grades would be prepared periodically so that whenever vacancies have to be filled at short notice, action would be taken without any delay.
- (ii) @No officer above a certain seniority should remain in the same Province for a period of more than @@5 years. The Central Selection Committee referred to above will look into the implementation of this decision.

[Authority.-Establishment Division's O.M. No. 2/2/74-ARC, dated 23-2-1974 as amended vide Establishment Division's O.M. of even number dated 14-12-1976].

## 1.6 Classification of Districts

The Federal Government in pursuance of para 4 (ii) of the Establishment Division O.M. No. 2/2/74-ARC. II, dated the 23rd February, 1975 agree to the classification of the following districts as major districts and placing of posts of Deputy Commissioner of these districts in BPS 19:—

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\*Federal Government.

\*\* BPS

\*\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

@ See Rotation Policy.

@@ Also see Rotation Policy for PAS/PSP officers.

Sl. #	Punjab	Sindh	Sl. #	K.P.K	Balochistan
1.	Lahore	1. Karachi	1.	Peshawar	1. Quetta
2.	Rawalpindi	2. Hyderabad	2.	D.I. Khan	2. Zhob
3.	Multan	3. Sukkur	3.	Swat	3. Nasirabad
4.	Bahawalpur	4. Larkana	4.	Abbottabad	4. Mekran
5.	Sahiwal				5. Khuzdar
6.	Gujranwala				6. Kohlu
7.	Sargodha				7. Loralai
8.	Faisalabad				

Placement of the posts in BPS 19 does not imply automatic \*upgradation of the incumbent of the posts. The Provincial Government will refer the case of promotion to BPS 19 against these posts to the Establishment Division in accordance with the normal procedure.

[*Authority*.- Estt. Division's Additional Secretary's d.o. letter No.3/16/ 74-ARC-II, dated the 30-8-1975 addressed to Provincial Governments].

### 1.7 Economists and Planners Group

In pursuance of the Administrative Reforms, it has been decided to constitute another occupational group to be called "Economists and Planners Group" comprising all posts of Economists, Chief, Deputy Chief, Assistant Chief, Research Officers, Planning Officers and Economic Investigators in the Economic Sections of the Planning Division, Economic Affair Division and Finance Division and posts in other Ministries, Divisions and Departments of the Federal Government dealing exclusively with economic matters and planning and development in the economic field. For this purpose the Ministries and Divisions concerned shall communicate to the Planning and Development Division the number and \*\*Grades of all such posts under their administrative control, together with a nominal roll of the incumbents of these posts showing dates of their regular appointment in their present \*\*Grades. Based on the information supplied by the Ministries and Divisions, the Planning and Development Division shall prepare a schedule of posts to be included in the Economists and Planners Group and forward it to the Establishment Division for approval.

2. The Economists and Planners Group will be under the administrative control of the Planning and Development Division, and will function within the following broad framework of rules.

3. \*\*Grades1- 16.— Each Ministry/Division/Department will operate these posts separately as heretofore subject to the overall supervision of the Planning and Development Division. The existing rules, regulations and instructions in regard to direct recruitment, promotion quotas, composition of Promotion and Selection

\*For instructions/orders on upgradation.

\*\* BPS

Committee, appointing authorities for various \*grades etc. will continue to apply as heretofore. The provisions of recruitment rules already framed for various categories of posts with the approval of the Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised.

4. \*Grade 17.— Initial entry to \*grade 17 will be made from amongst such probationers, recruited through the competitive examination conducted by the Federal Public Service Commission, as are in possession of the prescribed academic qualifications. After the initial institutional training, the probationers officers will be given such departmental training as may be prescribed, to be followed by an examination the details of which will be prepared by the Planning and Development Division. Thereafter, they will be allocated to various posts in different Ministries/ Divisions/ Departments. They will ordinarily remain in the Ministries/ Divisions/Departments of their original posting until they get promotion to the next higher \*grade. With the exception of very special cases, there will be no horizontal movement at this stage from one Ministry/Division/Department to the other.

5. 75% of posts in \*grade 17 will be filled by direct recruitment and 25% through promotion on the basis of selection.

6. \*Grade 18 and above.—33% posts in \*grades 18, 19 & 20 would be filled by promotion if suitably qualified and experienced persons are available. The remaining 67% would be filled by direct recruitment, or transfer, of persons possessing such qualifications and experience as may be prescribed. Direct recruitment will be made through the Federal Public Service Commission.

7. All posts in \*grade 17 and above will be selection posts.

8. The procedure for promotion and other matters as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 will be observed.

9. Officers of this group will be eligible for appointment to equivalent posts in the Secretariat and other Groups by horizontal movement, and to posts in higher \*grades in the Secretariat Group in accordance with the prescribed procedure.

10. Lateral entry.—In order to meet existing deficiency in \*grades 17 and 18, the Planning and Development Division will prepare a scheme for recruitment of young economists possessing Master's Degree in Economics and for their training in Pakistan and abroad (in Ph.D. Fellowships etc.) and submit it to the Establishment Division for approval.

11. To meet specific requirements, appointments may also be made to posts in the Group in any \*grade by recruitment through lateral entry of persons either in Government service, or engaged in a profession or in the service of a corporation, or private organization, who possess professional qualifications and experience as may be prescribed for the posts from time to time. Similarly, officers of the Economists and Planners Group may be posted to appropriate posts in corporations and public sector organizations under government management and control.

12. Seniority.—\*Grade 1 to 16.— Separate Division-wise/ Department-wise seniority lists would be maintained for all posts in \*grades 1 to 16 as hitherto. The seniority as already determined in various grades under the previous rules before the promulgation of the Civil Servants Ordinance, 1973, *i.e.* before 15th August, 1973, shall not be disturbed. However, seniority of persons promoted to higher grades on or after 15th August, 1973 shall be determined on the basis of the date of regular appointment to the grade, provided the persons who are selected for promotion to a higher \*grade in one batch shall, on their promotion to the higher \*grade, retain their *inter-se-seniority* in the lower \*grade.

13. \*Grade 17.— All officers of \*grade 17 will be borne on a combined seniority list of the "Economists and Planners Group". The *inter-se-seniority* of the direct recruits to \*grade 17 will be determined on the basis of the order of merit of the probationers determined on the conclusion of training. The *inter se* seniority of officers promoted to \*grade 17 will be determined with reference to the dates of their regular appointment in \*grade 17 provided that officers who are selected for promotion to that grade in one batch shall, on their promotion, retain their *inter-se-seniority* in the lower grade as for seniority of direct recruits *vis-a-vis* promoted officers, the direct recruits appointed in a particular year will, as a class, rank junior to the officers appointed by promotion on regular basis in that year.

14. \*Grade 18 and above.— Seniority will be determined in each grade from the date of regular appointment to the \*grade provided that officers who are selected for promotion to higher grade in one batch shall, on their promotion to a higher \*grade, retain their *inter-se-seniority* in the lower \*grade. Those appointed by direct recruitment, if more than one person is selected in one batch, shall be assigned seniority in accordance with the order of merit determined at the time of selection provided the selected persons join within the prescribed time.

15. Provision for accelerated promotion of posts in \*grade 17.— To enable bright young persons in the Group who fail to secure direct entry to \*Grade 17 posts through the Federal Public Service Commission to get another opportunity to compete for these posts or to get accelerated promotion to \*Grade 17 within the department, the following provisions are made:-

- (a) Officials of age upto 30 years can appear in the competitive examination conducted by the Federal Public Service Commission

provided they have put in at least two years Government Service. Not more than two chances will be allowed after one has entered government service;

- (b) There will also be a departmental examination for departmental candidates for accelerated promotion to posts in \*Grade 17. Subject to possession of such minimum qualifications as may be prescribed, all officials having a minimum of 5 years government service in \*Grade 11 and above in the Group will be entitled to appear in this examination. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

16. The Secretary, Planning and Development Division will prepare a scheme for departmental examination mentioned in para 15 and obtain the approval of the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to the maximum of 25% of the total vacancies in \*Grade 17 and these promotions will be reckoned against the direct recruitment quota.

17. The existing arrangements with regard to personnel management of various posts and cadres in the "Economists and Planners Group" will continue but the Secretary, Planning and Development Division in liaison with the Ministry/Division/ Department concerned will be responsible for the smooth implementation of the above instructions. He will prepare \*grade-wise gradation list of all officers in \*Grade-17 and above. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary, the Secretary Planning & Development Division and such other Secretary or Secretaries as may be co-opted.

[Authority.-Estt. Division's O.M.No.10/2/75-ARC, dated 25-3-1976].

## 1.8 Foreign\*\* Service of Pakistan

In continuation of Establishment Division Office Memorandum No. 1/2/74-ARC, dated the 23rd January, 1974, it has been decided with the Prime Minister's approval to constitute another occupational group called the "Foreign Affairs Group\*\*\*" comprising all posts in or under the Ministry of Foreign Affairs. The group will be under the administrative control of the Foreign Ministry and will function within the following framework of procedure, rules and regulations etc.

2. \*Grade 1-16.— These comprise posts of Peons, Daftries, Clerks, Assistants, @Stenographers and Office Superintendents. Recruitment will be partly by promotion and partly direct recruitment in accordance with the Civil

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\* BPS

\*\* The nomenclature of Foreign Affairs Groups was changed to 'Foreign Service of Pakistan' vide Estt. Div.'s Notification No. SRO 936(1)/83, dated 29-9-1983.

\*\*\*Foreign Service of Pakistan.

@Now Assistant Private Secretary.

Servants (Appointment, Promotion and Transfer) Rules, 1973. As provided in the rules, where appointments are to be made from outside, the posts will be advertised.

3. \*Grade 17.— Initial entry to \*Grade 17 in the \*\*Foreign Affairs Group will continue to be made as at present through competitive examination conducted by Federal Public Service Commission. On completion of one year's training at the Academy for Administrative Training\*\*\*, suitable candidates would be allocated to \*\*Foreign Affairs Group on the basis of their ability and aptitude. Thereafter, they would be given departmental or on-the-job training in such a manner that they are exposed to Commercial, Press etc., as well as Diplomatic work.

4. As in the case of @Accounts Group, the following two provisions are being made to enable educationally qualified persons in \*Grade 16 and below to secure entry in \*Grade 17.

- (a) They can appear in the competitive examination conducted by F.P.S.C. upto the age of 30 years provided they have put in at least 2 years services.
- (b) There will be a departmental examination under which departmental candidates would be considered for promotion to \*Grade 17. The age limit for this examination will be 35 years. Such departmental examination will be held by FPSC. Those promoted \*Grade 17 will be initially appointed as Section Officers at Headquarters. After training and a spell of duty at Headquarters they would be eligible for posting abroad.

5. \*Grade 18.—Promotion to \*Grade 18 will be from amongst government servants of Grade 17 who have rendered at least 5 years of service in that \*Grade.

6. \*Grades 19 and 20.— The existing procedure governing promotions to these Grades would, by and large, remain the same. As in the case of Secretariat Officers, promotion to \*Grade 20 will be on the basis of written test and as well as @@Annual Confidential Reports. The minimum length of service for promotion to \*Grade 19 and 20 will respectively be 12 years and 15 years in \*Grade 17 and above.

7. \*Grades 21 and 22.— Selection will be made from Government servants in \*Grades 20 and above.

8. Transfer of officers from other Ministries.....

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\* BPS

\*\* Foreign Service of Pakistan.

\*\*\* Civil Service Academy.

@ Now Pakistan Audit and Accounts Service.

@@ Now Performance Evaluation Reports(PERs).



9. Lateral entry.— In view of our expanding requirements to man posts abroad and the need for greater circulation of officers of the \*Foreign Affairs Group to other Ministries, the cadre strength of the \*Foreign Affairs Group will be kept constantly under review and lateral entry resorted to whenever and in whichever\*\*Grade there is shortage. But apart from the need to meet such shortages, there would be regular lateral entry each year at 1st Secretary/Director and Minister/Director General levels for continuous enrichment of the \*Foreign Affairs Group by induction of fresh blood from the private sector as well as other occupational groups. For the next few years the Ministry of Foreign Affairs would submit a report every three months as to how the lateral system is working. On this report, the comments of the Establishment Division would be obtained before submission to the Prime Minister.

10. Exposure to other Ministries.— In order to equip them better for diplomatic work officers of the \*Foreign Affairs Group, in the course of their assignment in Pakistan, would be exposed to the work relating to Trade and Commerce, Planning, Public Relations and Publicity and Economic matters. They would be posted, on short term secondments, to Ministries/Organisations/Corporations etc. dealing with these and allied subjects.

11. Secretariat Officers working in Foreign Office.— There are at present a large number of \*\*Grade 17 and \*\*Grade 18 officers belonging to the former Central Secretariat Service who are working in the Foreign Ministry and in Missions abroad. Some of them who are suitable would be permanently inducted into the \*Foreign Affairs Group and the rest would be withdrawn in a phased programme.

12. Personnel Wing of the Foreign Ministry.— The two top posts in the Personnel Wing of the Ministry of Foreign Affairs will be manned by officers, not belonging to \*Foreign Affairs Group.

13. Seniority etc.— A Unified Gradation List of officers of the \*Foreign Affairs Group will be prepared by the Ministry of Foreign Affairs, taking into account the above decisions and in accordance with the principles already adopted for other groups viz-the seniority in each \*\*Grade will be determined from the date of appointment to that \*\*Grade. The strict application of this rule may create hardship in certain cases as for example some Section Officers of former CSS cadre are in \*\*Grade 18 while most of the Directors are also in \*\*Grade 18. Such anomalies have to be removed. To do this and to resolve any major difficulty that may arise as a result of the application of these instructions in regard to seniority a committee has been set up consisting of the Foreign Secretary (Administration) and Establishment Secretary.

*[Authority.-Estt. Division's O.M. No. 3/2/74-ARC, dated 8-4-1974, as amended vide O.M.of even numbers dated 21-9-1976, 30-1-1978 and 28-2-1978].*

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\*Foreign Service of Pakistan.

\*\* BPS

### 1.9 Information Group

In pursuance of the Administrative Reforms, it has been decided to constitute another occupational group to be called "Information Group" which shall comprise all posts in the following Departments and Organizations and such posts in the Ministry of Information and Broadcasting as may be specifically included in the Group:-

- (i) Press Information Department and its Regional Information Offices.
- (ii) Directorate of Research and Reference.
- (iii) External Publicity Wing and its Offices in Pakistan Missions abroad.
- (iv) Border Publicity Organization and its Regional Offices.
- (v) Audit Bureau of Circulation and its Regional Offices.
- (vi) Directorate of Economic Publicity.
- (vii) Directorate of Films and Publications.

The group will be under the administrative control of the Ministry of Information and Broadcasting and will function within the following broad framework of rules and procedure.

2. The posts in \*Grade 17 and above included in the Information Group are detailed in the enclosed schedule (**Annex**). The Ministry of Information and Broadcasting may, after consultation with the Establishment Division, add to, or remove any post from the Schedule. In addition, there will be a leave, training and deputation reserve as follows:-

- (1) Leave Reserve....10% of the duty posts.
- (2) Training and Deputation reserve....10% of the duty posts.

3. BPS 1 to 16.— Each Department and Organization will operate these posts as hithertofore. The existing instructions with regard to direct recruitment and promotion quotas, the composition of Promotion and Selection Committees, the Appointing Authorities for various \*Grades, etc., will continue to apply. All posts to be filled by direct recruitment will be advertised, except posts in BPS 16 which will be reported to the Federal Public Service Commission.

4. BPS 17.— Seventy-five per cent posts in BPS 17 will be filled through competitive examination conducted by the Federal Public Service Commission. After completion of training at the Academy for Administrative Training, the probationer officers allocated to the Information Group will undergo on-the-job departmental training to be followed by an examination prescribed by Ministry of Information and Broadcasting.

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\* BPS

5. The remaining 25% posts will be filled by promotion on the basis of selection from amongst BPS 16 Officers of the Ministry of Information and Broadcasting and the Departments and Organizations included in the group.

6. BPS 18 and above.— The posts will be filled by promotion on the basis of selection from amongst eligible officers of the group in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time, or if no candidate is considered suitable from within the group by horizontal movement of suitably qualified and experienced officers from other groups. Government instructions regarding minimum length of service for eligibility for promotion to BPS 18, 19 and 20 will be observed.

7. Eligibility for senior posts in the Secretariat.— Officers of this group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement, as well as by lateral entry through examination etc.

8. Lateral entry.— In order to meet shortage of officers in the group or to meet specific requirements, appointment may be made in posts in the group in any BPS, by transfer from other groups or by recruitment through lateral entry of persons either in Government service or engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Such appointments shall be made through Federal Public Service Commission in consultation with the Establishment Division.

9. Seniority: (a) BPS 1 to 16.— In respect of BPS 1 to 16, separate seniority lists would be maintained for each Department and Organization included in the Information Group, as hithertofore, on the basis of continuous regular officiation in the Grade.

(b) BPS 17.— All officers of BPS 17 will be borne on a combined seniority list of the "Information Group". The *inter-se-seniority* of the direct recruits to BPS 17 will be determined on the basis of the order of merit of the probationers determined on the conclusion of training. The *inter-se-seniority* of officers promoted to BPS 17 will be determined with reference to the dates of their regular appointment in BPS 17 provided that officers who are selected for promotion to that Grade in one batch shall, on their promotion, retain their *inter-se-seniority* in the lower BPS. As for seniority of direct recruits *viz-a-viz* promoted officers, the direct recruits appointed in a particular year will, as a class, rank junior to the officers appointed by promotion on regular basis in that year.

(c) BPS 18 and above.— Seniority will be determined in each BPS from the date of regular appointment to the BPS; provided that officers who are selected for promotion to higher BPS in one batch shall, on their promotion to a higher BPS, retain their *inter-se-seniority* in the lower BPS. Those appointed by direct recruitment, if more than one person is selected in one batch, shall be assigned seniority in accordance with the order of merit determined at the time of selection provided the selected persons join within the prescribed time.

**Note.**—The seniority as already determined in various BPS under the rules in force before the promulgation of the Civil Servants Ordinance, 1973 i.e. before 15-8-1973, shall not, as far as possible be disturbed. However, seniority of persons promoted to higher BPS on or after 15-8-73 shall be determined on the basis of the date of regular appointment to the Grade, provided that the persons who are selected for promotion to a higher Grade in one batch shall, on their promotion to the higher BPS, retain their *inter-se-seniority* in the lower BPS.

10. Provision for accelerated promotion to posts in BPS 17.— To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to BPS 17 posts, or to get accelerated promotion within the Department, the following two provisions are made:-

- (a) Those of age upto 30 years can appear in the competitive examination conducted by the Federal Public Service Commission provided they have put in at least 2 years service.
- (b) There will also be a departmental examination under which departmental candidates will be considered for promotion to posts in BPS 17. All officials having a minimum of 5 years service in BPS 11 and above in the Ministry of Information and Broadcasting and the departments and organizations, which are included in the Information Group, will be eligible to appear in this examination, provided they fulfill the prescribed conditions. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for all subsequent examinations.

The Ministry of Information and Broadcasting will prepare a scheme for the departmental examination at (b) above and obtain the approval of Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

11. The existing arrangements with regard to personnel management will continue under the overall supervision of the Ministry of Information and Broadcasting who will prepare gradation lists of all officers in BPS 17 and above. Each Department under the Ministry of Information and Broadcasting included in the group will prepare, issue and maintain seniority lists in respect of BPS 16 and above.

12. The Ministry of Information and Broadcasting will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, Ministry of Information and Broadcasting.

[Authority.-Estt. Division's O.M. No. 2/8/75-ARC, dated 17-6-1977].

## (ANNEX)

**\*SCHEDULE SHOWING POSTS IN BPS 17 AND ABOVE INCLUDED IN THE INFORMATION GROUP**

WING/ DEPARTMENT		NOMENCLATURE OF POST	BPS	NO.OF POSTS
1	2	3	4	
1.	Audit Bureau of Circulation, (Headquarters, Islamabad) Audit Bureau of Circulation, (Lahore/Karachi/ Peshawar/Quetta).	Director	19	1
		Deputy Director	18	1
		Assistant Director	17	1
		Assistant Directors	17	4
		<b>➤Total:</b>		<b>7</b>
2.	External Publicity Wing, Islamabad. (London/New Delhi)	Director General	21	1
		Minister (Information)	20	2
		Directors	19	4
		Press Counselors (Bonn, Cairo, Dhaka, New York, Paris, Riyadh, Tehran, Washington)	19	8
		Deputy Directors	18	6
		Press Attaches	18	17
		(Abu Dhabi, Colombo, Canberra, Beijing, Ankara, Jeddah, Kuala-Lumpur, Kuwait London, New Delhi, Nairobi, Ottawa, Rome, Tokyo, Hong Kong, Jakarta, Washington)		
		Assistant Directors	17	7
		<b>➤Total:</b>		<b>45</b>
		3.	Internal Publicity	Director General
Directors	19			3
Deputy Directors	18			2
Assistant Directors	17			3
<b>➤ Total:</b>				<b>9</b>
4.	Information Service Academy	Director General	20	1
		Directors	19	2
		Deputy Directors	18	3
<b>➤Total :</b>		<b>6</b>		
5.	Press Information Department (Headquarters), Islamabad.	Director General	21	1
		Dy. Directors Genl.	20	2
		Directors	19	7
		Deputy Directors	18	12
		Assistant Directors/ Information Officers	17	32

\*Subs.vide Ministry of Information and Media Development (now M/o Information and Broadcasting)  
O.M. No. 1(5)/92-IC, dated 24-7-1993.

PID (Regional Information Office), Lahore	Director	19	1
	Deputy Directors	18	3
PID (Sub-Office) Multan/Faisalabad	Deputy Directors	18	2
	Information Officers	17	2
PID (Regional Information Office) Lahore	Assistant Directors/ Information Officers	17	5
		<b>➤Total:</b>	<b>67</b>
PID (Regional Information Office) Karachi	Director	19	1
	Deputy Directors	18	2
PID (Sub-Office) Hyderabad	Deputy Director	18	1
	Information Officer	17	1
PID (Regional Information Office) Karachi	Information Officers/ Assistant Directors	17	6
		<b>➤ Total:</b>	<b>11</b>
PID (Regional Information Office) Peshawar	Director	19	1
	Deputy Directors	18	2
	Research Officer	17	1
	Information Officers	17	2
PID (Sub-Office) D.I. Khan	Information Officer	17	1
		<b>➤Total:</b>	<b>7</b>
PID (Regional Information Office) Quetta	Director	19	1
	Deputy Directors	18	2
	Information Officers	17	2
		<b>➤Total:</b>	<b>5</b>
PID (Regional Information Office) Gilgit PID (Sub-Office) Chilas	Deputy Director	18	1
	Information Officer	17	1
	Information Officer	17	1
		<b>➤Total:</b>	<b>3</b>
6. Directorate of Films and Publications (Headquarters) Ibd. DFP (Lahore Office) Directorate of Films and Publications (Headquarters) Ibd.	Director General	20	1
	Directors	19	2
	Deputy Directors	18	2
	Deputy Director	18	1
	Assistant Directors	17	2
	Assistant Directors	17	4
		<b>➤Total:</b>	<b>12</b>
7. Directorate General (Research and Reference) Ibd.	Director General	20	1
	Directors	19	3
	Deputy Directors	18	9
	Assistant Directors	17	11
		<b>➤Total:</b>	<b>24</b>
8. Central Zakat Administration Finance Div., Ibd.	Deputy Director (To be paid by Central Zakat Administration)	18	1
		<b>➤Total:</b>	<b>1</b>

**»Grand Total:** 197

(Besides there will be 10% deputation reserve and 10% leave reserve in each pay scale).

### **1.10 Military Lands and Cantonments Group**

In pursuance of the Administrative Reforms, it has been decided to form another Occupational Group to be called "Military Lands and Cantonments Group". The Group shall comprise all posts in the Military Lands and Cantonments Department and such posts as may be included in the group from time to time.

2. The Group will be under the administrative control of the Ministry of Defence and will function within the following broad framework of rules and procedure.

3. BPS 1 to 16.— The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the appointing authorities for various BPS, etc. will continue to apply. The provisions of recruitment rules already framed for various categories of posts with the approval of Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised except posts in BPS 16 which will be reported to the Federal Public Service Commission.

4. BPS 17.— Seventy five percent (75%) posts in BPS 17 will be filled through Competitive Examination to be conducted by the Federal Public Service Commission and 25% by promotion from amongst the departmental incumbents holding posts in BPS 11 and above. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to the "Military Lands and Cantonments Group " will undergo common Departmental Training to be followed by a Departmental Examination, the details of which will be worked out by the Secretary, Ministry of Defence in consultation with this Division and the Federal Public Service Commission. Thereafter, they will be allocated to various posts in the Group.

5. BPS 18 and above.— Posts will be filled by promotion or direct recruitment in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time or by horizontal movement of suitably qualified and experienced officers from other Groups.

6. Eligibility for posts in the Secretariat.— Officers of the Military Lands and Cantonments Group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement as well as by lateral entry through examination etc.

7. Eligibility for posts in the Pakistan Administrative Service.— Officers of the Military Lands and Cantonments Group will also be eligible for induction in the Pakistan Administrative Service on the basis of selection in accordance with a procedure that may be prescribed from time to time.

8. Lateral Entry.— In order to meet shortages of officers in the Military Lands and Cantonments Group or to meet specific requirements, appointments may be made to posts in the Group in any BPS by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time.

9. Seniority.— (i) BPS 1 to 16.— Separate seniority lists would be maintained for all posts in BPS 1 to 16 as hithertofore on the basis of continuous regular officiation in the BPS.

(ii) BPS 17.— All officers of BPS 17 will be borne on the combined seniority list of the Military Lands and Cantonments Group. The *inter-se-seniority* of direct recruits to BPS 17 will be determined on the basis of order of merit of probationers determined at the time of final passing out from the Academy for Administrative Training. The *inter-se-seniority* of officers promoted to BPS 17 will be determined with reference to the dates of their regular continuous officiation in BPS 17. As for seniority of direct recruits *viz-a-viz* promoted officers, the direct recruits of a particular year will, as a class, rank junior to the officers promoted to BPS 17 in that year.

(iii) BPS 18 and above.—Seniority in each BPS will be determined from the date of regular continuous officiation in the Grade.

10. Provision for accelerated promotion to posts in BPS 17.—To enable bright young persons who have failed to secure direct entry to BPS 17 posts through Competitive Examination conducted by the Federal Public Service Commission to get another opportunity to compete for these posts or to get accelerated promotion within the department, the following two provisions are made:-

- (a) Those of age upto 30 years can appear in the Competitive Examination conducted by the Federal Public Service Commission provided they have put in at least two years Government service. A maximum of two chances will be allowed after one has entered Government service.
- (b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion to posts in BPS 17. All officials having a minimum of 5 years Government service in BPS 11 and above will be entitled to appear in this examination provided they are otherwise eligible. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

11. The Secretary, Ministry of Defence, will prepare a scheme for the departmental examination at (b) above and obtain the approval of this Division. Subject to availability of suitable departmental candidates, promotion on



accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

12. The existing arrangements with regard to personnel management of the "Military Lands and Cantonments Group" will continue under the overall supervision of the Ministry of Defence who will prepare Gradation Lists of all officers in BPS 17 and above. The Director, Military Lands and Cantonments will prepare, issue and maintain seniority lists of BPS 16 and below, the Ministry of Defence will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, Ministry of Defence.

*[Authority.- Estt. Division's O.M.No.9/2/75-ARC, dated 11-5-1975].*

### **1.11 Office Management Group**

In continuation of the Establishment Division Office Memorandum No.3/2174-ARC dated the 8<sup>th</sup> April, 1974\*, it has been decided to constitute another occupational group called Office Management Group which will comprise:-

- (i) all ministerial posts in the Federal Secretariat from BPS 1 to 16,
- (ii) posts of Section officers in BPS 17 & 18 ; and
- (iii) such other posts including posts in BPS 19 & 20 as may be specified and included in the Group from time to time.

2. Subject to the delegation specified below, the administrative control of the Group will rest with the Establishment Division and will be exercised within the broad framework of rules and procedure as outlined in the succeeding paras.

3. Ministerial Posts from BPS 1 to 16.—Each Ministry/Division will operate these posts as heretofore. The existing rules, regulations and instructions in regard to direct recruitment, promotion, provincial quotas, composition of promotion and selection committees, appointing authorities for various \*\*grades.etc, will continue to apply as heretofore.

4. Initial Composition of Group in Respect of Posts in BPS 17 and Above.—The following officers, including those who are on temporary deputation outside the Federal Secretariat, shall be included in the group on its initial constitution viz:

- (i) Section officers who already stood en-cadred in the former CSS Cadre through notifications issued from time to time.

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\*Relates to the constitution of the Foreign Service of Pakistan.

\*\* BPS

- (ii) Section officers who were eligible to be en-cadred but notifications could not be issued before the abolition of the CSS Cadre.
- (iii) Section Officers directly recruited by FPSC till the end of 1974\*.
- (iv) Ad-hoc Section Officers who qualified in the promotional examinations of 1967 & 1969 but who could not be adjusted on regular basis due to non-availability of posts in the departmental quota.
- (v) Ad-hoc Section Officers who appeared in the promotional examinations of 1967 & 1969 and were cleared by revising the standard in consultation with FPSC.

5. Working Strength of Section Officers.—The strength of duty posts of Section Officers in Federal Secretariat will, for the present, be 750. \*\*[10% percent of these posts will be reserved for appointment on deputation on tenure basis or by transfer of officers in BS-17 and BS-18 from other occupational groups/cadres and provincial civil servants in accordance with para 9 (A)]. There will be leave, training and deputation reserve as under: -

Sanctioned Strength\*\*\*

- (i) Leave reserve 10% of the duty posts..... 75
- (ii) Training & deputation reserve 15% ..... 112  
of the duty posts.

50% of the total strength of these posts will be in BPS 17 and the remaining 50% in BPS-18. No vacancy in BPS 18 would occur if a Section Officer in BPS -18 is deputed to an ex-cadre post or sent on foreign service except when the deputationist ceases to have lien in the parent Group.

6. Placing of Ad-Hoc Section Officers on Regular Footing.—Ad-hoc Section Officers other than those mentioned at clauses (iv) & (v) of para 4 above, are liable to be replaced by FPSC qualified Section Officers. Such of them as are not replaced will be required to take Section Officers (Qualifying) Examination to be conducted by the FPSC. Not more than two chances to clear the examination will be allowed. Final clearance will be given after taking into account the marks obtained by them in the Qualifying Examination, service record and the vacancies available at the time. Such of them as are cleared finally will be placed on regular footing. Those who do not clear it will be reverted.

7. Future Recruitment.—(a)BPS -17: In future 2/3rd of the vacancies of Section Officers in BPS 17 may be filled by direct recruitment through FPSC.

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\*Amended vide Estt. Division's O.M. No. 10/1/74-C.III(A), dated 17-2-1979.

\*\*Subs vide Estt. Division's O.M. No.7/12/81-C.III (B)/(OMG.II) dated 4-11-1985.

\*\*\* Ref. Estt. Div.'s UO No. 13(2)/2000-OMG-I, dated April, 23, 2007.

\*[Provided that the appointing authority may, in the public interest, fill up vacant posts falling to the share of initial appointment, through promotion in the prescribed manner].

\*\* (b)(i) The remaining 1/3rd of the vacancies shall be filled by promotion of the departmental eligible candidates through a promotional examination. The promotional examination will be conducted by the FPSC. The condition of eligibility will be eight years service in BS-11 to BS-16 in President's Secretariat, Prime Minister's Secretariat, Senate Secretariat, National Assembly Secretariat, Federal Secretariat, Attached Departments, Wafaqi Mohtasib's Secretariat, Federal Service Tribunal, Federal Public Service Commission, Intelligence Bureau and also the Civilian employees of Pakistan Armed Forces Headquarters and their lower formations.

\*\*\* (b) (ii) Appointment on Acting Charge Basis: (a) In the case of vacancies of Section Officers in pay scale, 17 reserved for initial appointment, if the appointing authority is satisfied that the initial appointment will take sufficiently long time, the vacancies may be filled by making appointments on acting charge basis.

- (b) The Section Officers, serving on acting charge basis, may be appointed on regular basis to the posts held by them, depending on their merit position in the promotional examination, service record and availability of vacancies in the promotion quota, on the recommendation of Departmental Promotion Committee.
- (c) Lateral entry.- In order to meet the shortage of officers in the Federal Secretariat or to meet specific requirements, appointments may be made through lateral entry. Appointment through lateral entry will be made against 2/3rd vacancies reserved for direct recruitment.
- (d) Provision for accelerated promotion to the post of BPS 17.- In addition to the provisions made at (b) (i) above, eligible ministerial staff of the Federal Secretariat and its Attached Departments including Assistants, Superintendents, Assistant Private Secretaries and Private Secretaries *etc.* who hold a university degree and who are over the age of 25 years but below the age of 30 years may appear in the examination for direct recruitment of BPS-17 Section Officers conducted by the FPSC if they have been in continuous service for a period of not less than two years. Two chances will be allowed within the prescribed age limits.

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\* Added vide Establishment Division's O.M. No. 13/4/2004-OMG-I, dated 31-10-2002.

\*\* Subs. vide Establishment Division's O.M.No.13/2/98-OMG-I, dated 2.8.2000.

\*\*\* Added vide Estt. Division's O.M. No. 7/12/81-C.III(B)/(OMG-II) dated 4-11-1985.

8. Training.—(a) After completion of their common training at the Academy for Administrative Training, the directly recruited officers allocated to the Office Management Group will be given on the job departmental training to be followed by an examination which may be prescribed.

(b) Those successful at the promotional examination and finally cleared after taking into account marks obtained by them in the promotional examination and their service records shall undergo a training programme conducted at the Secretariat Training Institute before they are actually posted as Section Officers.

9. BPS-18.—Promotion to BPS 18 will be from amongst Section Officers of BPS-17 who have rendered at least 5 years of service in this BPS, in accordance with the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

\*9(A) Appointment by Transfer- Civil Servants belonging to other occupational groups, services, cadres and the Provincial Governments, including those serving in the Federal Government on deputation basis, may be appointed as Section Officer in the Federal Government in public interest, on the recommendation of the Departmental Promotion Committee, and with the approval of the competent authority. The consent of the Ministry/Division/ Provincial Government and the officer concerned will be obtained before making such appointments.

10. BPS 19 & 20.—Promotion to such posts in BPS 19 and 20, as may be specified from time to time, will be made by selection from amongst eligible officers of the Group in accordance with the procedure *etc.* laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Minimum length of service required for eligibility to BPS-19 & 20 will be 12 years and 15 years, respectively in BPS -17 and above. Officers of this Group will also be eligible for the posts of Deputy Secretary and Joint Secretary, selection to which is made on the basis of written test and interview *etc.*

11. BPS-21 & 22.—Selection to posts in these BPS will be made from amongst BPS -20 government servants and professionally qualified persons in the private sector.

12. Seniority.—(a) Separate Division-wise seniority lists would be maintained for all posts in BPS 1 to 16 as hitherto on the basis of continuous regular officiation in the BPS.

(b) All officers of BPS-17 will be borne on one combined seniority list to be drawn up in accordance with the following Principles:-

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\* Added vide Estt. Division's O.M. No.10/1/74-C.III(A), dated 17-02-1979.

- (i) Those Section Officers who were eligible for regular appointment as such under the former CSS Rules shall, as a class, rank senior to other Section Officers; their *inter-se-seniority* shall be fixed in accordance with provision of the said rules.
- \* (ii) The seniority of Section Officers other than those mentioned in (i) above shall be determined on the basis of date of regular continuous officiation as Section Officers provided that the promote officers of a particular year shall, as a class, be senior to the direct recruits of that year. Their inter-se-seniority, however, shall be determined in the case of direct recruits according to the order of merit assigned to them on completion of their training at the Academy for Administrative Training and, in the case of promoted officers, according to their order of merit as determined in the Promotional Examination.
- \*\* (iii) The officers appointed vide para 7(b)(ii) will be assigned seniority according to merit position obtained by them in the Promotional Examination. The officers appointed on the basis of an earlier promotional examination will, as a batch, rank senior to those appointed on the basis of subsequent promotional examination.
- (c) Seniority in BPS 18 and above will be determined in each BPS from the date of regular continuous officiating in each BPS.
- \*\* (d) Officers appointed by transfer will be assigned seniority in accordance with Civil Servants Act, 1973 and the rules framed thereunder.

13. General.—The existing provisions of CSS Rules and Section Officers (Probation, Training & Seniority) Rules, 1964 will continue to be in force to the extent they are not in conflict with the provisions of this Office Memorandum. However, this shall not be construed to limit or abridge the powers of the competent authority to issue new rules and instructions or revisions of the existing ones or to deal with cases of members of group in such manner as may appear to be just and equitable.

[*Authority*:— Estt. Div.'s O.M. No. 1/2/75-ARC, dated 27-1-1975].

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\*Subs. vide Estt. Division's O.M. No.10/1/74-C.III(A), dated 17-2-1979.

\*\*Renumbered vide Estt. Division's O.M. No. 7/12/81-C.III(B)/OMG-II, dated 4-11-1985.

### 1.12 Pakistan Audit and Accounts Service

Following the introduction of the Administrative Reforms by the Prime Minister on 20th August, 1973 and the abolition of services as a result thereof, the question of formation of new occupational groups to take the place of services has been under consideration of the government. Necessary information was called for from the Ministries/Divisions and Joint Secretary, Administrative Reforms, had detailed discussions with them. The first Ministry to be taken up was the Ministry of Finance. In respect of the Departments etc. under the Ministry of Finance, the President is now pleased to constitute an occupational group called the \*Accounts Group which shall comprise all posts in:-

- (i) the Pakistan Audit and Accounts Department, the Military Accounts Department and the Railway Accounts Department;
- \*\*(ii) the Accounts cadres of the \*\*\*T&T Department, the Pakistan Post Office and the office of the CAO, Ministry of Foreign Affairs and its sub-offices]; and
- (iii) all Accounts posts under Ministries/Divisions and Departments of the Federal Government @[other than the posts of Budget and Accounts Officers or Finance and Accounts Officers in the Ministries and Divisions of the Federal Secretariat.]

2. The broad framework of rules and regulations *etc.* within which the Group will function is outlined below.

[3. From BPS 1 to BPS 17.— Each Department will operate separately as heretofore except with regard to BPS 17 posts included in the Inter-Departmental Cadre vide para 4 below. The existing instructions in regard to quotas for direct recruitment and promotion, the composition of promotion and selection committees, the appointing authorities for various grades *etc.* will continue to apply. All posts to be filled by direct recruitment will be advertised.]

\*\*\* [4. Inter-Department Cadre.— (a) All posts in BPS 17 which were formerly borne on the cadre of the former Accounts Services and 25% of BPS 17 accounts posts in the T & T @@Department and Pakistan Post Office Department shall be borne on an Inter-Departmental Cadre. Posts in BPS 17 sanctioned after 20th August, 1973 will be distributed between the Departmental and

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\* Accounts Group was renamed as Pakistan Audit and Accounts Service w.e.f. 10<sup>th</sup> December, 2002 vide Estt. Division's OM No. 1/17/92-CPII, dated 10<sup>th</sup> December, 2002.

\*\* Subs. vide Estt. Division's O.M.No.10/22/82-R.2 dated 29-11-82 effective from 1-10-1987.

\*\*\* T&T Department, converted into Pakistan Telecommunication Corporation Limited (PTCL), stands privatized as Pakistan Telecommunication Company Ltd. The National Telecommunication Corporation (NTC) caters to the government telecommunication requirements.

@ Subs. vide Estt. Division's O.M. No. 2/1/75-ARC, dated 3-3-1976.

@@ Ref. to footnote # w.r. to para 1(ii).

Inter-Departmental Cadres in the ratio of 3:1. The Cadre shall in addition comprise all posts in BPS 18 and above in the \*Accounts Group. Officers of the Inter-Departmental Cadre will be transferable from one Department to the other.

(b) Appointments to posts in BPS 17 on the initial formation of the Inter-Departmental Cadre will be made by allocating posts to the promotee officers and the direct recruits in BPS 17 in the ratio of 50 : 50, on year-to-year basis. Future appointments to BPS 17 posts in the cadre will also be made by allocating vacancies arising in that pay scale to officers of the Departmental Cadre and the direct recruits in the ratio of 50 : 50. The ratio is subject to review after 5 years.

(c) All officers who are holding posts in BPS 18 and above on regular basis shall be deemed to have been appointed to the Inter-Departmental Cadre in their respective Grades.

(d) The number of BPS 17 officers of a department approved for induction in the Inter-Departmental Cadre shall not exceed 50% of the number of BPS 17 posts contributed by that department to the Inter-Departmental Cadre.

(e) The probationer officers recruited on the results of the competitive examination held by the Federal Public Service Commission who, after completion of integrated training at the Academy for Administrative Training, are allocated to the Accounts Group, will undergo common departmental training, to be followed by an examination the details of which will be prepared by the Auditor General. Thereafter, they will be allocated to a particular Accounts Department. They will ordinarily remain in that Department until they get promotion to the next higher Grades].

\*\*[5. Posts in BPS 18 and above will be filled by promotion of officers of the Inter-Departmental Cadre in accordance with the prescribed procedure.]

6. Secretariat Posts.— Officers of Accounts Departments will be eligible for Secretariat posts and will be selected, after written tests and interviews, for posts in BPS 19 and 20, *i.e.* Deputy Secretary and Joint Secretary. These posts will be in a common pool to which officers of all federal and provincial departments will be eligible. Instead of making selection as and when vacancies occur, panels of officers for appointment to these posts would be prepared after tests as mentioned above. These panels will be prepared twice a year. Those selected for Deputy Secretary and Joint Secretary's posts would be put through a training programme of 3-4 months. Their final selection would be made after satisfactory completion of training. No posts of the rank of Deputy Secretary and Joint Secretary or equivalent in the Provincial Secretariat or the

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\* Accounts Group was renamed as Pakistan Audit and Accounts Service w.e.f. 10<sup>th</sup> December, 2002 vide Estt. Division's OM No. 1/17/92-CPII, dated 10<sup>th</sup> December, 2002.

\*\* Subs vide Estt. Division's O.M. No. 2/1/75-ARC, dated 3-3-1976.

Federal Secretariat, tenable by officers of \*[All Pakistan Unified Grades] would be filled except from these panels. (Relaxation will be made with Prime Minister's approval in individual cases).

7. For posts in BPS 21 and 22 *i.e.* Additional Secretaries and Secretaries and equivalent, the selection would be made from government servants of BPS 20 and above and also from amongst professionally qualified persons from the private sector.

8. Lateral Entry.— In order to meet shortages of officers in the Accounts Group, or to meet specific requirements, appointments may be made to posts in the Accounts Group in any grade by recruitment through lateral entry of persons engaged in a profession, or in the service of a corporation or private organization, who possess such professional qualifications and experience as the President may from time to time determine. Similarly, officers of the Accounts Group may be posted to appropriate posts in corporations and private organizations under Government management and control.

9. Seniority: (i) BPS 1 to \*\*[17].—\*\*[Save as provided in (ii) below,] separate Department-wise seniority lists would be maintained for all posts in BPS 1 to \*\*[17] as hitherto on the basis of continuous regular officiation in the Grade. To meet shortages in a particular grade, and to ensure an even pace of promotion of employees in different Departments, it would be permissible to order transfer from one Department to another.

\*(ii) BPS17 (Inter-Departmental Cadre).—

- (a) A separate seniority list will be maintained in respect of BPS 17 officers of the Inter-Departmental Cadre;
- (b) The promotee officers adjusted in a particular year will be placed senior to the direct recruits of that year;
- (c) The *inter-se-seniority* of direct recruits of a year or batch will be determined on the basis of the order of merit of the Probationers determined at the time of final passing out from the Academy for Administrative Training.
- (d) The *inter-se-seniority* of the Departmental officers inducted in the Inter-Departmental Cadre in a particular year shall be determined according to the date of their regular continuous officiation.]

(iii) BPS 18 and above.— Seniority will be determined in each grade from the date of regular continuous officiation in the grade.

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\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* Subs.& added *vide* Estt. Division's O.M. No. 2/1/75-ARC, dated 3-3-1976.



10. Departmental Examination.— The present departmental examination for promotion to posts in BPS 16 will continue to operate.

11. Provision for accelerated promotion to posts in BPS 17.— To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to BPS 17 posts, to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

- (a) They can appear in competitive examination upto the age of 30 years provided they have put in at least 2 years service. At present this relaxation is admissible upto the age of 28 years and is allowed only if one has not previously appeared in the examination. In future two chances will be allowed after one has entered government service.
- (b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be \*[45] years for the first examination, 40 years for the next examination and 35 years for all subsequent examinations.

The Auditor General will prepare a scheme for the Departmental Examination at (b) above and obtain the approval of the Ministry of Finance and the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to a maximum of 25% of the total vacancies. \*\*[ ]

\*\*[12. The Inter-Departmental Cadre will be administered by the Auditor General and the Departmental Cadres by the respective Heads of Department. The Auditor General will prepare and maintain a gradation list of all officers in Grade 17 and above in the Inter-Departmental Cadre while the Departmental Heads will maintain seniority list of officers and staff in Grade 17 and below in the Departmental Cadres.

*\*\*\*Provided the Auditor General shall not make lateral interventions and transfer/postings in the offices under the control of Controller General of Accounts. For transfer/posting of Inter-Departmental Cadre Officers on posts in Controller General of Accounts Organization, Auditor General will place their services at the disposal of Controller General of Accounts after prior consultations for further posting in the office of CGA and/or in its Organizations.*

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\*Added vide Estt. Division's O.M.No.2/175-ARC, dated 3-3-1976.

\*\*Omitted and added ibid.

\*\*\* Added vide Estt. Div.'s O.M.No.6/5/2012/CP-II dated 17-02-2014.

13. The other existing arrangements with regard to personnel management of the various Accounts Departments and cadres will continue. The Auditor General, in liaison with the Departments concerned, will be responsible for the smooth implementation of the instructions. Any major difficulties which may arise will be resolved in a meeting of the Establishment Secretary, the Finance Secretary and Auditor General].

[*Authority*.-Estt. Division's O.M.No.1/2/74-ARC, dated 23-1-1974].

### 1.13 Police Service of Pakistan\*

In continuation of the Establishment Division O.M. No. 2/2/75/ARC, dated 21-2-1975, it has been decided to constitute another occupational group called the \*Police Service of Pakistan which will comprise all Police posts in BPS-17 and above viz. ASP, SP, DIG, A.I.G, I.G, etc. specified in the schedule **(Annex)** of the cadre strength of the former PSP (now called \*\*[All- Pakistan Unified Grades]) as may be revised from time to time.

2. The \*Police Service of Pakistan will be under the administrative control of the Establishment Division and will function within the following framework of rules and procedure.

3. BPS 17.— Recruitment to the posts in BPS 17 (Assistant Superintendents of Police) will continue to be made through the FPSC as hitherto. On selection by the FPSC the probationers will be given integrated training at the Civil Services Academy\*\*\*, Lahore. Those allocated to the \* Police Service of Pakistan will be posted to the Provinces and given further specialized training at the National Police Academy @.

4. BPS 18 and above.— Officiating appointments to Grade 18 were hitherto made by the Provincial Governments. As already decided in the case of the @@ District Management Group, all appointments to BPS 18 will henceforth be made by the Federal Government.

5. Appointments to posts in BPS 18 will be made by promotion of officers of BPS 17 of the \*Police Service of Pakistan and also of BPS 17 officers of the Provincial Police of the rank of DSP of requisite service and experience who are recommended by the Provincial Governments. Selection for appoint-

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\* Nomenclature changed from Police Group vide Establishment Division's Notification No. SRO 1033(1)/85, dated 23-10-1985.

\*\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\*\*Renamed from the Academy for Administrative Training.

@Renamed from Police Training College, Sihala.

@@ "District Management Group" renamed as "Pakistan Administrative Service" vide Estt. Division's O.M.No.6/3/2012-CP-II dated 21-05-2012.

ment to posts in BPS 18 and above will be made on the recommendations of the Central Selection Board.

6. Secretariat Posts.— The officers of the \*Police Service of Pakistan will be eligible for appointment to the Secretariat Posts (Deputy Secretary and above) selection for which is made by examination or by horizontal movement of officers of the prescribed length of service in other Groups. Appointment by horizontal movement will be made after assessment of suitability and fitness by the Central Selection Board.

7. Lateral Entry.— To bring in fresh blood and to relieve shortages, if any, at various levels, induction in the group may be made by selection from amongst officers of the armed forces or by lateral entry from other sources subject to suitability and fitness being determined by the Selection Board.

8. Seniority.— The *inter-se-seniority* of direct recruits to BPS 17 will be determined on the basis of the order of merit assigned to the probationer officers allocated to the \*Police Service of Pakistan on completion of the training at the Civil Services Academy. Seniority in Grade 18 and above would be determined from the date of regular continuous officiation in a BPS. Gradation Lists of Officers in \*[All Pakistan Unified Grades] would be issued by the Establishment Division periodically.

[Authority.-Estt. Division's O.M. No. 3/2/75-ARC, dated 31-5-1975].

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\*Nomenclature changed from Police Group vide Establishment Division's Notification No. SRO 1033(1)/85, dated 23-10-1985.

\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

**ANNEX**

**S.R.O. 1033(I)/85.**—In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. **Short title and commencement.**— (1) These rules may be called the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless there is anything repugnant in the subject or context,—

(a) "Cadre post" means a post specified in the Schedule;

(b) "Commission" means the Federal Public Service Commission;

(c) "Schedule" means the schedule to these rules;

(d) "Service" means the Police Service of Pakistan referred to in rule 3.

3. **Change in nomenclature and composition.**—(1) Notwithstanding anything contained in the All-Pakistan Services (Change in Nomenclature) Rules, 1973, the Police Group in the \*[All Pakistan Unified Grades] is renamed as the Police Service of Pakistan.

(2) The Police Service of Pakistan shall consist of:

(a) persons appointed or deemed to have been appointed to the Police Service of Pakistan in accordance with the Police Service of Pakistan (Composition and Cadre) Rules, 1969;

(b) persons, other than those mentioned in clause (a), appointed to the \*\*Police Group whose names appeared in the gradation list issued on the 28th August, 1980 and persons appointed in the \*\*Police Group after that date but before the commencement of these rules; and

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\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\*Nomenclature changed from Police Group vide Establishment Division's Notification No. SRO 1033(1)/85, dated 23-10-1985.

(c) persons appointed to the Service in accordance with these rules.

4. **Cadre Strength.**— (1) The cadre strength of the service shall be as specified in the Schedule.

(2) The President, or a person authorized by him in this behalf, may, from time to time, and in the case of posts in connection with the affairs of a Province after consultation with the Governor of the Province, remove from or include any post in the Schedule.

5. **Initial appointment.**—(1) Initial appointment to the service against cadre posts in basic BPS 17 shall be made on the basis of the results of the competitive examinations held for the purpose by the Commission.

(2) Unless the appointing authority in any case otherwise directs, a person appointed to the Service under sub-rule (1) shall be appointed to the Service as a probationer in accordance with the rules which the Federal Government may make from time to time, including rules and orders relating to training during probation, and shall be required to undergo such departmental training and pass such departmental examinations as may be specified by the Federal Government or the Government of the Province to which he is allocated.

6. **Appointment of officers of Armed Forces.**— Officers of the Armed Forces of the rank of Captain and Major or equivalent shall be eligible for appointment to the Service in accordance with the procedure laid down by Government and against the cadre posts reserved for them from time to time.

7. **Appointment of members of Police cadre of a Province.**— Members of the Police cadre of a Province shall be appointed to the Service on the basis of selection made on the recommendation of the Governor:

Provided that appointment of members of the police cadre of a Province under this rule shall not exceed 40% of the senior cadre posts in that Province as specified in the Schedule.

[7-A. **Appointment of members of Pakistan Railway Police.**— Member of the Pakistan Railway Police shall be appointed to the service on the basis of selection made on the recommendation of the Ministry of Railways:

*Provided that the appointment of members of the Police cadre of Railways under this rule shall not exceed 40% of the senior cadre posts of Pakistan Railway Police as specified in the Schedule].*

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\*Ins. vide Estt. Div.'s Notification No. SRO 258(1)/92, dated 16-04-1992 (E-Wing's note dated 29-11-2007 on File No. 1/8/2002-Manuals-PPARC- Review of Estacode).

**[7-B\* – Appointment of members of police cadre of the Islamabad Capital Territory.—** Members of Police cadre of the Islamabad Capital Territory shall be appointed to the service on the basis of selection made on the recommendations of Ministry of Interior.

Provided that appointment of members of Police cadre under this rule shall not exceed 40% of the senior cadre posts in the Islamabad Capital Territory Police as specified in the schedule].

8. **Appointment by promotion.**— Members of the Service shall be eligible for promotion to higher posts in accordance with the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and the administrative instructions issued from time to time.

9. **General.**—(1) A cadre post shall ordinarily be filled by a member of the Service.

(2) Nothing in sub-rule (1) shall be construed as preventing the posting to a cadre post of a person who is not a member of the Service:

*Provided that no such person shall be so posted for a period exceeding twelve months except with the previous sanction of the authority competent to make appointment to the post.*

10. **Liability to serve.**— A member of the Service shall be liable to serve anywhere in Pakistan in any post and to hold, if he is so directed, more than one post at the same time.

11. **Seniority.**— (1) The members of the Service referred to in clauses (a) and (b) of sub-rule (2) of rule 3 shall retain the same seniority as is shown in the gradation list as it stood immediately before the commencement of these rules.

(2) Persons appointed to the Service in accordance with these rules shall count seniority from the date of regular appointment against a post in the Service subject to the following conditions, namely:-

- (a) persons selected for initial appointment on the basis of the same competitive examination shall on appointment reckon seniority inter se in accordance with the merit position obtained in that examination;

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\* Ins. vide Estt. Div.'s Notification No. SRO 258(1)/92, dated 16-04-1992 (E-Wing's note dated 29-11-2007 on File No. 1/8/2002-Manuals-PPARC- Review of Estacode).

- (b) officers of the Armed Forces selected for appointment to a cadre post on regular basis in a batch shall on appointment retain their seniority inter se:

*Provided that officers of the Armed Forces appointed in basic Grade 17 in a year shall be treated as senior to probationers appointed in the same year on the basis of the competitive examination held by Commission.*

- (c) members of the police cadre of a particular Province selected in a year shall on appointment to the Service take seniority inter se as in the Provincial cadre and in keeping with that sequence, each such member shall reckon his date of regular appointment to the Service from the day the respective vacancy arose in the senior cadre posts reserved in that Province for such officers as specified in the schedule:

Provided that, if the date of regular appointment of officers of two or more Provinces be the same, their seniority inter se shall be determined on the basis of their date of regular appointment to the post of Superintendent of Police;

- (d) officers selected for promotion in the same batch shall on promotion retain their seniority as in the lower post; and
- (e) \*the general principles of seniority set out in the Establishment Division O.M. No. 1/16/69-D. II dated the 31st December, 1970, shall apply in matters not covered by these rules.

12. The Police Service of Pakistan (Composition and Cadre) Rules, 1969, are hereby repealed.

[*Authority*:— Estab. Div.'s Notification No. SRO 1033(1)85, dated 23.10.1985 as amended upto 9.10.1988 vide Estt. Div.'s Notification No. SRO No. 1034(1)/98, dated 9.10.1998].

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\*The principles of seniority stand replaced by Civil Servants (Seniority) Rules, 1993.

**SCHEDULE**  
**THE POLICE SERVICE OF PAKISTAN**  
**\*CADRE STRENGTH**

**I. THE FEDERATION**

1. Senior posts:

(A) Islamabad Capital Territory:-	
Inspector General of Police.....	1
Senior Superintendent of Police..	1
Superintendent of Police.....	1
Assistant Inspector General of Police.....	1
(B) Bureau of Police Research and Development:-	
Director General (I.G.)	1
Directors (D.I.G.)	2
Deputy Director (S.P.)	1
(C) Federal Control Room:-	
Director, (OSD) Security (D.I.G.)	1
Deputy Directors (S.P.)	6
(D) Special Security Cell:-	
Director (D.I.G.)	1
Deputy Directors (S.P.)	4
(E) Intelligence Bureau:-	
Director	1
Joint Directors	4
Deputy Directors	13
Assistant Directors	35
(F) Federal Investigation Agency:-	
Director General	1
Additional Director General	1
Directors	8
Deputy Directors	25

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\* The nomenclature of posts borne on the cadre of PSP is reflected in Schedule attached to PSP (Composition, Cadre and Seniority) Rules, 1985. After the issuance of Police Order, 2002 substantial changes have occurred in the posts tenable by PSP officers.

[Source: E-Wing's note dated 29-11-2007 on File No. 1/8/2002-Manuals-PPARC, Review of Estacode].



(G)	Pakistan Railway Police:-	
	Inspector General	1
	Deputy Inspector General	1
	Assistant Inspector General (S.P.)	7
(H)	Pakistan Narcotics Control Board:-	
	Chairman	1
	Directors	5
	Deputy Directors	5
(I)	States and Frontier Regions	
	Division:-	
	Commandant, Frontier Constabulary	
	(Addl.I.G.)	1
	Deputy Commandant, Frontier	
	Constabulary	1
	District Officers,	
	Frontier Constabulary	9
* (J)	Pakistan Motorway Police (M2)	
	Islamabad - Lahore:-	
	Inspector General	1
	Deputy Inspector General	1
	Superintendent of Police	
	<b>➤ Total Number of Senior Posts</b>	<b>143</b>
2.	Leave, deputation and training	
	reserve at 40% of total number	
	of senior posts (143).....	57
3.	★ [Junior posts:-	
	(a) Islamabad Capital Territory	9
	(b) Frontier Constabulary	10
	(c) Pakistan Motorway Police	13
	<b>➤ Total Numbers of Junior Posts</b>	<b>32</b>
	<b>» Total Authorized Strength</b>	
	<b>at the Centre.....</b>	<b>232</b>

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\*Added & Subs vide Estt. Division's Notification No. S.R.O. No.1034(1)/98 dated 9-10-1998.

**II. THE PUNJAB**

## 1. Senior posts:

Inspector General of Police* .....	1
Addl. Inspectors General of Police.....	2
Commandant, Police Training College, Sihala.....	1
Dy. Inspectors General of Police.....	13
Ranges.....	8
(Rawalpindi, Gujranwala, Lahore, Sargodha, Faisalabad, Multan, Bahawalpur and Dera Ghazi Khan).	
Crime.....	1
Headquarters.....	1
Traffic.....	1
Telecommunication & Transport.....	1
Commandant, Punjab Reserve Police.....	1
Assistant Inspectors General of Police..... (Finance, Establishment, Welfare, Legal and Training)	5
Senior Superintendents of Police..... (Rawalpindi, Lahore, Faisalabad, Multan and Gujranwala).	5
District Superintendents of Police.....	29
(Kasur, Sheikhpura, Attock, Jhelum, Sargodha, Khushab, Mianwali, Bhakhar, Vehari, Sahiwal, Okara, Muzaffargarh, Bahawalpur, Bahawal Nagar, Rahim Yar Khan, Khanewal, Sialkot, Gujrat, Chakwal, Toba Tek Sing, Jhang, D.G. Khan, Rajan-pur, Leyyah and Lahore (Administration, Headquarter, City Cantonment and Traffic).	
Superintendents of Police, Special Branch.....	8
Lahore.....	6
Rawalpindi.....	1
Faisalabad.....	1

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\* The post of IGP in the provinces has been renamed as Provincial Police Officer (PPO).

Superintendents of Police Prov. Crime (Crimes Branch).....	2
Superintendent of Police, Telecommunication..	1
Superintendent of Police, Motor Transport.....	1
Superintendents of Police, Control Room.....	3
Addl. Superintendents of Police..... (Faisalabad, Rawalpindi, Gujranwala, Multan, Sahiwal, Sargodha and Bahawalpur).	7
Deputy Commandant, Punjab Reserve Police....	1
Deputy Commandant, Police Training College, Sihala.....	1
<b>➤ Total Number of Senior Posts:</b>	<b>80</b>

No. of posts to be filled by appointment of Provincial Police officers at 40% of total number of senior posts(80).....32

2. Leave, deputation and training reserve at 40% of the number of senior posts(80).....	32
3. Junior posts for ordinary duties.....	50
<b>➤ Total authorised strength of the Punjab.....</b>	<b>162</b>

### III. SINDH

1. Senior posts:	
Inspector General of Police* .....	1
Addl. Inspector General of Police.....	1
Deputy Inspectors General of Police....	8
Ranges.....	3
(Karachi, Hyderabad & Sukkur)	
Headquarters.....	1
Special Branch.....	1
Training & Inspection.....	1
Crime.....	1
Traffic.....	1
Assistant Inspectors General.....	4

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\* Renamed as Provincial Police Officer (PPO)

(Establishment, Telecommunication,  
Motor Transport and General).

Senior Superintendents of Police..... (Karachi-3, Hyderabad & Sukkur)	5
District Superintendents of Police..... (Sanghar, Tharparkar, Badin, Dadu, Thatta, Nawab Shah, Khairpur, Larkana, Jacobabad and Shikarpur).	10
Superintendents of Police, Crime..... (Sukkur and Karachi).	2
Superintendents of Police, Traffic..... (Karachi-3, Hyderabad, Sukkur & ADIG, Traffic).	6
Superintendents of Police, Special Branch..... (Headquarters, Hyderabad, Sukkur, Survey, Political Security & Asstt. D.I.G.).	6
Superintendents of Police, Karachi..... (CIA, Security and Administration)	3
Commandant, Sindh Constabulary.....	1
Principal, Police Training College, Shahdadpur...	1
Addl. Superintendents of Police..... (Karachi-4, Hyderabad & Sukkur)	6
<b>➤ Total Number of Senior Posts:</b>	<b>54</b>
Number of posts to be filled by appointment of Provincial Police Officers at 40% of total number senior posts(54).....	22
2. Leave, deputation and training reserve at 40% of the total number of senior posts (54).....	22
3. Junior posts for ordinary duties.....	16
<b>Total authorised strength of Sindh....</b>	<b>92</b>

**IV. THE \*N.W.F.P**

1. Senior posts:		
Inspector General of Police** .....		1
Deputy Inspectors General of Police..		7
Ranges.....		5
(Peshawar, D.I. Khan, Malakand Hazara, and Kohat).		
Headquarters.....		1
Special Branch.....		1
Assistant Inspectors General of Police.....		3
(Traffic, Crime and Telecommunication)		
Senior Superintendents of Police.....		2
(Peshawar and Abbottabad).		
District Superintendents of Police.....		13
(H.Q.Peshawar (Rural), Peshawar (Urban), Mardan, Kohat, D.I. Khan, Bannu, Dir, Swat, Chitral, Mansehra, Kohistan and Karak).		
Superintendents of Police, Special Branch.....		4
(Political, Security, Survey and Special Cell)		
Superintendent of Police, Crime.....		1
Superintendent of Police, Traffic.....		1
Addl. Superintendent of Police, Abbottabad...		1
Principal, Police Training School, Hangu.....		1
Director, Forensic Science Laboratory (Crime Branch).....		1
S.P., Joint Investigation Team (JIT).....		1
S.P.,(Task Force).....		1
<b>Total Number of Senior Posts</b>		<b>37</b>
Number of posts to be filled by appointment of Provincial Police Officers at 40% of total number of senior posts (37)=15		
2. Leave, deputation and training reserve at 40% of the total number of senior posts (37).....		15
3. Junior posts for ordinary duties.....		15
<b>Total authorised strength of the *NWFP</b>		<b>67</b>

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\* Now K.P.K.

\*\* Renamed as Provincial Police Officer (PPO)

**V. BALOCHISTAN**

1. Senior posts:		
Inspector General of Police*	1	
Deputy Inspectors General of Police...	4	
Ranges	3	
(Quetta, Sibi and Kalat)		
Special Branch	1	
Assistant Inspectors General of Police....	2	
Senior Superintendent of Police.....	1	
District Superintendents of Police	7	
Sibi, Kalat, Mekran, Lasbella,		
Loralai Pishin and Nasirabad).		
Superintendent of Police, Special Branch....	1	
Superintendent of Police, Crime Branch.....	1	
Superintendent of Police, Telecommunication.	1	
Superintendent of Police, Motor Transport...	1	
Superintendent of Police, Special		
Investigation Cell (SB).....	1	
Commandant, Balochistan Reserve Police.....	1	
Principal, Police Training School, Quetta....	1	
Total Number of Senior Posts:	22	
Number of posts to be filled by appointment of		
Provincial Police Officers at 40% of total number		
of senior posts (22).....	9	
2. Leave, deputation and training reserve at 40%		
of the total number of senior posts (22).....	9	
3. Junior posts for ordinary duties .....	6	
Total authorised strength of		
Balochistan.....	37	
<b>TOTAL CADRE STRENGTH</b>	<b>**[590]</b>	

**1.14 Postal Group**

In continuation of Establishment Division Office Memorandum No. 6/2/75-ARC, dated the 8th May, 1975, it has been decided to constitute another Occupational Group to be called the "Postal Group", comprising all posts in the Pakistan Post Office Department (except the Accounts Posts) and such other posts as may be included in the Group from time to time. The administrative control of the group will vest in the Ministry of Communications and will function within the following broad framework of rules and procedure.

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\* Renamed as Provincial Police Officer (PPO).

\*\*Subs vide Estt. Division's Notification No. S.R.O.1034(1)/98, dated 9-10-1998.

2. \*Grade 1-16.—The posts in \*Grade 1-16 in the Department will be operated as hithertofore. The existing instructions in regard to direct recruitment and promotion quotas, the composition of Promotion and Selection Committees, the appointing authorities for various scales etc. will continue to apply. All posts to be filled by direct recruitment will be advertised except posts in \*Grade 16 which will be reported to the Federal Public Service Commission.

3. \*Grade 17.— Seventy-five per cent posts in \*Grade 17 will be filled through competitive examination and 25% through promotion. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to the Postal Group will undergo departmental training to be followed by an examination, the details of which will be prepared by the Ministry of Communications. Thereafter they will be allocated to various posts in the Postal Group.

4. \*Grade 18 and above.— The officers in \*Grade 18 and above in the Department will be administered as hitherto. The procedure for promotions and other matters as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 will be observed.

5. Officers of this Group will be eligible for Secretariat posts (Deputy Secretary and above) in accordance with the procedure prescribed for recruitment to these posts from time to time.

6. Lateral Entry.— In order to meet shortages of officers in the Postal Group, or to meet specific requirements, appointments may be made to posts in the Postal Group in any Grade by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time.

7. Seniority: (i) \*Grade 1-15.— Seniority lists for all posts in \*Grade 1-15 will be maintained as hithertofore on the basis of continuous regular officiation in the Grade.

(ii) \*Grade 16 & 17.— The *inter-se-seniority* of direct recruits in \*Grade 16 will be determined on the basis of the marks obtained at the Federal Public Service Commission examination, whereas the *inter-se-seniority* of direct recruits in \*Grade 17 will be determined on the basis of merit of the probationers determined at the time of final passing out from the Academy for Administrative Training.

The *inter-se-seniority* of officers promoted to \*Grade 16 and 17 will be determined in their respective \*Grades with reference to the dates of their regular continuous officiation in the \*Grade. As for seniority of direct recruits *vis-a-vis* promoted officers the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

(iii) \*Grade 18 and above.— Seniority will be determined in each scale from the date of regular continuous officiation in the \*Grade.

8. Departmental Examinations.— The present departmental examinations for direct recruits in various scales and for promotion to posts in higher \*Grades will continue to operate.

9. Provision for accelerated promotion to posts in \*Grade 17.— To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to \*Grade 17 posts to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

- (a) they can appear in the F.P.S.C. competitive examination upto the age of 30 years provided they have put in at least two years service. A maximum of two chances will be allowed after one has entered Government service.
- (b) there will also be departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

The Director General, Pakistan Post Office will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Communications and the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to a maximum of 25% of the total vacancies. These promotions will be reckoned against direct recruitment quota.

10. The existing arrangements with regard to personnel management in respect of various posts included in the Postal Group will continue. The Director General, Pakistan Post Office, will be responsible for the smooth implementation of the above instructions. He will prepare a scale-wise seniority list of all officers in \*Grade 16 and above, while the respective Post Masters General will prepare, issue and maintain seniority lists of official of \*Grade 15 and below as hitherto. The Director General will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in implementation of these instructions will be resolved in a meeting of the Establishment Secretary, Secretary, Ministry of Communications and the Director General, Pakistan Post Office.

[*Authority.* - Estt. Division's O.M.No.7/2/75-ARC, dated 30-5-1975].



### 1.15 Secretariat Group

In continuation of the Establishment Division Office Memorandum No. 1/2/75-ARC, dated the 27th January, 1975, it has been decided to constitute another occupational group to be called the "Secretariat Group". The Group will comprise posts of Deputy Secretary and above in the Federal Secretariat and such posts in the Provincial Secretariats as are borne on the cadre of \*[All Pakistan Unified Grades].

2. The Secretariat Group will be under the administrative control of the Establishment Division and will function in accordance with the rules and procedures outlined below.

3. Deputy Secretary.— Appointment to the post of Deputy Secretary will be made in accordance with the following methods:-

- (i) By promotion of Grade 18 officers of the Office Management Group and the Secretariat Group on the recommendations of the Central Selection Board.
- \*\* (ii) By horizontal movement from other Occupational Groups of \*\*\*Grade 19 Officers who have been recommended by the Ministries/Divisions/Departments or Provincial Governments and have been found fit by the Central Selection Board.
- (iii) By direct appointment on the recommendations of Federal Public Service Commission of persons possessing such qualifications and experience etc., as may be prescribed. \*\* [ ]

4. Joint Secretary.— Appointment to the post of Joint Secretary will be made as under:-

- (i) By promotion of officers in the \*\*\*Grade of Deputy Secretary on the recommendations of the Central Selection Board.
- (ii) By horizontal movement of such \*\*\*Grade 20 Officers of the various occupational groups as are recommended by the Ministries/Divisions, Departments, Provincial Governments etc. and are found fit by the Central Selection Board.
- (iii) By direct appointment on the recommendations of the Federal Public Service Commission of persons possessing such qualifications and experience etc. as may be prescribed. @ [ ]

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\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* Subs *vide* Estt. Division's O.M.No.2/1/79-R.II, dated 12-6-1979.

\*\*\*BPS.

@ Omitted vide Estt. Division's OM No. 2/2/75-ARC, dated 7.5.1976

5. Additional Secretary\*.— Appointment to the post of Additional Secretary will be made by selection from amongst Joint Secretaries, officers of Grade 20 and above belonging to the various occupational groups, and professionally qualified persons in the public sector enterprises and the private sector.

6. Secretary \*\*(Grade 22).— Appointment to the post of Secretary will be made by selection from amongst Additional Secretaries, officers of \*\*Grade 21 and above in the various occupational groups and professionally qualified persons from the public sector enterprises and the private sector.

7. Provincial Secretariats.—All posts of Deputy Secretary and above in the Provincial Secretariats borne on the cadre of \*\*\*[All Pakistan Unified Grades] will be filled on All-Pakistan basis. The selection will be made from amongst officers of the Secretariat Group by promotion, on the recommendations of a Selection Board headed by the Establishment Secretary and consisting of all the Chief Secretaries. Officers of the Office Management Group of the Provincial Government will also be eligible for appointment by promotion to the post of Deputy Secretary in the Provincial Secretariat.

8. Seniority.— Deputy Secretary.— Seniority would be determined from the date of continuous regular officiation as Deputy Secretary, or in a post in \*\*Grade 19, whichever is earlier.

9. Joint Secretary.— The seniority of a Joint Secretary which is a post in \*\*Grade 20 will be determined from the date of his continuous regular officiation in \*\*Grade 20.

10. Additional Secretaries and Secretaries.— The seniority of Additional Secretaries and Secretaries will be determined from the date of continuous regular officiation in \*\*Grade 21 or 22 as the case may be.

11. Training.— Deputy Secretaries and Joint Secretaries appointed on the recommendations of Federal Public Service Commission will undergo a training course of appropriate duration, before their appointment in the Secretariat.

12. In-service training will be an important factor towards determining the fitness for promotion of a Secretariat Officer to the next higher \*\*Grade.

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\* Add Sr. JS. (BPS 21).

\*\* BPS

\*\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

13. General.— Horizontal movement of officers of this Group to posts in equivalent \*Grades in the other occupational groups will be permissible.

14. The terms and conditions of government servants belonging to this Group will be governed, as in the case of other government servants, by the provisions of the Civil Servants Act, 1973, and rules and orders issued thereunder from time to time.

15. This supersedes Establishment Division O.M. No. 2/2/75- ARC, dated the 21st February, 1975.

[Authority.- Estt. Division's O.M. No. 2/2/75-ARC, dated 12-4-1976].

### **1.16 Railways (Commercial & Transportation) Group**

It has been decided to constitute another occupational group to be called "Railways (Commercial & Transportation) Group" which shall comprise of all posts as may be included in the Group from time to time. The Group will be under the administrative control of the Ministry of Railways and will function with the following broad framework of rules and procedure.

2. The existing posts in BS- 17 to BS-21 indicated in the Schedule to this O.M. shall form part of the Railways (Commercial & Transportation) Group. In addition, there will be a deputation, training and leave reserve as may be determined by the Federal Government from time to time.

3. BS-17.— 80% posts of BS 17 will continue to be filled, as at present through competitive examination conducted by Federal Public Service Commission and 20% through promotion from amongst the departmental incumbents in accordance with the recruitment rules thereof. After completion of Common Training Programme at the Civil Service Academy, Lahore, the probationer officers will undergo the Departmental training before posting as prescribed by the Ministry of Railways. Officers to be promoted to BS-17 may also be required to undergo any such departmental training before promotion as the Ministry of Railways may prescribe in consultation with Establishment Division.

4. All the existing officers holding posts in BS-17 and above on regular basis and have been appointed through Competitive examination or through departmental promotion in Ministry of Railways against seats reserved for Transportation & Commercial cadre shall be deemed to have been appointed in the Railways (Commercial & Transportation) Group in their respective grades.

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\* BPS

5. BS-18 and above.— The posts will be filled by promotion on the basis of selection from amongst eligible officers of the group in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules,1973 and other instructions issued from time to time, or if no candidate is considered suitable from within the group by horizontal movement of suitably qualified and experience officers from other Occupational Groups/Services. Government instructions regarding minimum length of service for eligibility for promotion to BPS-18,19 and 20 will be observed.

6. Seniority: (i) BS-17. The inter-se-seniority of direct recruits to BS-17 is determined on the basis of Occupational Groups/Services (Probation, Training & Seniority) Rules,1990 and such other rules /instructions as may be issued by the Government from time to time. The inter-se-seniority of the promoted offices to BS-17 shall be determined according to the date of their regular promotion in BS-17 in accordance with Civil Servants (Seniority) Rules,1993.

(ii) Officers appointed to BS-18 and above in the Railways (Commercial & Transportation) Group on regular basis will be governed by Civil Servants (Seniority) Rules,1993.

7. General Cadre Posts.— The officers of the Group will be eligible for posting against general cadre posts in Pakistan Railways in line with the mechanism approved by Railways Board unless specified otherwise by the Government.

8. Secretariat Posts.— Officers of this Group will be eligible for Secretariat posts in BS-19 and above in accordance with the policy and criteria, as may be laid down by the Federal Government from time to time, for such posts in Secretariat Group.

9. The recruitment rules for various posts framed with the concurrence of Establishment Division and FPSC shall remain in force.

10. Any difficulty arising in the implementation of this O.M. will be resolved on the recommendations of an Anomaly Committee comprising representatives (not below the rank of BS-21) of the Establishment Division and Ministry of Railways. The decision of Establishment Secretary in this respect shall be final.

[Authority:- Establishment Division's O.M.No.F.1/13/92-CP-II dated 12-10-2012.]

**SCHEDULE INDICATING THE POSTS IN BS-17 TO BS-21 FORMING  
PART OF RAILWAYS (COMMERCIAL & TRANSPORTATION) GROUP  
(PARA.2 OF ESTABLISHMENT DIVISION'S O.M.NO.1/13/92-CP-II  
DATED 12<sup>TH</sup> OCTOBER,2012)**

S. No.	Nomenclature	Basic Scale	No. of Posts
1.	Additional General Manager/Freight	21	1
2.	Chief Operating Superintendent	20	2
3.	Chief Commercial Manager	20	2
4.	Chief Commercial Marketing Manager	20	2
5.	Director Operations	20	1
6.	Deputy Chief Operating Superintendent.	19	4
7.	Deputy Divisional Superintendent	19	2
8.	Deputy Chief Commercial Manager	19	4
9.	Joint Director/Traffic/Walton	19	1
10.	Deputy Chief Traffic Manager (Dry Port)	19	1
11.	Deputy Chief Commercial & Marketing Manager	19	3
12.	Joint Director/Traffic and Commercial	19	1
13.	Divisional Transportation Officer	18	8
14.	Divisional Commercial Officer	18	7
15.	Senior Transportation Officer	18	1
16.	Deputy Traffic Manager/Dry Port	18	1
17.	Senior Commercial Manager	18	1
18.	Divisional Marketing Manager	18	2
19.	Deputy Manager Corporate Plan	18	1
20.	Senior Rates Officer	18	1
21.	Deputy Director(Traffic)	18	1
22.	Deputy Director (Commercial)	18	1
23.	Costing Manager (FBU)	18	1
24.	Assistant Transportation Officer	17	20
25.	Assistant Commercial Officer	17	3
26.	Joint Transport Officer	17	2
27.	Junior Commercial Officer	17	5
28.	Assistant Director/Traffic	17	1
29.	Assistant Traffic Manager/Dry Port	17	1
30.	Assistant Marketing Manager/Rates	17	1
31.	Assistant Commercial Manager	17	13
32.	Junior Officer/Coaching	17	1
33.	Assistant Costing Manager	17	1
34.	Station Manager	17	1
		<b>Total</b>	<b>98</b>

**Sl. No.2****Central Secretariat Service (Class I) Rules, 1965**

**S.R.O. 284(R)/65.**—In exercise of the powers conferred by Article 178 of the Constitution\*, the President is pleased to make the following rules, namely:-

## CENTRAL SECRETARIAT SERVICE (CLASS I) RULES, 1965

1. **Short title and commencement.**— (1) These rules may be called the Central Secretariat Service (Class 1) Rules, 1965.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Commission" means the \*\*Central Public Service Commission;

(b) "Secretariat" means the Secretariat of the \*\*Central Government including the President's Secretariat (Public);

(c) "Service" means the Central Secretariat Service (Class I) constituted under rule 3.

3. **Constitution of Service.**— There shall be constituted a service to be known as the \*\*Central Secretariat Service (Class 1) and consisting of-

(a) Persons appointed to the Service on the initial constitution of the Service as provided in rule 5; and

(b) Persons subsequently appointed to the Service by direct recruitment or by promotion in accordance with these rules.

4. **Cadre strength and Grades.**—(1) The following posts of Section Officers in the Secretariat and such other posts as the \*\*Central Government may specify in this behalf shall be borne on the cadre of the Service, namely:-

(a) Duty Posts:

Ordinary Grade..... 365

Selection Grade..... 91

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Total: 456<sup>1</sup>

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\*Constitution of 1962.

\*\* Federal.

Less 10% reserved for appointment on deputation or tenure basis of officers of the Central Superior Services or Provincial Civil Services.

(b) Leave Reserve.....	46
(c) Training and Deputation Reserve.....	68

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Total: 114<sup>2</sup>  
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Grand Total<sub>(1+2)</sub>: 570

(2) The number of members of the Service shall be 524 which may be varied, from time to time, by the Central Government.

(3) The time scale of the Service shall be as follows:-

(a) Ordinary Grade:-

(i) For promotees and Direct Recruits Rs.450-50-1,000.

(ii) For former Assistant Secretaries redesignated as Section Officers Rs.800-50-1,200.

(b) Selection Grade for 20% of Duty Posts Rs.1,125-75-1,500.

5. **Initial constitution of the Service.**—(1) The following officers, including those who are on temporary deputation outside the Secretariat, shall, subject to the availability of vacancies, be appointed to the Service on its initial constitution, namely:-

(a) former Assistant Secretaries and Under Secretaries, not being persons belonging to any of the Central Superior Services or Provincial Civil Service, who were officiating as Deputy Secretaries or were employed against other posts immediately before the first day of October, 1959;

(b) former Assistant Secretaries and Under Secretaries not being persons belonging to any of the Central Superior Services or Provincial Civil Services, who were redesignated as Section Officers before the 14th day of September, 1961;

(c) Commissioned Officers of the Defence Services and other Class I Officers, not being persons belonging to any of the Central Superior Services or Provincial Civil Services, who were appointed as Section Officers in the Secretariat before the 14th day of September, 1961;

- (d) such of the Superintendents, Assistants and other Class II officials appointed as Section Officers in the Secretariat before the 14th day of September, 1961, as have been declared in consultation with the Commission, fit for permanent retention;\*[ ]
- (e) such of the persons recruited as Section Officers through the Commission on the basis of competitive examinations before the commencement of these rules as have completed their probationary period satisfactorily and have been declared fit for permanent retention; \*\*[and]
- \*\*\*[(f) officers appointed as Section Officers after the 13th day of September, 1961 but before the 23rd day of October, 1965, as have been declared in consultation with the Commission, fit for permanent retention.]

(2) If any officer of any of the categories mentioned in sub-rule (1) is not absorbed in the Service on its initial constitution on account of the absence of a vacancy, he shall be appointed to the Service as soon as a vacancy arises.

**6. Future recruitment to the service.**—(1) Vacancies occurring in the ordinary Grade of the Service after its initial constitution has been completed shall be filled in the manner hereinafter provided, namely:-

- (a) eighty per cent of the vacancies shall be filled by direct recruitment in accordance with these rules;
- (b) fifteen per cent of the vacancies shall be filled by promotion from amongst Superintendents and such of the Assistants serving in the Secretariat as have qualified for appointment as such at a Ministerial Services or other examination held for the purpose by the Commission or are eligible for confirmation as such; and
- (c) five per cent of the vacancies, shall be filled by promotion from amongst Personal Assistants to the President, Private Secretaries to Ministers having a lien on Class II Secretariat Posts, Private Secretaries to Secretaries and of the Principal Secretary to President, Personal Assistants to Ministers or Secretaries and of the Provincial Secretary to President and such of the @Stenographers serving in the Secretariat as have qualified for appointment as such at the @Stenographers Examination held for the purpose by the Commission or are eligible for confirmation as such.

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\*The word `and' omitted vide Estt. Division's Notification No. S.R.O. 507 (I)/71, dated 30-10-1971.

\*\*Full stop omitted and the word `and' added Ibid.

\*\*\*Added ibid.

@Now Assistant Private Secretary.



(2) Appointments to vacancies arising in the selection Grade shall be made through the Central Selection Board by selection from amongst such of the officers in the ordinary Grade as have rendered a minimum of ten year's service in a Class I post which counts for seniority in the Section Officers Grade.

7. **Direct recruitment.**—(1) Subject to rule 6, direct recruitment to the Service shall be made by competitive examination for admission to the Service to be held in Pakistan and, if necessary, abroad at such time and places as the \*Central Government may prescribe by notice issued through the Commission.

(2) Every such notice shall include information about subjects of the examination qualifying marks, medical examination and other relevant matters, and shall also, when possible, announce the number of vacancies to be filled on the results of the examination.

(3) The examination may be a combined one for the purpose of making appointment to the Service and any other service.

(4) No candidate shall be allowed to appear more than twice in the examinations held for admission to the service.

8. **Eligibility.**—(1) Subject to sub-rule (2), a candidate for appointment to the Service by direct recruitment shall—

- (a) be a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir;
- (b) hold a degree of a recognized University; and
- (c) have attained the age of twenty one years and shall not have attained the age of twenty five years on the date prescribed for this purpose in the notice issued through the Commission:

Provided that Ministerial staff of the \*Central Government including Assistants, Superintendents, \*\*Stenographers and Private Secretaries who hold a University degree and who are over the age of 25 years and under the age of 28 years on the date prescribed for the purpose in the "Notice" issued by the Commission and who hold substantively a permanent appointment, or have been in continuous service for a period of not less than 2 years prior to the last date for receipt of application, may be admitted to the examination provided they are eligible and are recommended by the Head of their Department.

(2) The maximum age limit shall be relaxable, in the case of scheduled castes and candidates from the Tribal Areas, to the same extent as may be permitted by the \*Central Government from time to time for recruitment to the Central Superior Services.

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\*Federal.

\*\*Now Assistant Private Secretary.

9. **Appointment to be in order of merit.**— Appointments by direct recruitment to the vacancies to be filled on the results of the examination held by the Commission shall be made by the \*Central Government in the order of merit of the candidates as declared by the Commission keeping in view such provincial and regional quotas as may be fixed by the \*Central Government from time to time.

10. **Probation.**— Candidates appointed by direct recruitment shall be on probation for a period of two years and shall undergo training in accordance with the Section Officers (Probation, Training and Seniority) Rules, 1964.

11. **Recruitment by promotion.**—\*\*(1) Appointments by promotion shall be made on the basis of written competitive examinations and interviews both to be held by the \*Central Public Service Commission. The interviews shall follow the written competitive examination and only those candidates shall be allowed to appear in them who qualify in the written competitive examination.

(2) Only those persons shall be eligible for appointment against the quotas mentioned in clauses (b) and (c) of sub-rule (1) of rule 6 as have rendered at least 10 years service, in a class II post in the Secretariat.

12. **Prospects of promotion.**— The officers appointed to the Service shall be eligible for promotion to higher Grades in the Secretariat, twenty per cent of the posts of Deputy Secretaries being reserved for them.

13. **Seniority.**— The seniority of those appointed as Section Officers will count from the date of their continuous appointment subject to the following principles:-

(1) (i) The seniority of those initially appointed to the service under clause (a), (b), (c) and (d) of sub-rule (1) of rule 5 shall be fixed as shown below in the descending order of the following categories to which they belonged:-

- (a) Assistant Secretaries in the \*Central Secretariat who were either permanent or were appointed against quasi-permanent vacancies.
- (b) Other Assistant Secretaries from the date of continuous appointment; officers of the Defence Services from the dates of their appointments as Major in the Army; or equivalent rank in other Forces; Class I officers of the \*Central Government from the dates they drew the salary of Rs.750 P.M. in their respective time scale of pay in the old scale.
- (c) Officers, not included in (b), of the Defence Services, from their date of Commission, and of Civil Class I Services from the date of their entry into Class I.

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\*Federal.

\*\*Subs. vide Estt. Division's Notification No. S.R.O. 28(R)/66, dated 2-3-1966.

(d) Central Class II Officers (Gazetted).

(e) Central Class II Officers (Non-gazetted).

(ii) In each of the above categories, permanent as a class shall be senior to temporary officials. For this purpose, permanent employees will be grouped with those appointed on a quasi-permanent basis.

(iii) When the date of continuous appointment of two or more officers is one and the same the *inter-se-seniority* shall be fixed in accordance with the continuous length of service in the next lower post but when such length of service is not ascertainable or where there is no such lower post, in accordance with age.

(iv) Notwithstanding the above, the previous *inter-se-seniority* of the officers from the same service or \*Grade, obtaining at the time of appointment to the \*Grade of Section Officer shall, other things being equal, not be disturbed.

(v) Officers belonging to the categories in this sub-rule shall as a class be senior to all other officers appointed to the service.

(2) Seniority of direct recruits appointed under clause (e) of sub-rule (1) of rule 5 and clause (a) of sub-rule (1) of rule 6 shall be fixed as follows:-

(i) Those appointed on results of the competitive examinations held in 1960, 1961 and 1962 in accordance with their respective order of merit in the said competitive examinations.

(ii) Those appointed on the result of Central Superior Services Examination, 1963 and subsequent examinations, in accordance with rule 11 of the Section Officers' (Probation, Training and Seniority) Rules, 1964:

Provided that those appointed on the results of a previous examination shall be senior to those appointed on the results of a subsequent examination.

\*\*2 (a) The officers mentioned in clause (f) of sub-rule (1) of rule 5 shall count their seniority inter se as well as *viz-a-viz* officers mentioned in clause (e) of sub-rule (1) of rule 5 from the date of their continuous appointment as Section Officers:

*Provided that the officers who before their appointment as Section Officers, were Assistant Secretaries in the Central Secretariat shall count their seniority from the date of their continuous appointment as Assistant Secretaries in the Central Secretariat.*

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\*BPS.

\*\* Added *vide* Estt. Division's Notification No. S.R.O. 507(I)/71, dated 30-10-1971.

(3) Seniority inter se of promotees appointed under clauses (b) and (c) of sub-rule (1) of rule 6 shall be fixed in accordance with the order of merit assigned to them by the Commission at the time of their selection for appointment as Section Officers.

**N.B.—** Marks obtained by an officer at the competitive examination prescribed in rule 11 of these Rules shall be taken into consideration for fixing the order of merit.

(4) Seniority of promotes *vis-a-vis* direct recruits shall be fixed in accordance with the principle that promotees as a class shall be senior to direct recruits of the same year.

[Authority:-Estt. Div.'s Notification No. S.R.O 284 (R)/65 (3/27/60-C.III),dated 23-10-1965].

### **Sl.No. 3**

#### **Occupational Groups and Services (Probation, Training and Seniority) Rules,1990.**

S.R.O. 874(I)90.- In exercise of the powers conferred by section 25 read with Section 6 and 8 of the Civil Servants Act 1973 (LXXI of 1973), the President is pleased to make the following amendments in the Occupational Groups and Services (Probation, Training and Seniority) Rules,1990.

1. **Short title and commencement.—** (1) These rules may be called the Occupational Groups and Services (Probation, Training and Seniority)Rules,1990.

(2) These rules shall take effect from 1st October, 1990.

2. **Definitions.—** In these rules, unless there is anything repugnant in the subject or context:-

- (i) "appointing authority" means the person authorized to make appointment to that post under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973";
  - (ia) "Commission" means the Federal Public Service Commission;
- (ii) "Examination" includes any exercise approved by the Government which is intended to test a probationer in a field of training during the training programme;
- (iii) "Final Passing Out Examination" means the Final Passing Out Examination conducted by the Commission or the department concerned after conclusion of specialized training;
- (iv) "Government" means the Federal Government (in the Establishment Division);

- (v) "Head of training institution" means the head of a training institution or place where members of an occupational group or service are imparted training;
- (vi) "Inductee" means a person transferred to any occupational group or service by induction from the Armed Forces;
- (vii) "Initial training" means the training prior to specialized training undertaken by the probationers of any one occupational group or service or jointly by combination of any occupational groups or services at a training institution or place that the Government may specify;
- (viii) "Occupational Group or Service" means any group or service recruitment to which is made through the competitive examination conducted by the Commission from time to time against BPS 17 posts under the Federal Government or any occupational group or service transfer to which is made from the Armed Forces by induction and includes the following:-
  - (a) \*Pakistan Audit and Accounts Service
  - (b) Commerce and Trade Group
  - (c) Pakistan Customs Service
  - (d) Pakistan Administrative Service
  - (e) Foreign Service of Pakistan
  - (f) Inland Revenue Service
  - (g) Information Group
  - (h) Military Lands and Cantonment Group
  - (i) Office Management Group
  - (j) Police Service of Pakistan
  - (k) Postal Group
  - (l) Railways (Commercial & Transportation) Group and
  - (m) Any other service or group which may be notified by the Government as such.

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\* Accounts Group was renamed as Pakistan Audit and Accounts Service. w.e.f. 10<sup>th</sup> December, 2002 vide Estt. Division's O.M No. 1/17/92-CPII, dated 10<sup>th</sup> December, 2002

- (ix) "Probationer" means a person appointed to any occupational group or service on probation and includes an inductee; and
- (x) "Specialized training" means training subsequent to the initial training undertaken by the probationers of an occupational group or service at a training institution or place that the Government may specify.

**\*3. Training Programmes and examinations.—**(1) Every probationer shall undergo training in such training institutions and at such places and at such time and for such period and appear in such examinations as the Government may specify. Any probationer who fails to undergo prescribed training and qualify the prescribed examination shall render his appointment liable to termination without notice: Provided that the Appointing Authority may, on the recommendations of a Special Medical Board and the Federal Public Service Commission allow deferment of training and examination if so justified on the basis of compelling medical grounds\*\*[.]

*\*\*[Omitted].*

(2) A probationer shall qualify every examination to the satisfaction of the head of the training institution where he is undergoing training.

(3) In addition to 1500 marks of CSS examination, 500 marks shall be allocated for initial training programme, 600 marks for specialized training programme and 1000 marks for the final passing out examination.

(4) Every probationer shall be required to qualify the Final Passing out Examination in the subjects approved by the Government.

(5) The maximum of 1000 marks allocated for Final Passing out Examination shall be distributed among the subjects as approved by the Government.

(6) A probationer who fails to qualify in any subject or subjects in the Final Passing Out Examination shall be allowed two more chances to appear in the examination to be held subsequently in such subject or subjects.

(7) Qualifying the MBA Tax Management Programme will be mandatory for \*\*\*Income Tax Group and \*Customs and Excise Group officers with effect from 31st Common Training Program (CTP). The MBA Tax Management and its evaluation will be considered for all relevant rules and purposes covered under Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990.

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\* Added vide S.R.O 258(I)/2001, dated 28-04-2001.

\*\* Subs. and omitted vide S.R.O 577(I)/2015 dated 19-05-2015.

\*\*\* "Income Tax Group" renamed as "Inland Revenue Service" and "Customs and Excise Group" renamed as "Pakistan Customs Service".

4. **Effect of unsatisfactory completion of training programme:**(1) If on the conclusion of a training programme, the performance or conduct of a probationer is determined by the head of the training institution to be unsatisfactory, the Government may require such probationer to undergo such further training as it deems fit.

(2) If a probationer is prevented by sickness or any other adequate cause from completing a training programme to the satisfaction of the head of the training institution, the Government may require him to undergo such further training as it deems fit.

\*5. **Probationer missing the Final Passing Out Examination:** If after completing his training to the satisfaction of the head of training institution, a probationer is prevented by ill health from taking in full or in part the Final Passing Out Examination, the Government may arrange for him to be examined specially and if such probationer fails to take the Final Passing Out Examination arranged for him specially, he shall render his appointment liable to termination without notice”;

6. **Probationer failing to qualifying in the Final Passing Out Examination:**(1) A probationer who fails to qualify in the Final Passing Out Examination shall have his increments withheld until such time he qualifies such examination.

(2) A probationer who does not qualify in the Final Passing Out Examination shall:

- (a) lose his one increment if he fails in the first attempt.
- (b) be relegated in seniority to the bottom of his batch if he fails in the second attempt; and
- (c) \*\*be allowed fourth attempt as a matter of grace to qualify the FPOE;and
- (d) be discharged from the service under clause (a) of sub-section (2) of section 6 of the Civil Servants Act, 1973 if he fails in the **\*\*fourth** attempt:

*\*\*\*“Provided that the Government may, as a matter of grace provide the probationers who could not qualify in their Final Passing Out Examination upto the 31st December, 2002, an additional chance to appear in the Final Passing Out Examination on such date and at such place as it may notify, and if a probationer does not qualify in the examination or fails to avail of the additional chance, he shall be removed from service.”*

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\* Added vide S.R.O 771(I)/2006 dated 24-07-2006.

\*\*Inserted/Subs. vide S.R.O. No.257(I)/2011 dated 15-03-2011.

\*\*\* Added vide S.R.O 275(I)/2002 dated 17-05-2002.

(3) Absence from the Final Passing Out Examination, without permission of the Government shall be deemed to be a failure to qualifying in that examination.

**\*7. Seniority:** (1)The seniority of the probationers shall be determined by the appointing authority after Final Passing Out Examination.

(2) Inductees who join the initial training programme shall be given notional marks in a manner that each inductee has the same marks as the senior most probationer of the occupational group in which the inductee has been inducted.

(3) Inductees who join a specialized training programme directly shall be given notional marks equal to the marks obtained by the senior most probationer of the occupational groups including the marks in the initial training programme.

(4) For the purpose of determining the *inter-se-seniority* of the probationers who commence their training with initial training programme the marks obtained by a probationer in the competitive examination of the Commission or his notional marks, as the case may be, shall be added to the marks obtained by him in the initial training programme, specialized training programme and the marks obtained by qualifying the Final Passing Out Examination in his first attempt.

(5) For the purpose of determining the *inter-se-seniority* of the inductees who commence their training with the initial training programme or a specialized training programme, the notional marks given to such an inductee and the marks obtained by him in the initial training programme and specialized training programme, as the case may be, shall be added to the marks obtained by him by qualifying the Final Passing Out Examination in the first attempt.

8. **Probation:**The period of probation of a probationer shall be two years or for such period as the Government may extend for successful completion of training programme.

9. **Bond:** A probationer shall, before the commencement of the training, execute a Bond, with a surety, to refund in the event of his failing to complete his training or resigning from his service during the period of training or within three years thereafter, all such amounts paid to him or spent in connection with his training.

10. **Penalty:—**(1)A probationer who fails to comply with the provisions of these rules, or to obey any orders which he may receive from the appointing authority, or from the Provincial Government under which he is serving, or from the head of institution or from any faculty member of the training institution or an officer under whom he may be receiving field training, or who neglects his

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\* Added vide S.R.O 766(I)/2001 dated 06-11-2001.



probationary studies, or is guilty of conduct unbecoming of an officer shall be liable for removal from service or to such other action as the appointing authority may direct.

(2) Before a probationer is removed from service he shall be given an opportunity to show cause.

**11. Over-riding effect:** The provisions of these rules shall have effect notwithstanding anything contained in any other rule or rules for the time being in force with regard to any occupational group or service.

**12. Repeal:** The Civil Service of Pakistan (Probation, Training and Seniority) Rules, 1954, are hereby repealed (and all such other rules relating to the subject are hereby repealed).

**Sl.No. 4**

**Determination of *Inter-se-Seniority* of Officers of All Occupational Groups**

Refer to the subject above and to state that in light of Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990, a number of queries have been received by this Division regarding determination of *inter-se-seniority*. According to sub-rule 4 of Rule 7 of Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990 *inter-se-seniority* of probationers is determined on the basis of aggregate of following marks obtained by the probationers.

- i) Marks obtained in the competitive examination of FPSC or notional marks (in case of inductees as per Rules 7(2);
- ii) Marks obtained in the initial training program (CTP) or notional marks (in case of inductees as per Rules 7(3);
- iii) Marks obtained in the specialized training program (STP);
- iv) Marks obtained by qualifying in Final Passing Out Examination in the 'first attempt'.

2. A question has arisen as to how the seniority of those probationers should be fixed who are not able to qualify the Final Passing Out Examination in the first and second attempt. Matter is considered in Establishment Division and clarified as under:-

- a) A probationer failing to qualify FPOE in first attempt will only have increments withheld while his/her seniority will not be affected so long as he/she passes in second attempt. To determine *inter-se-seniority* aggregate marks obtained (as stated in sub paras i-iv above) will be used to calculate the probationer's placement in the seniority list.

- b) A probationer who fails to qualify FPOE in second attempt but does it in third attempt will be relegated to the bottom of the seniority list irrespective of aggregate marks obtained.

3. Ministries/Divisions/Departments concerned of all Occupational Groups and Services should follow the above mentioned guidelines to determine *inter-se-seniority* of the probationers in future.

[Authority:- Establishment Division's O.M.No.1/3/2014-T.V dated 21-04-2014].

#### **4.1 Determination of *Inter-se-Seniority* of Officers of All Occupational Groups and Services**

Refer to the subject cited above and to state that in continuation to this Division's O.M. No.1/3/2014-T.V dated 21-04-2014, it is clarified that *inter-se-seniority* of probationers within a batch will be determined as per para 2 of the O.M. *ibid* from the date of insertion of Rule 6(2) in Occupational Groups and Services (Probation, Training and Seniority) Rules,1990 vide SRO 257(l)/2011 dated 15-03-2011.

2. With regard to queries received by this Division on determination of *inter-se-seniority* of probationers who are allowed deferment from Common Training Program, the Competent Authority is pleased to inform that in such cases *inter-se-seniority* of probationers, henceforth, will be fixed at the bottom of the batch with which the probationer undergoes CTP. It is further stated that while granting deferment a note to this effect should be clearly communicated to the probationary officer to bring it to his/her notice.

3. Any O.M. in conflict with the above stated rule position is hereby superseded.

[Authority:- Establishment Division's O.M.No.1/3/2014-T-V dated 5-03-2015].

#### **4.2 Determination of Length of Service in Case of Repeaters**

Refer to the subject cited above and to state that following a number of queries received, the matter of length of service in case of CSS Competitive Examination repeaters, already serving in the various Occupational Groups and Services (Probation, Training and Seniority) Rules,1990 was considered in this Division.

2. It has been decided that in order to bridge anomalies in the length of service between repeaters and their newly recruited batch mates, any officer-probationary or otherwise-who repeats CSS Competitive Examination and as a result changes his/her Occupational Group/Service, will also repeat Common Training Program with the batch the change has been effected. Further, length of service in the previous Group/Service will not be considered for the purpose of promotion in the new Occupational Group/Service being non-cadre service in light of Section 9 of Civil Servants Act,1973.

3. However, for the purpose of determining *inter-se-seniority* in light of Rules 7(4) of Occupational Groups and Services, marks obtained in the earliest CTP will be considered.

4. Controlling Ministries/Divisions/Departments of the various Occupational Groups/Services should follow the abovementioned guidelines for consideration in case of repeaters.

[Authority:- Establishment Division's O.M. No.2/3/2015-T-V dated 17-03-2015].

#### **4.3 Determination of Length of Service in Case of Repeaters**

Refer to Establishment Division's O.M.No.2/3/2015-T-V dated 17-03-2015 on the subject above. In compliance with the order of Lahore High Court direction dated 22-05-2015 in a Writ Petition No.9837 of 2012, the Secretary Establishment Division is please is pleased to issue following order:—

In the past cases of repeaters of CSS and re-allocation to another Occupational Group the length of service of an officer for all future appointments/promotions will be considered from the date of commencement of CTP of that particular batch.

2. All Ministries/Divisions/Departments/Services controlling the Occupational Groups/Services are requested to extend benefit of above order to all those officers who repeated CSS and as a consequence directly joined STP of the group/service to which he/she is re-allocated.

[Authority:- Establishment Division's O.M. No.2/3/2015-T-V dated 14-01-2016].

#### **4.4 Section Officers' (Probation, Training and Seniority) Rules, 1964**

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 of the Constitution\*, the President is pleased to make the following rules, namely:-

1. These Rules may be called the Section Officers' (Probation, Training and Seniority) Rules, 1964.
2. These Rules shall apply to persons recruited as Section Officers on the basis of a competitive examination held by the Commission.
3. In these rules, unless there is anything repugnant in the subject or context:-
  - (a) "Commission" means the \*\*Central Public Service Commission;
  - (b) "the Government" means the \*\*Central Government;

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\*Constitution of 1962.

\*\*Federal.

(c) "Probationer" means a person appointed as Section Officer on probation until the period of his probation ends.

4. (1) Every person selected for appointment as Section Officer on the basis of a competitive examination held by the Commission shall be appointed on probation.

(2) Subject to the provisions of sub-rule (4) of rule 8 and rule 9, the period of probation of a probationer shall be two years unless the Government, in any case, extends it by a further period or periods not exceeding one year in the aggregate.

(3) The services of a probationer may at any time be terminated without assigning any reason therefor, and shall be terminated if he does not successfully complete his period of probation.

5. (1) Every Probationer shall undergo training at such institutions, at such places, and for such periods as the Government may decide, in consultation with the Commission.

(2) The curricula for training shall be such as may be prescribed by the Government in consultation with the Commission.

6. The officers under whom a probationer is trained or works for any period shall prepare and submit to the Government a confidential report in respect of such probationer on his work, conduct and performance during such period.

7. (1) The annual increment of a probationer may be withheld for such period as the Government may direct if he fails to qualify in any of the examinations referred to in rules 8 and 10, or if the Government considers his work, conduct, or performance unsatisfactory.

(2) The withholding of increments under this rule shall not affect a probationer's future increments.

8. (1) Every probationer shall, after the conclusion of his institutional training, be required to qualify at an examination to be held by the Commission.

(2) The examination shall be in such subjects, carrying, in the aggregate, a maximum of one thousand marks as the \*Central Government may prescribe specifying the distribution of marks among the various subjects.

\*\*3) A probationer who fails to qualify in any subject or subjects in an examination referred to in sub-rule (1) shall be allowed two more chances to appear at the examinations to be held subsequently by the Commission in such subject or subjects.

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\*Federal.

\*\*Subs vide Estt. Division's Notification No.9/2/66-C.III(B), dated 28-12-1972.

\* (4) If a probationer fails to qualify in all the subjects of the examination referred to in sub-rule (2) even after having been allowed the subsequent chances as provided in sub-rule (3), his services shall be terminated except in the case of a probationer who has failed to qualify in one subject only, in which case he will be reduced in seniority and placed at the bottom of the batch with which he appears in the examination in his third chance and forfeit one increment for a period of one year.

(5) If any probationer is prevented by sickness or any other adequate cause from appearing in the whole or part of the examinations referred to in sub-rule (1) or (3) the Government may arrange for him to be specially examined in any or all of the subjects prescribed for such examinations after such interval as it may, after consulting the Commission and having regard to the circumstances of the case, consider suitable.

9. (1) The period of probation of a probationer shall not end until he has fully qualified in the examinations referred to in rules 8 and 10 has earned satisfactory confidential reports under rule 6.

(2) Every probationer shall, before commencement of his training, execute a bond in the form prescribed by the Government with one surety to refund all moneys paid to him or spent in connection with his training, as may be determined by the President, in the event of his resigning the service during the period of probation or within 3 years thereafter.

10. After he has completed his institutional training, a probationer shall be posted to such Ministry, Division or other office as the Government may direct, and shall there perform the duties allotted to him, and pass such departmental examinations by such standards as the Government may prescribe in this behalf.

11. (1) All persons to whom these rules apply and who have been appointed on the basis of the same examination shall rank in seniority amongst themselves in the descending order of the sum of the marks obtained by them in (i) the competitive examination on the basis of which they were selected for appointment; and (ii) the first attempt in the examination held under sub-rule (1) of rule 8.

(2) For the purposes of the fixation of the seniority of a probationer whose case falls within sub-rule (5) of rule 8, the Government may, in consultation with the Commission, pass such orders as it may consider equitable.

12. The service of a probationer shall count for leave and pension from the date of his first joining an institution for training under rule 5.

[*Authority.* - Estt. Division's Notification No. S.R.O.90(R), dated 2-9-1964].

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\* Subs vide Estt. Division's Notification No.9/2/66-C.III(B), dated 28-12-1972.

#### 4.5 Fixation of 'Inter-se-Seniority' of Section Officers Appointed by Direct Recruitment

Principles regarding the fixation of *inter-se-seniority* of Section Officers appointed by direct recruitment on the basis of competitive examinations conducted by the Federal Public Service Commission are contained in the Section Officers (Probation, Training and Seniority) Rules, 1964.

2. A question has arisen whether the *inter-se-seniority* of Section Officers appointed on the basis of competitive examinations held in 1960, 1961 and 1962 should also be fixed in accordance with the principles mentioned above or it should be fixed according to the positions obtained by them in the competitive examination.

3. It was mentioned in the notice issued by the Federal Public Service Commission for the 1960 examination that the seniority of candidates in question would be according to their order of merit in the competitive examination. Furthermore, no mention about the fixation of *inter-se-seniority*, or about Seniority Rules which were then to be framed, was made in the notices for the 1961 and 1962 examinations and the Section Officers (Probation, Training and Seniority) Rules, 1964, did not prescribe the principles of seniority, with retrospective effect, for Section Officers appointed on the basis of those examinations.

4. It has therefore, been decided that the *inter-se-seniority* of candidates appointed on the basis of 1960, 1961 and 1962 examinations should be fixed according to their order of merit in the competitive examinations.

[Authority. - Estt.Division's O.M. No. 1/21/64-C.III, dated 20-8-1965].

#### 4.6 Eligibility of Officers for Appointment in Secretariat Posts

It has been decided with the approval of the Prime Minister that government servants in the following BPS will now be eligible for appointment to Secretariat posts, indicated against each, by horizontal movement and without examination:-

BPS 20 .....	Joint Secretary.
BPS 19 .....	Deputy Secretary.
BPS18 with 12 Years service in BPS 17 and above	Deputy Secretary.

2. The appointment will, however, be made if they are considered fit for these posts by the Central Selection Board.

3. You are requested to kindly let us have recommendations of suitable officers in the above categories working in groups and departments

under your administrative control whom you consider fit for the posts of Deputy Secretary and Joint Secretary. These names will then be placed before the Central Selection Board.

[*Authority.* - Establishment Secretary's D.O. letter No.25/14/73-AV. dated 6-2-1975].

#### **4.7 Induction in Secretariat Group as Deputy Secretary (BS-19)**

Refer to para 3 of this Division's O.M.No. 2/2/75-ARC, dated 12-04-1976 (relevant extract enclosed) which provides different methods for appointment as Deputy Secretary in the Secretariat Group including appointment by horizontal movement of BS-19 regular officers of various occupational groups and services. The present Government has reviewed the matter in the light of (a) to give some special dispensation of officers/persons belonging to Balochistan. (b) to provide opportunities for appointment of persons having rendered longer satisfactory service on higher positions in the Autonomous/Semi-Autonomous Bodies /Corporations as Deputy Secretary in Government of Pakistan.

2. With the approval of Competent Authority, it has now been decided to modify para 3 of Establishment Division's O.M.No. 2/2/75-ARC, dated 12-04-1976 constituting the Secretariat Group as under:-

<b>Modified para 3 of the O.M. constituting Secretariat Group</b>
<b>Deputy Secretary</b>
<p>Appointment to the post of Deputy Secretary will be made in accordance with the following methods:-</p> <ul style="list-style-type: none"> <li>i) By promotion of BS-18 officers of the Office Management Group on the recommendations of the Departmental Selection Board except to the extent indicated at (ii) to (v) below.</li> <li>ii) By horizontal movement from other Occupational Groups/Service/Cadre of regular BS-19 Officers who have been recommended by the Ministries/Divisions Departments OR regular BS-19 Provincial Civil Servants recommended by the respective Provincial Governments and have been found fit by the Central Selection Board in accordance with criteria laid down by the Federal Governments against the 10% of sanctioned posts of Deputy Secretary (BS-19). The said 10% posts shall be further sub-divided in the ratio of 50:50 for induction of Civil Servants from Federal Government and Civil Servants from Provincial Governments.</li> <li>iii) By direct appointment on the recommendations of Federal Public Service Commission of persons possessing such qualifications and experience <i>etc.</i>, as may be prescribed.</li> <li>iv) Appointment of persons in BS-19 or equivalent in the service of an Autonomous, Semi-Autonomous Body or Corporation or any other</li> </ul>

Organization set up, establishment owned managed or controlled by the Federal Government or Provincial Government recommended by the respective Governments and found fit by the Federal Public Service Commission in accordance with the criteria laid down by the Federal Government in consultation with FPSC against additional 10% of sanctioned posts of Deputy Secretary (BS-19) as and when so decided by the government. The said 10% seats shall be further subdivided in the ratio of 50:50 for induction of persons in the service of Federal Government and those persons in service of Provincial Government.

- v) 10% of annual vacancies of Deputy Secretary (BS-19) to be filled by the retired officers of Armed Forces of Pakistan on the recommendation of Defence Services Officers Selection Board in line with the existing policy for induction / re-employment of officers of Armed Services as may be modified from time to time.

3. The Criteria for induction of regular (BS-19) officers of the Federal Occupational Groups/ Services and the BS-19 Civil Servants of Provincial Governments as Deputy Secretary (BS-19) in the Secretariat Group shall be as under:-

- i) The regular BS-19 officers of Federal Occupational Group/Service/ Cadre/Provincial Governments as recommended by the respective Ministries/Divisions/Departments /Provincial Governments concerned.
- ii) The officer has rendered at least 12 years service in BS-17 & above in terms of instructions issued by the Federal Government from time to time, and having served for two years in BS-19 in the Federal Secretariat on deputation /under Section 10 of Civil Servants Act, 1973.
- iii) PERs of the last twelve years in BS-17 & above or the actual service rendered in B-17 & above, as the case may be will be quantified. 70 marks will be assigned for PERs quantification.
- iv) 30 marks will be assigned for assessment of suitability by the Central Selection Board.
- v) The selection will be on the basis of centralized merit in PERs/assessment by CSB.
- vi) These officers will be considered in order of seniority against seats as may be reserved / allotted to each Occupational Group/Service/Ex-cadre/Provincial /Region.
- vii) Provided that other things remaining the same, Civil Servants belonging to Balochistan shall be given preference.
- viii) Seniority shall reckon from the date of regular induction in Secretariat Group in accordance with Civil Servants (Seniority) Rules, 1973.



ix)	No disciplinary action under the Government Servants (E&D) Rules, 1973 or proceedings on criminal charges in the Court of Law is pending against the officer.
x)	The officer did not derive any benefit in pursuance of NRO in the entire career (BS-17 & above) within the meaning of Supreme Court of Pakistan's Judgment dated 16-12-2009 on NRO.
xi)	No punishment has been awarded under any criminal law including NAB Ordinance to the officer concerned on the panel in the entire career (BS-17 & above).

4. Persons in BS-19 or equivalent in the service of Autonomous/Semi-Autonomous Bodies or Corporations etc. set-up, established, owned, managed or controlled by the Federal Government or Provincial Government shall be considered for induction as Deputy Secretary (BS-19) in the Secretariat Group in accordance with the following eligibility criteria devised in consultation with FPSC:-

Sl. No.	Criteria	Requisite eligibility
(a)	Minimum education qualification	Graduation
(b)	Experience	A regular officer holding post in BS-19/equivalent in Federal /Provincial Government or in Autonomous Bodies /Semi Autonomous Bodies/ Corporations working under the Federal /Provincial Government with minimum 12 years service equivalent to BS-17 and above.  If doubt arises in equivalence in any case, decision shall be taken by Establishment Division in consultation with Federal Public Service Commission.
(c)	Age	Not exceeding 50 year so other similar reports in a post equivalent to BS-17 and above reasonable period and earn pension as Civil Servant.
(d)	Weightage of PERs	Satisfactory PERs or other similar reports in a post equivalent to BS-17 and above without adverse remarks.
(e)	Interview	FPSC shall conduct viva for purpose of selection. Qualifying marks in viva voce shall be 101 out of 200.

(f)	Other matters	<p>The officers will be considered in order of seniority against seats as may be reserved/ allotted to each of this category.</p> <p>Seniority shall reckon from the date of regular induction in Secretariat Group in accordance with Civil Servants (Seniority) Rules, 1993.</p> <p>No disciplinary action under the Government Servants (E&amp;D) Rules, 1973 or proceedings on criminal charges in the Court of Law is pending against the officer.</p> <p>The officer did not derive any benefit in pursuance of NRO in the entire career (BS-17 &amp; above) within the meaning of Supreme Court of Pakistan's Judgment dated 16-12-2009 on NRO.</p> <p>No punishment has been awarded under any criminal law including NAB Ordinance to the officer concerned on the panel in the entire career (BS-17 &amp; above).</p> <p>Merit/Provincial /Regional quota as described by the Government shall apply <i>mutatis mutandis</i> on vacancies to be filled through induction.</p> <p><b>Other things remaining the same, persons belonging to Balochistan shall be given preference.</b></p>
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5. The aforesaid induction shall be made gradually so as to complete the target of inductions of 20% (10+10) of the sanctioned posts of Deputy Secretary in next 2-3 years,

[Authority:- Establishment Division's O.M.No.1/15/92-CP-II dated 04-10-2011].

#### **Clarification of Induction in Secretariat Group as Deputy Secretary (BS-19)**

The policy for induction of civil servants (BS-19) as well as employees in BS-19/equivalent in service of Federal / Provincial Autonomous Bodies / Semi-Autonomous Bodies/Corporations as Deputy Secretary (BS-19) in Secretariat Group has been circulated vide Establishment Division's O.M. No.1/15/92-CP-II dated 4-10-2011.

2. The said Policy, *inter-alia*, provides that:
  - (a) 10% posts of Deputy Secretary are reserved for induction of Provincial / Federal Civil Servants. The said 10% of the sanctioned posts of Deputy Secretary (BS-19) to be further sub-divided in the

ratio of 50:50 for induction of Civil Servants from Federal Government Civil Servants from Provincial Government. The criteria for inductions of Civil Servants has been provided at para 3 of the said O.M.

- (b) 10% of the sanctioned posts of Deputy Secretary are reserved for appointment of employees of Autonomous Bodies / Semi-Autonomous Bodies / Corporations. The said 10% seats to be further sub-divided in the ratio of 50:50 for induction of persons in the service of said bodies Federal Government and Provincial Government. The criteria for induction of employees of Autonomous Bodies / Semi-Autonomous Bodies / Corporations have been provided at para 4 of the said O.M. dated 4-10-2011.
3. Vacancy position will be intimated in due course.
4. Meanwhile, each Ministry / Division is requested to send panel of the suitable officer (not exceeding 10 in each category in para-2) in order of seniority as per prescribed criteria to this Division by 22nd December, 2011 for further action. The Panels (Form IP-I and IP-II) to be signed by the Secretary. The Panels should accompany particulars of each of the Civil Servant / person concerned on the Panel Proforma (IP-III & IV) and Quantification Sheets (IP-V&VI enclosed.) the said Panel Proforma and Quantification Sheet to be signed the Joint Secretary (Admn.) concerned.

[Authority:-Estt. Division's O.M.No.1/15/92-CP-II, dated 07-12-2011].

#### **4.8 Induction in Secretariat Group as Joint Secretary (BS-20)**

Refer to the subject noted above and to say that the policy for induction of Civil Servants (BS-20) as well as persons in BS-20/equivalent in service of Federal/Provincial Autonomous Bodies/Semi-Autonomous Bodies/Corporations etc. as Joint Secretary (BS-20) in Secretariat Group has been circulated vide Establishment Division's O.M.No.6/1/2012-CP-II(A) dated 30-05-2012 (**Annex**).

2. The said Policy, *inter-alia* provides that appointment to the post of Joint Secretary (BS-20) will be made in accordance with the following methods:-
- i) By promotion of officers in the Grade of Deputy Secretary on the recommendations of the Central Selection Board.
  - ii) By horizontal movement from other Occupational Groups/ Service/ Cadre of regular BS-20 Officers who have been recommended by the Ministries/Divisions/Departments OR regular BS-20 Provincial Civil Servants recommended by the respective Provincial Governments who meet the laid down criteria and recommended

by the Central Selection Board against the 06% annual vacancies of Joint Secretary (BS-20). The said 06% annual vacancies shall be further sub-divided in the ratio of 50:50 for induction of Civil Servants from Federal Government and Civil Servants from Provincial Governments.

- iii) By direct appointment on the recommendations of Federal Public Service Commission of persons possessing such qualifications and experience etc., as may be prescribed.
- iv) Appointment of persons in BS-20 or equivalent in the service of an Autonomous, semi-Autonomous Body or Corporation or any other Organization set up, established owned, managed or controlled by the Federal Government or Provincial Government recommended by the respective Governments who meet the laid down criteria and recommended by the Federal Public Service Commission against 04% of annual vacancies of Joint Secretary (BS-20) as and when so decided by the government. The said 04% vacancies shall be further sub-divided in the ratio of 50:50 for induction of persons in the service of Federal Government and those persons in service of Provincial Governments.

3. The criteria for induction of civil servants in terms of para 2(ii) is given at para 3 of the annex O.M.No. 6/1/2012-CP-II(A) dated 30-05-2012. The criteria for induction of persons in the service of Autonomous/Semi-Autonomous Bodies/Corporations etc. in terms of para 2(iv) are given at para 4 of the said O.M dated 30-05-2012.

4. Vacancy position will be intimated in due course.

5. Meanwhile, each Ministry/Division is requested to send panel of the suitable officers (not exceeding 05 in each category in para-2) in order of seniority as per prescribed criteria to this Division by 7<sup>th</sup> June,2012 for further action. The panels (Form IP-A and IP-B) to be signed by the Secretary. The Panels should accompany particulars of each of the Civil Servant/person concerned on the Panel Proforma (IP-C &D) and quantification sheets (IP-E&F). The said Panel Proforma and quantification Sheet to be signed by the Joint Secretary (Admn) concerned.

[Authority:-Establishment Division's O.M.No. 6/1/2012-CP-II 9B) dated 30-05-2012].

**GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION  
\*\*\*\*\***

No.6/1/2012-CP-II (A)

Islamabad, 30<sup>th</sup> May,2012.

**OFFICE MEMORANDUM**

Subject:- **Induction in Secretariat Group as Joint Secretary (BS-20)**

The undersigned is directed to say that with the approval of Competent Authority, it has now been decided to modify para 4 (relevant extract enclosed) of Establishment Division's O.M.No. 2/2/75-ARC, dated 12-04-1976 consisting the Secretariat as under:-

**Modified para 4 of the O.M. dated 12-04-1976 consisting Secretariat Group**

**Joint Secretary**

Appointment to the post of Joint Secretary will be made in accordance with the following methods:-

- i) By promotion of officers in the Grade of Deputy Secretary on the recommendations of the Central Selection Board.
- ii) By horizontal movement from other Occupational Groups/ Service/Cadre of regular BS-20 Officers who have been recommended by the Ministries/Divisions Departments Or regular BS-20 Provincial Civil Servants recommended by the respective Provincial Governments who meet the laid down criteria and recommended by the Central Selection Board against the 06% annual vacancies of Joint Secretary (BS-20). The said 06% annual vacancies shall be further sub-divided in the ratio of 50:50 for induction of Civil Servants from Federal Government and Civil Servants from Provincial Governments.
- iii) By direct appointment on the recommendations of Federal Public Service Commission of persons possessing such qualifications and experience etc., as may be prescribed.

- iv) Appointment of persons in BS-20 or equivalent in the service of an Autonomous, Semi-Autonomous Body or Corporation or any other Organization set up, established owned, managed or controlled by the Federal Government or Provincial Government recommended by the respective Governments who meet the laid down criteria and recommended by the Federal Public Service Commission against 04% of annual vacancies of Joint Secretary (BS-20) as and when so decided by the government. The said 04% vacancies shall be further sub-divided in the ration of 50:50 for induction of persons in the service of Federal Government and those persons in service of Provincial Governments.

2. The Criteria devised in consultation with FPSC for induction of regular BS-20 officers of the Federal Occupation Groups/ Services and the BS-20 Civil Servants of Provincial Government as Joint Secretary (BS-20) in the Secretariat Group shall be as under:-

- a. The regular BS-20 officers of Federal Occupational Group/Service/ Cadre/Provincial Governments as recommended by the respective Ministries/Divisions/Departments /Provincial Governments concerned.
- b. The officer has rendered at least 17 years service in BS-17 & above in terms of instructions issued by the Federal Government from time to time, and having served for two years in BS-20 in the Federal Secretariat on deputation /under Section 10 of Civil Servants Act, 1973.
- c. PERs of the last twelve years in BS-17 & above or the actual service rendered in BS-17 & above, as the case may be, will be quantified. 70 marks will be assigned for PERs quantification. However, the officers will only be eligible if they have earned grading "Good" or equivalent and above in their PERs in BS-17 & above.
- d. 30 marks will be assigned for assessment of suitability by the Central Selection Board.
- e. The selection will be on the basis of centralized merit in PERs/assessment by CSB.
- f. The officers will be considered in order of seniority against seats as may be reserved/allotted to each Occupational Group/Service/Cadre/ Ex-cadre/Province/Region.

Provides that other things remaining the same, Civil Servants belonging to Balochistan shall be given preference.

g.	Seniority shall reckon from the date of regular induction in Secretariat Group in accordance with Civil Servants (Seniority) Rules, 1993.
h.	No disciplinary action under the Government Servants (E&D) Rules, 1973 or proceedings on criminal charges in the Court of Law is pending against the officer.
i.	The officer did not derive any benefit in pursuance of NRO in the entire career (BS-17 & above) within the meaning of Supreme Court of Pakistan's Judgment dated 16-12-2009 on NRO.
j.	No punishment has been awarded under any criminal law including NAB Ordinance to the officer concerned on the panel in the entire career (BS-17 & above).

3. Persons in BS-20 or equivalent in the service of Autonomous/Semi-Autonomous Bodies or Corporations etc. set-up, establishment, owned, managed or controlled by the Federal Government or Provincial Governments shall be considered for induction as Joint Secretary (BS-20) in the Secretariat Group in accordance with the following eligibility criteria devised in consultation with FPSC:-

Sl. No.	Criteria	Requisite eligibility
(a)	Minimum educational qualification	Master's Degree in Human Resources Management / Financial Management / Law / Economics / Public Administration / Public policy.
(b)	Experience	A regular officer holding post in BS-20/equivalent in Autonomous/Semi-Autonomous Bodies/Corporations working under the Federal / Provincial Government with minimum 17 years services equivalent to BS-17 and above.  If doubt arises in equivalence in any case, decision shall be taken by Establishment Division in consultation with Federal Public Service Commission.
(c)	Age	Not exceeding 50 years so that he may serve the Federal Government for reasonable period and earn pension as Civil Servant.
(d)	Weightage of PERs	Good / equivalent and above PERs or other similar reports in a post equivalent to BS-17 and above without adverse remarks.

(e)	Interview	FPSC shall conduct viva for the purpose of selection. Qualifying marks in viva voce shall be 101 out of 200.
(f)	Other matters	<p>The officers will be considered in order of seniority against seats as may be reserved / allotted to each of this category.</p> <p>Seniority shall reckon from the date of regular induction in Secretariat Group in accordance with Civil Servants (Seniority) Rules, 1993.</p> <p>No disciplinary action under the Government Servants (E&amp;D) Rules, 1973 or proceedings on criminal charges in the Court of Law is pending against the officer.</p> <p>The officer did not derive any benefit in pursuance of NRO in the entire career (BS-17 &amp; above) within the meaning of Supreme Court of Pakistan's Judgment dated 16-12-2009 on NRO.</p> <p>No punishment has been awarded under any criminal law including NAB Ordinance to the officer concerned on the panel in the entire career (BS-17 &amp; above) .</p> <p>Merit / Provincial / Regional Quota as described by the Government shall apply <i>mutatis mutandis</i> on vacancies to be filled through induction.</p> <p><b>Other things remaining the same persons belonging to Balochistan shall be given preference.</b></p>

(Muhammad Wishaq)  
Deputy Secretary  
Tele:9207036

Secretaries/Additional Secretaries  
Incharge of the Ministries/Divisions  
Islamabad/Rawalpindi



**IP-A**

PANEL OF CIVIL SERVANTS (BS-20) OF THE FEDERAL/PROVINCIAL  
GOVERNMENT FOR INDUCTION AS JOINT SECRETARY (BS-20) IN  
SECRETARIAT GROUP OF FEDERAL GOVERNMENT

<b>Seniority No.</b>	<b>Name of the Officer</b>	<b>Name of Department</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

It is certified that:-

- a) All the officers on the panel are the regular BS-20 officers of Federal Occupational Group/Service/Cadre/Provincial Governments.
- b) The officer has rendered at least 17 years service in BS-17 & above in terms of instructions issued by the Federal Government from time to time, and having served for two years in BS-20 in the Federal Secretariat on deputation/under Section 10 of Civil Servants Act, 1973.
- c) No disciplinary action under government servants (E&D) Rules 1973/Removal from Service (Special Powers) Ordinance 2000 or proceedings on criminal charges in the court of law is/are pending against any of the officer on the panel.
- d) No penalty was awarded to the officers on the panel during the entire career (BS-17 and above).
- e) No punishment under any criminal law including NAB Ordinance was awarded to the officers on the panel during the entire career (BS-17 & above).
- f) None of the officers on the panel derived any benefit in pursuance of NRO in the entire career (BS-17 and above) within the meaning of Supreme Court of Pakistan Judgment dated 16-12-2009 on NRO.

Dated: \_\_\_\_\_

Secretary of the Federal  
Government /Chief  
Secretary to the  
Govt. of \_\_\_\_\_

IP-B

PANEL OF PERSONS (BS-20/EQUIVALENT) IN THE SERVICE OF  
AUTONOMOUS/SEMI-AUTONOMOUS BODIES/CORPORATIONS OF THE  
FEDERAL/ PROVINCIAL GOVERNMENT FOR INDUCTION AS JOINT  
SECRETARY(BS-20) IN SECRETARIAT GROUP OF FEDERAL  
GOVERNMENT

Seniority No.(if applicable)	Name of Officer	Name of the Autonomous/ Semi-Autonomous Bodies/ Corporations
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

It is certified that:-

- a) The persons on the panel hold Master's Degree in Human Resources Management / Financial Management / Law / Economics /Public Administration /Public Policy.
- b) The persons on the panel are regular officers holding post in BS-20/equivalent in Autonomous Bodies/Semi Autonomous Bodies/ Corporations working under the Federal Government with minimum 17 years service equivalent to BS-17 and above.
- c) No Disciplinary action under Government Servants (E&D) Rules 1973 / Removal from Service (Special Powers) Ordinance 2000 or proceedings on criminal charges in the court of law is /are pending against any of the officer on the panel.
- d) No penalty was awarded to the officers on the panel during the entire career (BS-17 and above).
- e) No punishment under any criminal law including NAB Ordinance was awarded to the officers on the panel during the entire career (BS-17 and above).
- f) None of the persons on the panel derived any benefit in pursuance of NRO in the entire career (BS-17 and above) within the meaning of Supreme Court of Pakistan judgment dated 16-12-2009 on NRO.

Dated: \_\_\_\_\_

Secretary of the Federal  
Government /Chief  
Secretary to the  
Govt. of \_\_\_\_\_

IP-C

PANEL PROFORMA FOR CENTRAL SELECTION  
BOARD FOR INDUCTION OF CIVIL SERVANTS (BS-20) OF  
FEDERAL/ PROVINCIAL GOVERNMENTS AS JOINT SECRETARY  
(BS-20) IN SECRETARIAT GROUP  
(AS ON \_\_\_\_\_)

Photo

In respect of \_\_\_\_\_ Personnel No. \_\_\_\_\_  
 Designation on \_\_\_\_\_ Name of Ministry/Division/Prov. Govt. \_\_\_\_\_

Domicile:		Service/Group/Cadre		Sen.No		
Educational Qualification		Date of Birth	Age	Date of Superannuation		
<b>SERVICE PARTICULARS</b>						
Date of Joining Civil Services Academy/ Service/BS-17		Date of promotion in		Length of Service		
		Present Scale BS-20		Total in BS-17 and above	In present Scale BS-20	
		Previous Scale BS-19		y - m - d	On Deputation to Federal Govt.	
		Next previous Scale BS-18				
<b>Appointment in BS-19&amp;20</b>						
<b>BS-19</b>			<b>BS-20</b>			
1.			1.			
2.			2.			
<b>Punishment etc.</b>		<b>Existing Service</b>		<b>Last 10 Years</b>		
Penalties/Adverse remarks (if any)						
Disciplinary Proceedings (E&D Rules, 1973)						
NRO benefit, if any						
NAB cases, if any						
<b>Training Courses (other than mandatory Training)</b>						
Gradings of mandatory training at:			MCMC			
Number of PERs in BS-17/18, BS-19 & BS-20 (Last 17 years)						
Basic Scale	Out - Standing	Very Good	Good	Average	Below Average	Adverse Report/Remarks
BS-18						
BS-19						
BS-20						
<b>Awaited reports (PERs)</b>			<b>Additional Information (if any)</b>			
<b>EFFICIENCY INDEX</b>						
Required Threshold	Score of PERs (out of 70)		Marks awarded by CSB (out of 30)		Total	
<b>Recommendations of CSB</b>						
Recommended for Induction		Deferred for Induction			Not recommended for Induction	

Prepared by: \_\_\_\_\_

Checked by: \_\_\_\_\_

Countersigned  
Secretary S&GAD

IP-D

PANEL PROFORMA FOR CENTRAL SELECTION  
BOARD FOR INDUCTION OF PERSONS IN THE SERVICE OF  
AUTONOMOUS/SEMI-AUTONOMOUS BODIES/ CORPORATIONS OF THE  
FEDERAL/ PROVINCIAL GOVERNMENTS AS JOINT SECRETARY  
(BS-20) IN SECRETARIAT GROUP  
(AS ON \_\_\_\_\_)

Photo

In respect of Mr. \_\_\_\_\_ Personnel No. \_\_\_\_\_  
 Designation on \_\_\_\_\_ Name of Ministry/Division/Prov. Govt. \_\_\_\_\_

Domicile:		Service/Group/Cadre		Sen.No		
Educational Qualification		Date of Birth	Age	Date of Superannuation		
<b>SERVICE PARTICULARS</b>						
Date of Joining Civil Services Academy/ Service/BS-17		Date of promotion in		Length of Service		
		Present Scale BS-20/equivalent		Total in BS-17 and above	In present Scale BS-20	
		Previous Scale BS-19/equivalent		y - m - d	On Deputation to Federal Govt.	
		Next previous Scale BS-18/equivalent				
<b>Appointment in BS-19&amp;20</b>						
<b>BS-19</b>			<b>BS-20</b>			
1.			1.			
2.			2.			
<b>Punishment etc.</b>		<b>Existing Service</b>		<b>Last 10 Years</b>		
Penalties/Adverse remarks (if any)						
Disciplinary Proceedings (E&D Rules, 1973)						
NRO benefit, if any						
NAB cases, if any						
<b>Training Courses (other than mandatory Training)</b>						
Gradings of mandatory training at:			MCMC, if applicable			
<b>Number of PERs in BS-17/18, BS-19 &amp; BS-20 (Last 17 years)</b>						
Basic Scale	Out - Standing	Very Good	Good	Average	Below Average	Adverse Report/ Remarks
BS-18						
BS-19						
BS-20						
<b>Awaited reports (PERs)</b>			<b>Additional Information (if any)</b>			
<b>EFFICIENCY INDEX</b>						
Marks awarded for Interview by FPSC (out of 200)						
<b>Recommendations of CSB</b>						
<b>Recommended for Induction</b>		<b>Deferred for Induction</b>		<b>Not recommended</b>		

Prepared by: \_\_\_\_\_ Checked by: \_\_\_\_\_  
 \_\_\_\_\_  
 Countersigned  
 Secretary S&GAD

QUANTIFICATION SHEET IN R/O MR. XXX DESIGNATION: \_\_\_\_\_

BPS	Year	Period of PER	Overall Assessment	Score
17	1981	24-01-81 to 21-10-81	V. Good	08
	1982	01-01-82 to 07-08-82	V. Good	7.60
		08-08-82 to 31-12-82	Good	
	1983	01-01-83 to 10-08-83	Average	5.78
		13-08-83 to 31-12-83	Good	
	1984	01-01-84 to 30-06-84	Average	5.99
05-07-84 to 31-12-84		Good		
1985	01-01-85 to 10-07-85	Good	07	
18	1985	14-07-85 to 31-12-85	Average	05
	1986	01-01-86 to 17-05-86	Good	7.54
		25-05-86 to 23-06-86	PLTM	
		20-07-86 to 31-12-86	V. Good	
	1987	01-01-87 to 16-07-87	Good	6.95
		17-07-87 to 12-09-87	PLTM	
		17-09-87 to 31-12-87	Average	
	1988	01-01-88 to 28-05-88	Good	07
		29-05-88 to 31-12-88	Good	
	1989	01-01-89 to 14-02-89	PLTM	08
		15-02-89 to 01-10-89	V. Good	
		02-10-89 to 31-12-89	PLTM	
	1990	01-01-90 to 05-08-90	V. Good	08
		20-08-90 to 30-11-90	V. Good	
1991	01-01-91 to 02-08-91	Good	07	
	03-08-91 to 31-12-91	Good		
1992	01-01-92 to 14-03-92	PLTM	08	
	15-03-92 to 31-12-92	V. Good		
1993	01-01-93 to 25-07-93	V. Good	08	
	26-07-93 to 30-12-93	Awaiting Posting/RNR		
	01-11-93 to 31-12-93	Awaiting Posting /RNR		
1994	01-01-94 to 20-04-94	Awaiting Posting /RNR	-	
	21-04-94 to 31-12-94	OSD/RNR		
1995	01-01-95 to 08-11-95	OSD/RNR	-	
	09-11-95 to 31-12-95	PLTM		
1996	01-01-96 to 03-03-96	PLTM	-	
19	1996	04-03-96 to 10-07-96	V. Good	08
		14-07-96 to 01-12-96	V. Good	
		02-12-96 to 31-12-96	Awaiting Posting /RNR	
1997	Full	Awaiting Posting /RNR	-	
1998	Full	Awaiting Posting /RNR	-	
1999	01-01-99 to 14-06-99	Awaiting Posting /RNR	07	
	15-06-99 to 31-12-99	Good		

	2000	01-01-0 to 20-08-00 21-08-00 to 25-11-00 26-11-00 to 31-12-00	Good NIPA/RNR PLTM	07
	2001	01-01-01 to 07-04-01 08-04-01 to 22-05-01 23-05-01 to 16-09-01 17-09-01 to 31-12-01	V. Good PLTM V. Good V. Good	08
	2002	Full	V. Good	08
	2003	Full	V. Good	08
	2004	Full	Awaiting Posting /RNR	-
	2005	01-01-05 to 31-08-05 01-09-05 to 31-12-05	Awaiting Posting/RNR Awaiting Posting/RNR	-
	2006	Full	Awaiting Posting/RNR	-
	2007	01-01-07 to 04-12-07 01-09-07 to 31-12-07	Awaiting Posting/RNR DRO/RNR	-
	2008	Full	DRO/RNR	-
20	2009	04-03-2009 to 10-07-2009 14-07-2009 to 01-12-2009 02-12-2009 to 31-12-2009	V. Good V. Good Awaiting Posting/RNR	08
	2010	Full	Awaiting Posting/RNR	-

**SCORE OF OVERALL ASSESSMENT**

<u>BPS</u>	<u>Number of Grading</u>					<u>Mean Score of broken period</u>	<u>Score</u>
	OS	VG	G	AVG	BA		
<u>17(A)</u>						A=6.87	A+B=14.15
<u>18(B)</u>						B=7.28	
<u>19(C)</u>						3C = 7.67x3	23.01
<u>20(D)</u>						5D= 8x5	40
Total Score of PERs= {(5XD)+(3XC)+(A+B)}X.70							54.01
Audition for serving in Training Institution for two years.							
Deduction for penalty / adverse Remarks.							
FINAL SCORE							54.01

**LEGEND**

**RND** = Report not required/Due,  
**PLTM** = Period less than three months.

\* Now NIM

QUANTIFICATION SHEET IN R/O MR. XXX DESIGNATION: \_\_\_\_\_

BS-20 Ministry/Division/Prov. Govt. \_\_\_\_\_

BPS	Year	Period of PER	Overall Assessment	Score
17	1981	24-01-81 to 21-10-81	V. Good	08
	1982	01-01-82 to 07-08-82	V. Good	7.60
		08-08-82 to 31-12-82	Good	
	1983	01-01-83 to 10-08-83	Average	5.78
		13-08-83 to 31-12-83	Good	
1984	01-01-84 to 30-06-84	Average	5.99	
	05-07-84 to 31-12-84	Good		
1985	01-01-85 to 10-07-85	Good	07	
18	1985	14-07-85 to 31-12-85	Average	05
	1986	01-01-86 to 17-05-86	Good	7.54
		25-05-86 to 23-06-86	PLTM	
		20-07-86 to 31-12-86	V. Good	
	1987	01-01-87 to 16-07-87	Good	6.95
		17-07-87 to 12-09-87	PLTM	
		17-09-87 to 31-12-87	Average	
	1988	01-01-88 to 28-05-88	Good	07
		29-05-88 to 31-12-88	Good	
	1989	01-01-89 to 14-02-89	PLTM	08
		15-02-89 to 01-10-89	V. Good	
		02-10-89 to 31-12-89	PLTM	
	1990	01-01-90 to 05-08-90	V. Good	08
20-08-90 to 30-11-90		V. Good		
1991	01-01-91 to 02-08-91	Good	08	
	03-08-90 to 31-12-91	Good		
1992	01-01-92 to 14-03-92	PLTM	08	
	15-03-92 to 31-12-92`	V. Good		
1993	01-01-93 to 25-07-93	V. Good	08	
	26-07-93 to 30-12-93	Awaiting Posting/RNR		
	01-11-93 to 31-12-93	Awaiting Posting /RNR		
1994	01-01-94 to 20-04-94	Awaiting Posting /RNR	-	
	21-04-94 to 31-12-94	OSD/RNR		
1995	01-01-95 to 08-11-95	OSD/RNR	-	
	09-11-95 to 31-12-95	PLTM		
1996	01-01-96 to 03-03-96	PLTM	-	
19	1996	04-03-96 to 10-07-96	V. Good	08
		14-07-96 to 01-12-96	V. Good	
		02-12-96 to 31-12-96	Awaiting Posting /RNR	
	1997	Full	Awaiting Posting /RNR	-
1998	Full	Awaiting Posting /RNR	-	
1999	01-01-99 to 14-06-99	Awaiting Posting /RNR	07	
	15-06-99 to 31-12-99	Good		

	2000	01-02-0 to 20-08-00 21-08-00 to 25-11-00 26-11-00 to 31-12-00	Good *NIPA/RNR PLTM	07
	2001	01-02-01 to 07-04-01 08-04-01 to 22-05-01 23-05-01 to 16-09-01 17-09-01 to 31-12-01	V. Good PLTM V. Good V. Good	08
	2002	Full	V. Good	08
	2003	Full	V. Good	08
	2004	Full	Awaiting Posting /RNR	-
	2005	01-01-05 to 31-08-05 01-09-05 to 31-12-05	Awaiting Posting/RNR Awaiting Posting/RNR	-
	2006	Full	Awaiting Posting/RNR	-
	2007	01-01-07 to 04-12-07 01-09-07 to 31-12-07	Awaiting Posting/RNR DRO/RNR	-
	2008	Full	DRO/RNR	-
20	2009	04-03-2009 to 10-07-2009 14-07-2009 to 01-12-2009 02-12-2009 to 31-12-2009	DRO/RNR OSD/RNR OSD/RNR	-
	2010	01-01-10 to 05-11-10 06-11-10 to 31-12-2010	OSD/RNR PLTM	-

SCORE OF OVERALL ASSESSMENT  
SCORE OF OVER ALL ASSESSMENT

BPS	Number of Grading					Mean Score of broken period	Score
	OS	VG	G	AVG	BA		
17(A)						A=6.87	A+B=14.15
18(B)						B=7.28	
19(C)						3C = 7.67x3	23.01
20(D)						5D= 8x5	40
<b>Total Score of PERs= {(5XD)+(3XC)+(A+B)}X.70</b>							<b>54.01</b>
<b>Audition for serving in Training Institution for two years.</b>							
<b>Deduction for penalty / adverse Remarks.</b>							
<b>FINAL SCORE</b>							<b>54.01</b>

**LEGEND**

RND = Report not required/Due,  
PLTM = Period less than three months.

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\* Now NIM



#### **4.9 Seniority of Joint Secretaries and Holders of Former Senior Administrative Grade**

According to para 10 of the Establishment Division Office Memorandum No. 2/2/75-ARC, dated 21st February, 1975, the seniority of Joint Secretary which is a post in BPS 20 will be determined from the date of his continuous regular officiation in BPS 20. Some doubt seems to exist about the correct interpretation of this provision. The provision is explained below.

2. Posts in which was formerly Senior Administrative Grade were placed in National Pay Scale No. 20 with effect from 1st March, 1972. Therefore, the holders of Senior Administrative Grade could not be said to be in Grade 20 earlier than 1st March, 1972. Consequently, the seniority of an officer who had been holding a post in Senior Administrative Grade and was later appointed as Joint Secretary would be reckoned from 1st March, 1972, or the date of appointment as Joint Secretary, whichever is earlier.

[*Authority*.-Estt. Division's O.M.No.1/1/75-ARC-II, dated 4-4-1973].

#### **Sl. No. 5**

#### **The Police Order, 2002**

#### **[Extracts, from the Police Order, 2002]**

In pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order:-

#### CHAPTER I

#### PRELIMINARY

1. "1. **Short title, extent and commencement.**—(1) This Order may be called the Police Order, 2002.

2. "2. **Definitions.**—(xxv) 'senior ranks' means members of the police above the rank of Inspector as set out in the First Schedule;

#### **FIRST SCHEDULE SENIOR AND JUNIOR RANKS [Article 2 (XIV) and Article 2 (XXV)]**

3. "1. Senior Police Ranks
  - (i) Inspector-General
  - (ii) Additional Inspector General

- (iii) Deputy Inspector General
- (iv) Assistant Inspector General/Senior Superintendent
- (v) Superintendent
- (vi) Assistant Superintendent/Deputy Superintendent

### CHAPTER III

#### CONSTITUTION AND ORGANIZATION OF THE POLICE

4. **6. Separate police establishment for each general police area.**— The Government shall maintain a separate police establishment for every general police area.

5. **“7. Constitution of police.**—(1) The police establishment for each general police area shall consist of such numbers in the senior and junior ranks and have such organization as the Government may from time to time determine.

(2) The recruitment criteria, pay and allowances and all other conditions of service of the police shall be such as the Government may from time to time determine.

(3) The recruitment in the police other than ministerial and specialist cadres shall be in the rank of Constable, Assistant Sub-Inspector and Assistant Superintendent of Police:

Provided that selection for direct recruitment in the rank of Assistant Sub-Inspector shall be through the appropriate Public Service Commission and shall not exceed twenty-five percent of total posts in that rank:

*Provided further that 25% of the quota for departmental promotions to the rank of Assistant Sub-Inspector shall be filled, subject to rules, through selection by the appropriate Public Service Commission from graduate Constables or Head Constables of clean record.*

(4) The recruitment in the rank of Assistant Superintendent of Police shall be through the Federal Public Service Commission on all Pakistan basis.

(5) The recruitment in the rank of Constable and Assistant Sub-Inspector shall be on the basis of the district of domicile which for all service matters shall be their administrative unit up to the rank of Deputy Superintendent of Police and only such officers shall be posted to their district of domicile for field assignments. There will be no such bar on the posting of officers of other districts for investigation, traffic, security, reserve, and intelligence duties. Subject to rules, Inspectors and Deputy Superintendents of Police shall be promoted on the basis of provincial seniority.

(6) Every police officer while on police duty shall have all the powers and privileges of a police officer throughout Pakistan and be liable to serve at any time in any branch, division, bureau and section.

6. **"8. Police to be organized on functional basis.—**(1) The police establishment constituted under Article 7 shall, as far as practicable, be organised on functional basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in clause (1) may include—

- (a) Investigation;
- (b) Intelligence;
- (c) Watch and Ward;
- (d) Reserve Police;
- (e) Police Accountability;
- (f) Personnel Management;
- (g) Education and Training;
- (h) Finance and Internal Audit;
- (i) Crime Prevention;
- (j) Crime against Women;
- (k) Traffic Planning and Management;
- (l) Criminal Identification;
- (m) Information Technology;
- (n) Transport;
- (o) Research and Development;
- (p) Legal Affairs;
- (q) Welfare;
- (r) Estate Management.

(3) The specialist investigators shall be operationally responsible to the officer in-charge of the investigation branch.

(4) Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police:

(5) Posting to any specialist branch, division, bureau or section shall be subject to necessary training and experience in accordance with the rules.

7. **“9. Superintendence of police.—**(1) The superintendence of police throughout a general police area shall vest in the appropriate Government.

(2) The power of superintendence under clause (1) shall be so exercised as to ensure that police performs its duties efficiently and strictly in accordance with law.

8. **“10. Administration of the police.—**(1) Administration of police in a general police area shall vest in the Provincial Police Officer, Capital City Police Officer or City Police Officer posted under Article 11, or Article 15, as the case may be.

(2) The Provincial Police Officer, Capital City Police Officer and City Police Officer, as the case may be, shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Order and any other law for the time being in force.

(3) The police officers mentioned in clause (1) may for direction and control issue standing orders not inconsistent with the Order or rules made hereunder for the efficient functioning of the police.

(4) Provincial Police Officer shall prepare a provincial annual policing plan for review by the Provincial Public Safety \*[and Police Complaints] Commission. The plan shall include—

- (a) objectives of policing;
- (b) financial resources likely to be available during the year;
- (c) targets; and
- (d) mechanism for achieving these targets.

9. **“11. Posting of Provincial Police Officer, Capital City Police Officer and Head of Federal Law Enforcement Agency.—** (1) The Provincial Government shall, out of a panel of three police officers recommended \*\*[\*\*\*] by the Federal Government, post a police officer of the rank of Inspector General of Police as Provincial Police Officer of the Province:

Provided that before a police officer is posted as Provincial Police Officer under clause (1) the Federal Government shall place his services at the disposal of the Provincial Government.

(2) The Federal Government in the case of Islamabad Capital Territory and the Provincial Government in the case of Capital City District shall post a police officer not below the rank of Additional Inspector General of Police as Capital City Police Officer out of three officers recommended by the National Public Safety Commission, or on the recommendation of the Provincial Police Officer, as the case may be.

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\* Inserted vide the Police Order (Third Amendment) Ordinance, 2005.

\*\* The words “by the National Public Safety Commission from a list provided” omitted *ibid*.

(3) The Federal Government shall, out of a panel of three suitable police officers recommended by the National Public Safety Commission post head of a Federal Investigation Agency, Pakistan Railway Police, Pakistan Motorway and Highway Police and Frontier Constabulary.

(4) During temporary absence of the police officers mentioned under clause (1) and clause (2) the next senior officer may exercise all or any of the powers, perform all or any of the functions and duties, and discharge all or any of the responsibilities of the Provincial Police Officer, or Capital City Police Officer, as the case may be.

(5) The Provincial Police Officer, posted under clause (1) shall have administrative and financial powers as *ex-officio* Secretary to the Provincial Government and other powers under this Order, or any other law for the time being in force and Islamabad Capital City Police Officer posted under clause (2) shall have the same administrative and financial powers.

(6) Subject to job description of each post under the rules, the police officers mentioned in clauses (1) and (2) may, by a general or special order, empower any officer subordinate to him to exercise and perform all or any of the powers, functions or duties to be exercised or performed under this Order.

10. **“12. Term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency. - (1) The term of office of Provincial Police Officer, Capital City Police Officer and Head of a Federal Law Enforcement Agency posted under Article 11 shall be three years from the date of his posting.**

\* (2) The Provincial Government may, with the approval of the Federal Government, repatriate, or the Federal Government may, on its own accord, recall, a Provincial Police Officer.

(3) The Provincial Public Safety and Police Complaints Commission may, for reasons to be recorded in writing, recommend to the Provincial Government for repatriation of the Provincial Police Officer before the expiry of his term of office and the Provincial Government may thereupon move the Federal Government for his repatriation in accordance with clause (2).]

(4) The Federal Government may with the agreement of National Public Safety Commission transfer Islamabad Capital City Police officer and Head of a Federal Law Enforcement Agency before the expiry of his tenure.

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\* Clause (2) and (3) “(2) The Provincial Government, with agreement of Provincial Public Safety Commission and the Capital City Public Safety Commission may transfer the Provincial Police Officer or Capital City Police Officer before the expiry of his tenure as the case may be.  
(3) The Provincial Government or the respective Public Safety Commission may initiate the case of premature transfer of the officers mentioned in clause (2) for unsatisfactory performance of duties” substituted vide the Police Order (Third Amendment) Ordinance, 2005.

(5) The Federal Government or the National Public Safety Commission may initiate premature transfer of the officer mentioned in clause (4) for unsatisfactory performance of duties:

*\*Provided that before initiating such transfer, the Commission shall give the concerned officer an opportunity of being heard in person.*

(6) \*\*[ \*\*\*\* ]

11. **“13. Posting of Additional Inspectors General of Police.—**The Government may post such number of Additional Inspectors General of Police to assist the, Provincial Police Officer, or Capital City Police Officer, as the case may be, in the efficient performance of his duties as it may deem fit, in consultation with the Provincial Police Officer, or Capital City Police Officer, as the case may be.

12. **“14. Appointment of experts.—**(1) The Government may, on recommendation of the appropriate Public Service Commission, appoint one or more experts to assist the Provincial Police Officer and Capital City Police Officer or City Police Officer.

(2) The qualifications, eligibility, terms and conditions of service of experts shall be as prescribed.

13. **“15. Posting of City Police Officer and District Police Officer.—**(1) The Provincial Police Officer may post a City Police Officer for a city district notified as a general police area and the District Police Officer in a district within a general police area \*\*\*[with the approval of] the Government.

(2) The term of office of City Police Officer or District Police Officer, as the case may be, shall be three years from the date of his posting.

@[(3) Under exceptional circumstances due to exigency of service or on grounds of misconduct and inefficiency which warrant major penalty under the relevant rules, the City Police Officer or District Police Officer may be transferred, with the approval of the Government, before completion of the term of office.]

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\* The proviso “Provided that before premature transfer of the officers mentioned in clause (3) and clause (5) the appropriate Commission shall give the concerned officer an opportunity of being heard in person” substituted vide ibid.

\*\* Clause “(6) The Federal Government may with the agreement of the National Public Safety Commission recall a Provincial Police Officer or the Capital City Police Officer” omitted vide ibid.

\*\*\* The words “in consultation with the” substituted vide the Police Order (Third Amendment) Ordinance, 2005.

©Clause “(3) The City Police Officer or District Police Officer may be transferred before completion of normal tenure of three years on specific grounds such as inefficiency and ineffectiveness with the concurrence both of the Zila Nazim and the District Public Safety Commission, after he has been heard in person by the District Public Safety Commission” substituted vide ibid.

14. **"16. Administration of police in a district.—**(1) Subject to this Order, the administration of police throughout a district, other than a capital city district and a city district, shall vest in a District Police Officer posted under Article 15.

(2) The District Police Officer may delegate any of his powers and functions conferred on him to a Superintendent of Police, Assistant or Deputy Superintendent of Police posted under Article 17.

(3) The Capital City Police Officer and the City Police Officer shall have administrative and financial powers of the head of an attached department.

(4) A Capital City Police Officer posted under article 11 and a City Police Officer posted under Article 15 shall exercise the powers vested in them under clause (3) above and Article 10 subject to the operational control by the Provincial Police Officer.

15. **"17. Posting of Deputy Inspector General, Senior Superintendent, Superintendent, Assistant Superintendent, Deputy Superintendent.—** (1) Subject to this Order, the Government shall post in consultation with Provincial Police Officer, or Capital City Police Officer, as the case may be, for any part of a general police area or for police headquarters, such number of Deputy Inspector General of Police as it may deem fit.

(2) Provincial Police Officer or the Capital City Police Officer shall post Senior Superintendents, Superintendents, Assistant and Deputy Superintendents of Police in the general police area.

(3) Every officer posted under clause (1) and clause (2) shall exercise and perform such powers, functions and duties, as assigned to him under this Order, or any other law for the time being in force.

16. **"18. Posting of head of investigation.—**(1) The head of investigation in a general Police area other than the Capital City District or the City District shall be of the rank of Additional Inspector General of Police.

(2) The head of investigation in a Capital City District or City District shall not be below the rank of Senior Superintendent of Police.

(3) The head of investigation in a District shall not be below the rank of Superintendent of Police and shall be responsible to his own hierarchy subject to general control of the District Police Officer \*[:]

*\*\*[Provided that the Investigation Wing shall be located within the Police Station and shall be responsible to its own hierarchy in the District under the general control of Officer-in-charge of the Police Station.]*

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\* The "full stop" substituted by colon vide the Police Order (Third Amendment) Ordinance, 2005.

\*\* Added vide ibid.

(4) All registered cases shall be investigated by the investigation staff in the district under the supervision of the head of investigation:

*Provided that the Government may, by a special or general order, may entrust investigation of offences under Local and Special Laws as defined in the Pakistan Penal Code and punishable with imprisonment for a term not exceeding three years with or without any other punishment, to the police station staff.*

(5) The District Police Officer shall not interfere with the process of investigation. The head of investigation shall however keep the District Police Officer informed of the progress of all cases which have a bearing on public order. The District Police Officer shall provide full support to the Head of investigation in the performance of his duties.

(6) Investigation shall not be changed except after due deliberations and recommendations by a board headed by an officer not below the rank of Senior Superintendent of Police and two Superintendents of Police, one being in-charge of the investigation of the concerned district:

*Provided that the final order for the change of investigation shall be passed by head of investigation in the general police area who shall record reasons for change of such investigation:*

*Provided further that the second change of investigation may only be allowed with the approval of the Provincial Police Officer, or the Capital City Police Officer, as the case may be.*

**\*[Explanation.—** For the purpose of this Article, “general control” means the relationship between the authority of the officer-in-charge of Investigation in a District or a Police Station and the District Police Officer and officer-in-charge of the Police Station, as the case may be. This relationship requires full support to the officer-in-charge of Investigation in the performance of his duties and officer-in-charge of Investigation shall coordinate with the District Police Officer or officer-in-charge of the police station, as the case may be, and provide information to him on all matters which have a bearing on watch and ward and public order functions. Any directions in this regard by the officer vested with general control shall not explicitly or impliedly interfere in the conduct of investigation or transfer of investigation and diversion of manpower or resources of Investigation to other police functions.]

17. **“19. Appointment of Director of Police Communications etc.—** Subject to rules, Provincial Police Officer, or Capital City Police Officer, or City Police Officer, as the case may be, may appoint Director of Wireless, Motor Transport and Computer for the whole of the general police area or for any part thereof and such number of officers and staff as may be determined from time to time.

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\* Added vide the Police Order (Third Amendment) Ordinance, 2005.



18. **“20. Posting of heads of police training institutions.—**(1) The Federal Government shall post a police officer of the rank of Inspector General of Police as Commandant of the National Police Academy.

(2) Provincial Police Officer or Capital City Police Officer may post an officer not below the rank of Deputy Inspector General of Police as Commandant of the police training college and an officer not below the rank of Senior Superintendent of Police as Principal of each police training school within the general police area under his charge.

19. **“21. Constitution of regions and divisions etc.—**(1) The Provincial Police Officer may with the approval of the Government constitute police regions.

\*(2) The Provincial Police Officer, Capital City Police Officer or the City Police Officer may, with the approval of the Government,—

- (i) divide districts into police divisions, sub-divisions and police stations;
- (ii) sub-divide police stations into police posts; and
- (iii) define the limits and extent of such divisions, sub-divisions, police stations and police posts:]

*Provided that the limits and extent of such divisions, police stations and police posts shall, as far as practicable, be coterminus with the limits of Tehsils, or Town in a city district and Unions.*

(3) A police region under clause (1) shall be headed by a police officer not below the rank of Deputy Inspector General of Police:

*Provided that where the size of police establishment is more than ten thousand the region shall be headed by a police officer not below the rank of Additional Inspector General of Police.*

(4) A police division shall be under an officer not below the rank of a Superintendent of Police; a police sub-division under an officer not below the rank of an Assistant or Deputy Superintendent of Police; and a police station shall be under an officer of the rank of Inspector of Police:

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\* Clause “(2) Within the budgetary allocations, Provincial Police Officer, Capital City Police Officer, or the City Police Officer, as the case may be, may: -

- (a) divide districts into police divisions, sub divisions and police stations;
- (b) sub-divide the police stations into police posts; and
- (c) define the limits and extent of such-divisions, sub divisions, police stations and police posts” substituted vide ibid.

*Provided that an officer of the rank of Assistant Superintendent of Police may be posted as head of a police station, assisted by Inspectors as officer incharge in selected police stations\*[:]*

*\*\*[Provided further that the term of office of an officer under whom a police division, sub-division or police station respectively is placed shall be the same as that of Head of District Police from the date of posting and any transfer before completion of his term of office will only take place due to exigency of service or misconduct warranting major penalty.]*

20. **“22. Transfer to other police establishment.—**Subject to rules, the appropriate Government may transfer any police officer appointed under this Order from police constituted for one general police area to another.

21. **“23.Oath or affirmation by members of police.—**(1) Every member of the police shall on appointment make and subscribe before Provincial Police Officer or Capital City Police Officer or City Police Officer, or head of a training institution, an oath or affirmation according to the form set out in the second Schedule.

(2) Assistant Superintendents of Police shall make and subscribe to the said oath or affirmation before Commandant, National Police Academy.

22. **“24. Suspension of police officer.—**(1) Subject to rules, the authority or an officer authorised in this behalf by the authority shall have power to suspend a member of police.

(2) The powers and functions vested in a member of police shall remain suspended while such officer is under suspension:

Provided that notwithstanding his suspension such member shall not cease to be a member of police and shall continue to be subject to the control of the same authorities to which he would have been, but for his suspension.

23. **“27. General powers of Provincial Police Officer etc.—**Subject to this Order and rules made there-under, Provincial Police Officer and Head of District Police, as the case may be, shall within their respective spheres of authority, direct and regulate all matters of recruitment, training, postings,

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\* The “full stop” substituted vide the Police Order (Third Amendment) Ordinance, 2005.

\*\* Added vide *ibid*.

transfers, promotions, arms, drill, discipline, clothing, distribution of duties, and any other matter concerning the efficient fulfillment of duties by the police under his control.

24. **“28. Powers of Provincial Police Officer, Capital City Police Officer and City Police Officer concerning police accounts.—**(1) Provincial Police Officer, Capital City Police Officer or City Police Officer shall have authority to investigate and regulate all matters of accounts connected with the police and all persons concerned shall be bound to give reasonable aid and facilities in conducting such investigation and to conform to his orders consequent thereto.

(2) The power of Provincial Police Officer, Capital City Police Officer and City Police Officer to regulate accounts under clause (1) shall be without prejudice to the Auditor General’s authority to audit police accounts.

*(Authority: Police Order, 2002 as amended upto December, 2006)*

#### **5.1 Increase in Quota Reserved for Provincial Police Officers**

The 1/3 quota reserved for Provincial Police officers of the senior cadre posts in Provinces has been increased to 40 per cent \*with the approval of the Secretary Establishment Division. No formal orders have so far been notified.

*[Authority: -Estt. Division’s U.O. Note No. 286/83 E-3 Police, dated 10-3-1983].*

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\* Also see rule 7 of Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985. Formal orders mentioned herein, therefore, stand issued vide rule 7, as mentioned.

## II. CHANGE OF OCCUPATIONAL GROUPS/SERVICES

### **Sl. No. 6**

#### **Change of Occupational Groups/Services – Compliance with Instructions**

Ministries/Divisions/Provincial Governments should not forward applications/representations relating to change of occupational groups to the Establishment Division.

2. All Ministries/Divisions/Provincial Governments are requested to comply with these instructions so as to reduce the problems arising out of numerous requests for change of groups and in keeping with the principles of sound personnel management.

[*Authority*.- Paras 3&4 of Estt. Division's O.M.No. 1/4/88-T.V(Pt.XIII), dated 24-4-1990].

#### **6.1 Change of Occupational Group Prohibition Against Mutual Exchange**

The Prime Minister has been pleased to direct that any request(s)/application(s) for mutual exchange of officers from one Occupational Group/Service to another shall not be entertained. It has also been decided that Government Servants (Applications for Services and Posts) Rules, 1966 be strictly observed, without exception.

[*Authority*:Estt. Div.'s O.M. No. 1/4/98-T.V. dated 19-11-1998]

#### **6.2 Initial Training of the Probationers Appointed to various Groups/Services on the Results of the Annual Competitive Examination held by the FPSC**

In partial modification of Establishment Division's Office Memoranda (listed at Serial No. 1-11 at **Annex**) the government has decided that, notwithstanding the provisions relating to the training of probationers of occupational groups/services contained in the said office memoranda, the probationers of one or more groups/services may henceforth be required to undergo and successfully complete their initial training separately or collectively, as the case may be at one or more training institutions and places, as may be specified by government from time to time. It may be further stated that initial training shall be followed by respective departmental specialized or on the job training as the case may be for these occupational groups/services.

2. The probationer who fails to comply with the provisions of these rules or to obey any order which he/she obtains from government or from

Director/Head of the training institution or from any other duly constituted authority or who neglects his probationary studies, or is guilty of conduct unbecoming an officer of an occupational group/service shall be liable to removal from group/service or to such other action as the competent authority may direct as provided for under the Government Servants (Efficiency and Discipline) Rules, 1973.

3. This Office Memorandum shall also apply to probationers appointed to other groups not specified in the **Annex** to this O.M. including Railway (Commercial & Trade) Group, who are appointed on the results of the annual competitive examination held by the FPSC.

[*Authority*.-Estt. Division's O.M. No. 1/36/82-T.V, dated 8-4-1990].

**(ANNEX)**  
**PROVISIONS RELATING TO THE**  
**TRAINING OF PROBATIONERS**

Name of the Group/Service	Reference to the paragraph and the Estab. Division O.M. containing the provisions.
1. *Accounts Group	Paragraph 4(e) of O.M.No.1/2/74-ARC, dated 23-1-1974 constituting the Group*.
2. Commerce & Trade Group	Paragraph 4 of O.M. No. 6/2/75-ARC, dated 8-5-1975 constituting the Group.
3. **Customs & Excise Group	Paragraph 3 of O.M. No.5/2/75-ARC, dated 9-5-1975 constituting the Group.
4. ***District Management Group	Paragraph 3 of O.M.No.2/2/74-ARC, dated 23-2-1974 constituting the Group.
5. Foreign Service of Pakistan	Paragraph 3 of O.M.No.3/2/74-ARC, dated 8-4-1974 constituting the service/Group.
6. @Income Tax Group	Paragraph 3 of O.M. No.4/2/75-ARC,dated9-5-1975 constituting the Group.
7. Information Group	Paragraph 4 of O.M. No. 2/8/75-ARC, dated 17-6-1977 constituting the Group.
8. Military Lands and Cantonment Group	Paragraph 4 of O.M. No.9/2/75-ARC, dated 11-5-1975 constituting the Group.
9. Office Management Group	Paragraph 8(a) of O.M.No.1/2/75-ARC, dated 27.1.1975 constituting the Group.
10. Police Service of Pakistan	Paragraph 3 of 3/2/75-ARC, dated 31.5.1975 constituting the Group/Service.
11. Postal Group	Paragraph 3 of O.M. No. 3/2/75-ARC, dated 30.5.1975 constituting the Group.

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\*Pakistan Audit and Accounts Service.

\*\*Renamed as "Pakistan Customs Service" vide Estt.Div.'s O.M.No.6/2/2009 CP-II dated 12-09-2009.

\*\*\*Renamed as "Pakistan Administrative Service" vide Estt.Div.'s O.M.No.6/3/2012 CP-II dated 21-05-2012

@ Now "Inland Revenue Service" vide Estt.Div.'s O.M.No.6/2/2009 CP-II dated 12-09-2009.

**PART-I**

**TERMINATION OF SERVICES, REVERSION  
TO LOWER GRADE/POST, RESIGNATION  
AND DESERTION FROM DUTY**

**PART-II**

**CONDUCT, EFFICIENCY AND DISCIPLINE**

(697 - 698)

**CHAPTER 8  
PART-I**

**TERMINATION OF SERVICES, REVERSION TO LOWER GRADE/POST,  
RESIGNATION AND DESERTION FROM DUTY**

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## CHAPTER 8

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**PART-I****TERMINATION OF SERVICES, REVERSION TO LOWER GRADE/POST,  
RESIGNATION AND DESERTION FROM DUTY****I. TERMINATION OF SERVICES****Sl. No. 1****C.S.R. 436. Notice of Discharge on the Abolition of Post to Permanent Employees**

Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under \*these regulations; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

1. The gratuity prescribed in this Article is not granted as compensation for loss of employment but only in lieu of notice of discharge with a view to mitigating the hardship caused an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with whether that re-employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

2. Unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no necessary delay in giving such notice. In the case of an officer on leave, the order shall not be brought into operation until the leave expires.

*Note.-* "Emoluments" in this rule means the emoluments or leave allowances (or partly the one, partly the other) which the officer would be receiving during the period in question had the notice not been given to him.

**CSR 436-A.** Whenever it is found necessary to determine the service of an officer serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the officer in writing.

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\* Added vide Finance Division's Notification No. D.203-RSII/69, dated 24-02-1969.

### **1.1 Termination of Service of Temporary Government Servants**

A civil servant is not necessarily in temporary employment merely because of a statement in the order of appointment that his appointment will be purely temporary and liable to termination at any time without any notice or reasons being assigned. No civil servant is a temporary employee as long as the employment is for an indefinite period or against a post which continues to exist for an indefinite period. It is extremely difficult to attribute to the legislature an intention to clothe the authorities concerned with arbitrary powers of terminating the services of a civil servant in their discretion without assigning any reason. The courts have always been reluctant to interpret these provisions in a manner as would justify the extenuation of an employee without any justification.

2. Further, after the enactment of Civil Servants Act, 1973, the services of a civil servant can either be terminated under Section 11 of the Act or under Government Servants (E&D) Rules, 1973. It is not possible to spell out any power to terminate the services of an employee without notice and without assigning any reason from the provision of sub section (3) of Section 11 of Civil Servants Act, 1973, especially in the presence of the provisions of sub-section (1) thereof regarding termination of service during the initial or extended period of probation. If an employee has passed through the period of probation to the satisfaction of the competent authority, he is no longer a temporary employee within the meanings of sub-section (3) if his employment is for an indefinite period or against a post which continues to exist for an indefinite period.

3. In the light of the above advice of the Justice Division services of an employee can no more be terminated without notice and without assigning reason.

*[Authority.- Extract from Estt. Division's O.M. No. 31/64-86-R-3 dated 20-4-1987].*

### **1.2 Termination of Services of Officers Employed on Contract**

It has been decided by the government that officers employed on contract normally be given 3 months' notice clause in the contract.

2. All concerned are, therefore, requested to keep in view the above decision when appointing an officer on contract and to stipulate in the agreement that the services of the officer employed on contract may be terminated on 3 month's notice on either side even before expiry of the period of the contract.

*[Authority.- Estt. Div.'s O.M. No. 13/2/66-D.I. dated 27-6-1966].*

## II. REVERSION

### **Sl. No. 2**

#### **Reversion to Lower \*Grade/Post**

Fundamental Rule 29.-If a Government servant is, on account of misconduct or inefficiency, reduced to a lower BPS or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so, to what extent.

Auditor General's Decision.-Having regard to the principle underlying Fundamental Rule 29, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the orders of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

[*Authority.*- Auditor General's letter U.O. No. 917/308-42, dated 19-12-1942].

#### **2.1 Imposition of Penalty for Specific Period**

It has been noted that the Government Servants (E&D) Rules do not require an authority to specify the period for which any penalty mentioned in Rule 4 (1) shall be effective, although according to Fundamental Rule 29 it is imperative for him to do so. To resolve this apparent discrepancy between the two rules, it is decided that in imposing a penalty under Rule 4 (1) of G S (E&D) Rules care should be taken to see that such an imposition is for a specified period and it should be stated whether, on restoration, it shall operate to postpone future increments and, if so, to what extent in order to make it in conformity with Fundamental Rule 29.

[*Authority.*- Estt. Division's O.M. No. 2/3/65-DI, dated 7-8-1965].

#### **2.2 Reversion from Selection Posts**

The views of Ministries/Divisions were invited on the following points:-

- (a) 'A' was appointed to officiate in a selection post after having been formally selected from amongst various possible candidates, from which he reverted after the expiry of the period of the vacancy. During this period his work was satisfactory. Subsequently, another vacancy occurred in the same BPS. Should 'A' be appointed to this vacancy automatically (by virtue of his previous selection) or fresh selection be made.

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\* BPS.

- (b) Whether reversions from or confirmations in selection posts should follow the order in which the persons concerned were promoted to the posts in question (i.e. the candidates first appointed to officiate in the selection post should be confirmed when a permanent vacancy occurs and the candidate last appointed to officiate reverted when a vacancy terminates), or fresh selection should be made from amongst persons officiating in the selection posts each time a permanent vacancy occurs or a vacancy terminates.

The question has been considered in the light of the replies received from Ministries/Divisions and the opinion of the Federal Public Service Commission, and the following instructions are issued.

2. As regards (a), in accordance with the instructions contained in the Establishment Division Office Memoranda No. F. 33/1/47-Ests. (SEII), dated the 29th January, 1948 and No.33/49-SE, dated the 18th June, 1949 Departmental Promotion Committees are required to prepare a list of officers whom they consider fit for promotion in selection posts. This list, which should be revised periodically, should indicate the names of officers who have not been promoted to a higher BPS in any capacity, or who have officiated off and on or are officiating against any leave vacancies, or any temporary posts of short duration, and are, therefore, liable to revert in the normal course to the lower grade. The position would thus be that, if "A" is appointed on the recommendations of the Departmental Promotion Committee to a selection post for a short period, after which he reverts to the lower grade, for no fault of his own, he should be promoted automatically by the appointing authority in the next vacancy that arises if the list is not revised by the Departmental Promotion Committee before the material vacancy arises, or, if the list has in the meantime been revised his position still remains No. 1 on the revised list. In other words, there should be no question of selection when a vacancy occurs ; the vacancy should be filled by the promotion of the official who tops the list prepared by the Departmental Promotion Committee and which is in force at the time when the vacancy is filled.

3. As regards (b), reversions should be made in the reverse order of promotion, and confirmations should follow the order of seniority in the BPS concerned. In other words, there should be no fresh selection either for the purpose of reversion or for confirmations.

4. While the list of officials recommended by the Departmental Promotion Committee for promotion to selection posts is being prepared, the claims of all officials eligible for promotion to the grade concerned, including those who happen to be absent from the office for one reason or the other, should be duly considered, and it should be recorded on the file that this has been done.

[*Authority.*- Cabinet Secretariat, Estt. Branch O.M. No.54/10/51-ME, dated 31-8-1951].

### **2.3 Reversion to Parent Group/Cadre**

Instances have come to the notice of the Establishment Division where officers inducted into the Secretariat Group have asked for reversion to their original Group. This defeats the purpose of horizontal movement which was envisaged under the Administrative Reforms to ensure a fair representation of officers with varied experience at policy making levels in the Federal Government. It has, therefore, been decided that officers 'inducted into an Occupational Group with their consent, will not in future be allowed to opt out.

2. However, officers of the Secretariat Group can be posted to other groups for exigencies of service and in public interest.

[*Authority.*— Estt. Division's O.M. No.7(3)76-AV, dated 4-6-1980].

### **2.4 Reversion of Ad-Hoc Appointees**

Ad hoc appointees cannot be promoted to higher grade vide Establishment Division O.M. No. 3/29/70-D. III, dated the 7th January, 1971. The question of determination of the seniority of the ad hoc appointees for purposes of promotion, therefore, does not arise. However, sometimes the question which does arise is as to which one of the several ad hoc appointees should be reverted when the F.P.S.C. qualified candidates become available. It has been decided that reversion should be made in the reverse order of ad hoc appointments. However, when the date of ad hoc appointment of more than one officer is one and the same, the reversion should be made in the reverse order of the seniority in the lower BPS if available, otherwise the younger in age should revert first. Reversion, for the purposes of this O.M., includes termination of service where the ad hoc appointee was recruited directly from outside.

[*Authority.*- Estt. Division's O.M. No.1/8/72-DIII, dated 4-5-1972].

### **2.5 Departmental Promotion Committee not Concerned with Demotions/ Reversions**

It appears from references made recently to the Establishment Division that the scope and functions of Departmental Promotion Committees\* are not clearly understood. In certain cases, government servants officiating without any condition in higher grades have been demoted on the recommendation of Departmental Promotion Committees. It is necessary, therefore, that the position should be clarified.

2. As their name indicates, the function of Departmental Promotion Committee is to make recommendations in respect of promotions and there is nothing in Establishment Division Office Memorandum No. 33/1/47-Ests. (SEII), dated the 29th January, 1948 which relates to the constitution of these Committees to suggest that

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\*Rule 2(d) of the Civil Servants (Appointment, Promotion and Transfer) rules, 1973 framed under the Civil Servants Act, 1973 contains the definition of the term "Departmental Promotion Committee.



these Committees have been given the power to recommend the demotion of an officiating officer.

3. What Departmental Promotion Committees should do is to prepare a list of officers whom they consider fit for promotion. They should revise this list periodically which means that they can either add to, or subtract from it. An officer who has been substantively promoted to a higher BPS will not, of course, figure in this list. Similarly, an officer who has been promoted to officiate in a substantive vacancy for an indefinite period should not appear in the list because he is for all practical purposes to continue in the higher BPS. In other words, the officers whose names will be shown in the list maintained by these Committees will be those who have not been promoted to a higher BPS in any capacity or who have officiated off and on or who are officiating against leave vacancies or in temporary posts of short duration and are, therefore, liable to revert in the normal course to the lower grade.

[*Authority*.- Cabinet Secretariat, Estt. Branch O.M. No.F.33/49-SE, dated 18-6-1949].

### III. RESIGNATION FROM GOVERNMENT SERVICE

#### **Sl. No. 3**

#### **Acceptance of Resignation During Pendency of Disciplinary Proceedings**

The instructions contained in the Establishment Division Office Memorandum No. 5/3-A/52-ME, dated the 6th January, 1953 (Annex) can be interpreted to mean that the resignation of a government servant, whose conduct is under enquiry, can be accepted and the orders of dismissal or discharge can be passed in due course. The legal position, however, is that any orders of dismissal or discharge passed after retirement or resignation will be void, and inoperative on the ground that the person concerned does not remain in service as soon as his resignation has been accepted. The instructions contained in the Office Memorandum, dated the 6th January, 1953 (Annex) have, therefore, been considered further by the Establishment Division in consultation with the Ministry of Law and the following clarification is issued for the guidance of the Ministries, etc:-

- (a) Service of a temporary government servant who has signed the undertaking can be terminated by the government on 14 days' notice.
- (b) If such a government servant wants to terminate his employment, he should submit his resignation.
- (c) The employer may or may not accept his resignation.
- (d) If his resignation is not accepted on any ground, including the ground of disciplinary action outstanding against him, he continues to be in service in spite of his having given 14 days' notice of his intention to do so.
- (e) He should not absent himself from office without leave.
- (f) If his resignation is accepted, he does not continue his service, and his presence in office should not be insisted upon.
- (g) In the event of his resignation having been accepted the disciplinary action standing against him, should not be proceeded with as he cannot be punished for the reason that he does not continue in service.
- (h) The undertaking prescribed for temporary employees does not reserve any right in a temporary government servant to terminate his employment by mere notice. He has to resign his post on the expiry of the notice and the resignation does not become effective unless it is accepted by Government.

[*Authority*. - Estt. Division's O.M. No. 1/34/57-ME, dated 12-11-1957 read with O.M. No.1/3/57-ME, dated 9-5-1958].

**(ANNEX)**

**[Copy of Establishment Division O.M. No. 5/3-A/52-ME, dated the 6th January, 1953].**

A question arose whether temporary employees who have signed the prescribed undertaking should be allowed to resign if disciplinary proceedings are pending against them. It has been decided, in consultation with the Ministry of Law, that if such a government servant gives the prescribed notice of his intention to resign or forfeit his pay to the President in lieu thereof, his continuance in service should not be insisted upon. The person concerned should, therefore, be relieved of his duties but the departmental proceedings against him may be continued if considered necessary and formal orders passed.

**3.1 Withdrawal of Resignation by Government Servants**

The question whether resignation once tendered by a government servant before completion of 25 years qualifying service may be allowed to be withdrawn before or after its acceptance by the competent authority has been under consideration in the Establishment Division.

2. The following decisions have been taken in consultation with the Ministry of Finance:-

- (i) Withdrawal of resignation before acceptance.-In case a government servant withdraws resignation before it is accepted by the competent authority, the resignation should be deemed to have been withdrawn.
- (ii) Withdrawal of resignation after its acceptance but before it becomes effective (i.e. before the government servant concerned is relieved).—It should be open to the authority accepting the resignation to allow the government servant concerned to withdraw the resignation on the merits of the case.

*[Authority.- Estt. Div.'s O.M. No. 8/13/69-F.I., dated 30-1-1970 read with Estt. Division's O.M.No.6/9/79-D.I., dated 19-6-1979]*

**3.2 Proposal for Resignation and Original Letter of Resignation**

It has been observed that proposals for acceptance of resignation of officers of BPS-17 and above received in the Establishment Division for

submission to the competent authority\* are not accompanied by the original letter of resignation sent by the officer concerned. This requires a reference back to the Ministries/Divisions for obtaining the letter of resignation. All Ministries/Divisions are, therefore, requested to please ensure that the letter of resignation of the officer in original invariably forwarded alongwith the Summary for acceptance by the competent authority.

2. Besides, the Summary should contain information on the following points:-

- (i) Whether any dues are recoverable from the officer.
- (ii) Whether any disciplinary proceedings are pending or are contemplated against him.
- (iii) Whether the officer concerned is required to serve the Government for any specified period in accordance with the terms and conditions of his appointment. If so, whether that period has expired. If it has not expired, whether any money spent on his training etc, are recoverable in accordance with any rule or bond executed by him.

[Authority.- Estt. Division's O.M. No.1/11/80-D.I., dated 13-2-1980].

### **3.3 Resignation of Temporary Government Servants**

Sub-section (3) of section 11 of the Civil Servants Act, 1973 makes the services of a civil servant subject to the provision of sub-section (2) liable to termination on fourteen days' notice or pay in lieu thereof. Cases have come to the notice of the Establishment Division in which a civil servant, who intends to resign from service, gives 14 days' notice or deposits 14 days' pay in lieu thereof.

After expiry of the notice period or having deposited 14 days' pay in lieu thereof, and he absents himself from office without waiting for acceptance of his resignation. This is against the rules. There is no provision in the Civil Servants Act, 1973, whereunder a civil servant whether permanent or temporary who wants to terminate his employment is required to give or can give 14 days' notice or forfeit his pay to government in lieu thereof.

2. A civil servant, permanent or temporary, who wishes to terminate his appointment, should, submit his resignation in writing. The resignation shall not become effective unless it is accepted by the competent authority. Till such time the resignation is accepted, the civil servant concerned continues to be in service and cannot absent himself from his duties without proper leave. The position in this regard

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\*With the delegation of powers of appointment to Secretaries of Ministries/Divisions/Head of Department except those Groups/Service administratively controlled by the Establishment Division in respect of civil servants in BPS 17 & 19, the position has changed. In respect of the resignation of the officers in BPS 17 to 19 borne on the Cadres/Groups/Service controlled by the Establishment Division and all the officers in BPS 20 and above, the orders are to be followed.

is already explained in the Establishment Division's O.M. No. 1/34/57-MS, dated the 12th November, 1957, read with O.M. of even number dated the 9th May, 1958.

[*Authority.*- Estt. Division's O.M.No.6/3/81-RI(DI), dated 26-7-1981].

### **3.4 Resignation – Notice and Acceptance**

Reference Establishment Division's O.M. No. 6/3/81- R.I(D-I), dated the 26th July, 1981. Cases are still being received in the Establishment Division where a civil servant, who intends to resign from service, gives fourteen days' notice, is relieved of his duties by the Ministry/ Division/Department after expiry of the notice period or having deposited fourteen days' pay in lieu thereof. Thereafter, his case is recommended to the competent authority for acceptance of his resignation with retrospective effect.

2. As already explained in the Establishment Division's aforementioned O.M. there is no provision in the Civil Servants Act, 1973, whereunder a civil servant, who wants to terminate his employment, is required to give 14 days' notice or forfeit his pay to Government in lieu thereof and absent himself from duty. The correct position is that a civil servant who wishes to terminate his appointment has to submit his resignation in writing and has to continue in service till his resignation is accepted by the competent authority. He can neither absent himself from his duties without proper leave nor it is desirable to relieve him before acceptance of his resignation. On receipt of the resignation, Ministry/ Division/Department concerned should forward it immediately to the competent authority and also ask the civil servant concerned to wait until his resignation is accepted.

[*Authority.*- Estt. Division O.M.No.6/3/81-RI, dated 13-2-1982].

### **3.5 Proposals for Resignation to be Self-Contained**

Attention is invited to the Establishment Division's O.M. No.1/11/80-D.I, dated the 13th February, 1980. It is stated that inspite of instructions contained therein, the Ministries/Divisions have been sending proposals for acceptance of resignation of officers to the Establishment Division which are not self-contained. The proposals are neither sent in the form of a Summary nor are accompanied by the original letter of resignation of the officer. A number of such references also do not give the information as required in para 2 of the aforesaid O.M. This requires back reference to the Ministry/Division concerned causing delay in the disposal of the case. The Ministries/ Divisions are, therefore, requested to submit, in future, the cases of resignation strictly in accordance with the instructions contained in the Establishment Division's O.M. quoted above and may also keep in view the orders contained in O.M. No. 6/3/81-R.I, dated the 13th February, 1982.

[*Authority.*- Estt. Division's O.M. No. 15/11/84-R.2, dated 28-5-1984].

### **3.6 Procedure for Processing of Cases of Resignation of Officers**

The Ministries/Divisions have been sending proposals for acceptance of resignation of officers to the Establishment Division after the officers have been relieved of their duties. In most of the cases, it has come to the notice of Establishment Division that government servants usually tender resignation from government service on 14 days' notice or forfeit pay in lieu thereof and absent themselves from duties without waiting for the acceptance of their resignations by the competent authority. If a person has submitted resignation from service he continues to be in service, inspite of his having given 14 days notice, till his resignation is accepted by the competent authority. If he absents himself from duty he is liable to be proceeded against under the Efficiency and Discipline Rules, 1973 which may also result in dismissal from government service.

2. Ministries/Divisions are, therefore, requested to forward the cases for acceptance of resignation to the Establishment Division well in time and should not relieve the resigning officer from his duties till his resignation from service is accepted by the competent authority.

[*Authority.* - Estt. Division's O.M. No. 15/6/85-R.2 dated 3-3-1986].

### **3.7 Absence from Duty Without Leave**

Cases have come to notice where government servants have applied for leave, but before the leave was sanctioned, have absented themselves from duty and left their station without permission, while government dues were payable by them on various accounts. In some cases, government servants have proceeded on short leave, and subsequently applied for extension of leave, which was not granted, whereupon they have resigned their appointments without clearing the government dues outstanding against them. Such behaviour on the part of government servants is not only undesirable but also contravenes the provisions of the Pakistan Essential Service (Maintenance) Act, 1952, which makes all employment under government an essential service. If any government servant, without reasonable excuse, abandons his employment or absents himself from work, he is liable to conviction to be punished with imprisonment and fine vide section 5 and 7 of the Act.

2. It is, therefore, requested that the attention of all government servants may kindly be drawn to the provisions of the Act and they may be warned that any contravention of the Act renders them liable to prosecution. A number of prosecutions have already been instituted in the court and others are in contemplation.

[*Authority.* - Estt. Division's O.M. No. 11/1/60 E.V., dated 22-10-1960].

**PART-II****CONDUCT, EFFICIENCY AND DISCIPLINE****I. CONDUCT****Sl. No. 4****Government Servants (Conduct) Rules, 1964**

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 and clause (1) of Article 179 of the \*Constitution and of all powers enabling him in that behalf, the President is pleased to make the following rules, namely:-

**THE GOVERNMENT SERVANTS (CONDUCT)  
RULES, 1964**

1. **Short title and commencement.**— (1) These rules may be called the Government Servants (Conduct) Rules, 1964.

(2) They shall come into force at once.

2. **Extent of application.**— These rules apply to every person, whether on duty or on leave, within or without Pakistan, serving in a civil capacity in connection with the affairs of the Centre and to the members of an All-Pakistan Service during their employment under the Provincial Governments or while on deputation with any other Government, agency, institution or authority:

Provided that the Central\*\* Government may, by a notification in the official Gazette, exempt any class of Government servants from the operation of all or any of these rules.

3. **Definitions.**— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Government" means the \*\*Central Government and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government;
- (b) "Government servant" means a person to whom these rules apply; and

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\* Constitution, 1962. Ref. Chapter, 1, Vol. I, Article 241 of the Constitution, 1973 provides that all rules and orders in force before the commencing day shall, so far as consistent with the provisions of the constitution, continue in force and may be amended from time to time by the Federal Government. Hence section 25 (2) of Civil Servants Act, 1973.

\*\* Federal

- (c) "member of a Government servant's family" includes-
- (i) his wife, child or step-child, whether residing with the Government servant or not; and
  - (ii) any other relative of the Government servant or his wife, when residing with and wholly dependent upon the Government servant, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government servant has been deprived by law.

(2) Reference to a wife in clause (c) of sub-rule (1) shall be construed as references to a husband where the Government servant is a woman.

**4. Repeal of previous Conduct Rules.**—The Government Servants Conduct Rules made under section 96-B of the Government of India Act, 1919, and the Secretary of State's Services (Conduct) Rules, 1942, made under sections 247(1), 250 and 269 of the Government of India Act, 1935, in so far as they applied to the persons to whom these rules apply, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

\*[5. **Gifts.**—(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If, however, due to very exceptional reasons, a gift cannot be refused, the same may, under intimation to the Cabinet Division, be kept for official use in the Department or Organisation in which he is working].

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of the Government thereon shall be final.

(3) If any gift is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Cabinet Division for orders as to its disposal.

\*\*[(4) Government servants are prohibited from receiving gift of any kind for their person or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are

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\* Subs. *vide* Estt. Div.'s Notification No.807(I)/79, dated 12-9-1979.

*Note.*- Rule 5 may be read in conjunction with the instructions contained in the Cabinet Division O.M. No. 9/9/91-TK, dated 21-11-1991.

\*\* Subs. *vide* Estt. Div.'s Notification No. S.R.O.993(I)/76, dated 30-09-1976.



stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the 'Toshakhana'.

(5) Government servants, except those belonging to BPS 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account.

(6) The responsibility for reporting the receipt of a gift shall devolve on the individual recipient. All gifts received by a Government servant, irrespective of their prices, must be reported to the 'Toshakhana' in the Cabinet Division. However, the responsibility for reporting to the Cabinet Division receipt of gifts, including the names of recipients, from foreign dignitaries or delegations who come to Pakistan or when Pakistani dignitaries or delegations go abroad, shall lie with the Chief of protocol or his representative in the former case, and with the Ambassador concerned in the latter case. In the case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs.

(7) The value of gifts shall be assessed by the Cabinet Division and the monetary limits up to which and the condition subject to which, the gifts may be allowed to be retained by the recipient shall be as follows:-

- (a) gifts valued upto Rs. 1,000 may be allowed to be retained by the recipient;
- (b) gifts valued between Rs. 1,000 and 5,000 may be allowed to be retained by a recipient on his paying 25% of the value of the gift in excess of Rs. 1,000; and
- (c) gifts of value exceeding Rs. 5,000 may be allowed to be retained by a recipient on his paying 25% of so much of the value as exceeds Rs. 1,000 but does not exceed Rs. 5,000 and 15% of so much of the value as exceeds Rs. 5,000].

6. **Acceptance of foreign awards.**— No Government servant shall, except with the approval of the President, accept a foreign award, title or decoration.

Explanation.- For the purposes of this rule, the expression "approval of the President" means prior approval in ordinary cases and ex-post-facto approval in special cases where sufficient time is not available for obtaining prior approval.

**7. Public demonstrations in honour of Government Servants.—**

(1) No Government servant shall encourage meetings to be held in his honour or presentation of address of which the main purpose is to praise him.

(2) Notwithstanding anything contained in sub-rule(1)—

- (a) a Government servant may, with the previous permission of his next higher officer, take part in the raising of funds to be expended for any public or charitable purpose;
- (b) a Government servant may take part, with the previous sanction of the Government, in the raising of funds to be expended for any public or charitable object connected with the name of any other Government servant or a person who has recently quitted the service of the Government;
- (c) the Head of a Pakistan Mission abroad, while so posted, may attend a public meeting or entertainment held in his honour.

(3) When a Government servant takes part in the raising of fund in accordance with the provisions of clauses (a) and (b) of sub-rule (2), he shall be required to keep regular accounts and submit them to his next higher officer for scrutiny.

(4) Clauses (a) and (b) of sub-rule(2) shall not apply to officers of the Police Service of Pakistan and the Pakistan Taxation Service.

**8. Gift to Medical Officers.—** Subject to the departmental rules governing the question, a Medical Officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

**9. Subscriptions.—** Subject to rule 7, no Government servant shall, except with the previous sanction of the Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

**10. Lending and Borrowing.—** (1) No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that the above rule shall not apply to dealings in the ordinary course of business with a joint stock company, bank or a firm of standing.

(2) When a government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has other wise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business

within the local limits of such authority, he shall forthwith declare the circumstances to the Government through the usual channel.

(3) Non-gazetted Government servants shall make the declaration referred to in sub-rule (2) to the head of their office.

(4) This rule, in so far as it may be construed to relate to loans given to or taken from co-operative societies registered under the Cooperative Societies Act, 1912 (II of 1912), or under any law for the time being in force relating to the registration of Cooperative Societies, by the Government servants, shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

\*[11. Omitted

\*11-A Omitted]

**12. Declaration of property.—** (1) Every Government servant shall, at the time of entering Government service, make a declaration to the Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies and jewellery having a total value of **\*\*[Rs.50,000 (fifty thousand rupees)]** or more belonging to or held by him or a member of his family and such declaration shall,—

- (a) state the district within which the property is situated.
- (b) show separately individual items of jewellery exceeding **\*\*[Rs. 50,000 (fifty thousand rupees)]** in value, and
- (c) give such further information as the Government may, by general or special order, require.

**\*\***(2) Every Government Servant shall submit to the Government, through the usual channel an annual declaration of income, assets and expenses for the financial year, ending on 30<sup>th</sup> June, showing any increase or decrease of property as shown in the declaration under sub-rule(1) or the last annual return, as the case may be.

**\*\*\***(3) Declaration of “Assets Proforma shall be opened in the concerned section each year and entered into the relevant database in the month of December showing any increase or decrease of property as shown in the declaration under sub-rule or, as the case may be, the last annual return.

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\* Omitted *vide* Estt. Div.’s Notification SRO 984(I)/2004, dated 15<sup>th</sup> December, 2004. Related to buying and selling of movable and immovable property and construction of building etc. See Estacode, 2000 pp 465-466.

\*\* Subs. *vide* Estt. Div.’s Notification SRO 846 (1)/85, dated 5.9.1985 for the words Rs. 10,000/- (Ten thousand)

\*\*\* Added by Estt. Division’s Notification No. SRO.225(1)/92, dated 31-03-1992.

**13. Disclosure of assets, immovable, movable and liquid.**— A Government servant shall, as and when he is so required by Government by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties, immovable and movable, including shares, certificates, insurance policies, jewellery \*[and expenses during any period specified by such order in the form specified therein].

**\*\*13-A. Assets to be made public.**—The assets of all those who are paid from the government exchequer shall be made public.

**14. Speculation and investment.**— (1) No Government servant shall speculate in investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Government thereon shall be final.

**15. Promotion and Management of companies, etc.**— No Government servant shall, except with the previous sanction of the Government, take part in the promotion, registration or management of any bank or company:

Provided that a Government servant may, subject to the provisions of any general or special order of the Government, take part in the promotion, registration or management of a Co-operative Society registered under the Cooperative Societies Act, 1912 (II of 1912), or under any similar law.

**16. Private trade, employment or work.**— (1) No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary artistic-character, subject to the conditions that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligations as a Government servant but he shall not undertake or shall discontinue such work if so directed by the Government. A Government

\* Added *vide* Estt. Div.'s Notification No. S.R.O. 225(1)/92, dated 31-3-1992.

\*\* Inserted *vide* Estt. Div.'s Notification No.S.R.O 771(1)/2012 dated 04-06-2012.

servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Government:

Provided further that non-gazetted Government servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise alongwith the declaration of assets.

(2) Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by the Government.

(3) This rule does not apply to sports activities and membership of recreation clubs.

**16-A. Subletting of residential accommodation allotted by Government.—** No Government servant shall, except with the prior permission of the Head of the Department, sublet residential accommodation let to him by Government.

**16-B. Government Servant not to live beyond his means, etc.—** No government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

**17. Insolvency and habitual indebtedness.—** A Government servant shall avoid habitual indebtedness. If a government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits. A government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the Office or Department or to the Secretary of the Ministry, as the case may be, in which he is employed.

**\*17-A. Intimation of involvement and conviction in a criminal case.—** If a Government servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the head of the Office or Department immediately or, if he is arrested and released on bail, soon after such release.

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\* Added *vide* Estt. Div.'s Notification No. S.R.O.757(I)/78, dated 14-6-1978.

**18. Unauthorized communication of official documents or information.—** No Government servant shall, except in accordance with any special or general order of the Government, communicate directly or indirectly any official document or information to a Government servant unauthorized to receive it, or to a non-official person, or to the press.

**19. Approach to members of the Assemblies, etc.—** No Government servant shall, directly or indirectly, approach any Member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

**20. Management etc. of newspapers or periodicals.—** No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

**21. Radio broadcasts or television programmes and communications to the press.—** No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or to amount to contempt of court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

**22. Publication of information and public speeches capable of embarrassing the government.—** No Government servant shall, in any document published, or in any communication made to the press, over his own name, or in any public utterance or television programme or in any radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Government:

Provided that technical staff (both gazetted and non-gazetted) may publish research papers on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of a classified nature.

\*22-A. Where a Government Servant submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction and, if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.

23. **Evidence before committees.**— (1) No Government servant shall give evidence before a public committee except with the previous sanction of the Government.

(2) No Government servant giving such evidence shall criticize the policy or decisions of the \*\*Central or a Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, not to evidence given in judicial inquiries.

24. **Taking part in politics and elections.**— (1) No Government servant shall take part in subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.

(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote: but if he does so, he shall give no indication of the manner in which he propose to vote or has voted.

\*\*\* (4) No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.

(5) A government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.

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\* Added *vide* Estt. Div.'s Notification No.7/2/79-D IV, dated 10-7-1980.

\*\* Federal.

\*\*\* Subs *vide* Estt. Div.'s Notification No.S.R.O.993(I)/76, dated 30-9-1976.

(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.

(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

**25. Propagation of sectarian creeds etc.—** No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

**\*25-A. Government servant not to express views, against ideology of Pakistan.—** No Government servant shall express views detrimental to the ideology or integrity of Pakistan.

**\*\*[25-B. Government servant not to take part in or assist, any public demonstration against Government decisions, etc.—** No Government servant shall take part in, or in any manner assist, any public demonstration directed against a government decision or policy or permit any member of his family dependent on him to do so].

**26. Nepotism, favouritism and victimization, etc.—** No Government servant shall indulge in provincialism, parochialism, favouritism, victimization and willful abuse of office.

**27. Vindication by Government servants of their public acts or character.—** A Government servant may not, without the previous sanction of the Government, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction, the Government will ordinarily bear the cost of the proceedings and in other cases leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Government may reimburse him to the extent of the whole or any part of the cost.

Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

**28. Membership of service associations.—** No Government servant shall be a member, representative or officer of any association representing or purporting to represent, Government servants or any class or Government servants, unless such association satisfies the following conditions, namely:—

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\* Added *vide* Estt. Div.'s Notification No. S.R.O. 432(1)/80, dated 27-4-1980.

\*\* Added *vide* Estt. Div.'s Notification No. S.R.O. 837(1)/83 dated 22-8-1983.



- (a) Membership of the association and its office bearers shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.
- (b) The association shall not be in any way connected with, or affiliated to any association which does not, or any federation of associations which do not satisfy condition (a).
- (c) The association shall not be in any way connected with any political party or organization, or engage in any political activity.
- (d) The association shall not —
  - (i) issue or maintain any periodical publication except in accordance with any general or special order of the Government;
  - (ii) except with the previous sanction of the Government, published any representation on behalf of its members, whether in the press or otherwise.
- (e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Pakistan or elsewhere—
  - (i) pay or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;
  - (ii) by any means support the candidature of any person for such election; or
  - (iii) undertake or assist in the registration of electors, or the selection of a candidate for such election.
- (f) The association shall not—
  - (i) maintain, or contribute towards the maintenance of, any member of a legislative body, or of any member of local authority or body, whether in Pakistan or elsewhere;
  - (ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under section 16 of the Trade Union Act, 1926 (XVI of 1926).

**\*[28-A. Membership of non-political associations.—** No Government servant shall accept membership of any non-political association or organization

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\* Added *vide* Estt. Div.'s Notification S.R.O. No. 1809(K), dated 8-9-1969.

whose aims and objects, nature of activities and membership are not publicly known].

29. **Use of political or other influence.**— No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any Government servant in support of any claim arising in connection with his employment as such.

30. **Approaching foreign Missions and aid-giving agencies.** —No Government servant shall approach, directly or indirectly a foreign mission in Pakistan or any foreign aid-giving agency to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

31. **Delegation of power.**— The Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to the Government and the officers receipt by whom of such reports shall be regarded as receipt of the reports by the Government within the meaning of these rules.

32. **Rules not to be in derogation of any law, etc.**— Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

[*Authority.*- Estt. Div.'s Notification No. S.R.O.405(K)/64, dated 1-5-1964].

#### **4.1 Delegation of Powers to Secretaries to Government under the Government Servants (Conduct) Rules, 1964**

In exercise of the powers conferred by rule 31 of the Government Servants (Conduct) Rules, 1964, the \*Central Government is pleased to delegate to the Secretaries to the Government of Pakistan the powers of the \*Central Government under rules 23 and 27 of the said Rules, in respect of the officers and staff working under their administrative control.

[*Authority.*- Estt. Div.'s Notification No.3/10/65-DII, dated 19-7-1965].

#### **4.2 Delegation of Powers to Secretaries to Government of Pakistan – Heads of Departments**

The \*Central Government has been pleased to delegate to the Secretaries to the Government of Pakistan the powers of the \*Central Government under rule 21 of the Government Servant (Conduct) Rules, 1964, in

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\* Federal.

relation to the Heads of Departments and the government servants under their administrative control, and to the Heads of Departments in respect of the officers and staff working under them.

[*Authority.*- Estt. Div.'s O.M.No.3/10/65-D.II, dated 27-8-1966].

#### **4.3 Interpretation of the term "Government" as Defined in the Government Servants (Conduct) Rules, 1964**

The term "Government" has been defined in rule 3 (a) of the Government Servants (Conduct) Rules, 1964 as the "\*Central Government" and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government. A question has arisen as to whether the term "Central Government" for the purpose of these Rules means the \*Central Government in the Establishment Division or the \*Central Government in each administrative Ministry/Division.

2. The matter has been considered in consultation with the Law Division and it has been held that the term "Government" appearing in the Government Servants (Conduct) Rules, 1964 means the \*Central Government in any Ministry/Division. This means that ordinarily an officer in each administrative Ministry/Division is to be granted permission under any rule of the Government Servants (Conduct) Rules, 1964 from that Ministry/ Division.

3. Ministries/Divisions are therefore advised:-

- (a) to dispose of individual cases under the Government Servants (Conduct) Rules, 1964 in the light of the above interpretation instead of referring such cases to the Estt. Division.
- (b) to consider internal delegation of powers below the rank of Secretaries/Acting Secretaries so that cases may be decided at appropriate level and all cases are not referred to the Secretary of a Ministry/ Division.

4. Cases involving interpretation of the Conduct Rules will, however, continue to be referred to the Establishment Division for advice.

5. Cases of officers belonging to an All-Pakistan Service who are serving, for the time being, in a province, should be decided by the Chief Secretary of the Province concerned. Provincial Governments may also like to consider further delegation of powers so that cases can be decided at appropriate level and every case is not referred to the Chief Secretary.

6. This supersedes all previous orders on the subject.

[*Authority.*- Estt. Div.'s O.M. No.26/1/69-D-IV, dated 17-12-1969].

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\* Federal.

#### **4.4 Administrative Instructions Relevant to Government Servants (Conduct) Rules, 1964 – Procedure for Acceptance of Gifts and their Disposal**

The question relating to the modification of the existing rules regarding acceptance of gifts and their disposal \*(Annex) has been under consideration for some time past with a view to evolving a procedure in respect of:-

- (a) how and by whom the receipt of a gift should be reported to the Cabinet Division;
- (b) ensuring that all gifts are promptly reported and a machinery is created to detect cases of failure to report;
- (c) the evaluation of the gifts; and
- (d) their disposal.

2. The matter has been examined in depth and the government has taken the decisions as under:—

- (i) The responsibility for reporting the receipt of a gift shall continue to devolve on the individual recipient under the normal rules. The following procedure will, however, be adopted to know the details of the gifts presented by a VIP alongwith the names of the recipients so that failure on the part of a particular individual to report the gift can be detected and a reminder issued to him to comply with the rules. The gifts are generally given when foreign dignitaries or delegations come to Pakistan or our VIPs or delegations go abroad. If the Chief of Protocol or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply a list of the gifts together with the names of the recipients to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs. In the case of outgoing delegation or visits abroad of our VIPs, it shall be the responsibility of the Ambassador of Pakistan in the country concerned to report the receipt of the gifts together with the name of the recipient to the Cabinet Division through the Ministry of Foreign Affairs. If on checking the list it is found that an individual has not reported the receipt of a gift appropriate action shall be taken against him.

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\* Annex contains Rules for Acceptance of Gifts (extracts).

- (ii) The evaluation of a gift is a complicated matter. The gifts cannot be evaluated on the basis of the prices prevailing in Pakistan. They shall be evaluated on the basis of the price prevailing in the country of the origin. Due care shall be taken in accepting the price quoted by the individuals concerned. In the case of carpets, crockery, watches, jewellery and cameras, the evaluation cannot be made without inspection. The price of carpets of the same size would be vastly different depending on the quality *etc.* A Committee under the Chairmanship of the Cabinet Secretary and consisting of Secretary (Admn) Ministry of Foreign Affairs and a representative of the Ministry of Finance not lower than the level of Joint Secretary as members to evaluate the prices in the case of articles where there is doubt about the price quoted by the recipient himself has been set up. This Committee shall, in future, evaluate such gifts.
- (iii) Presents of high value and/or of superior quality which are fit for display, shall be properly catalogued and then displayed in show cases placed in the public rooms of the new Foreign Office. Such articles shall have a double entry-one under 'Toshakhana' Register and the other under the Foreign Ministry Register. Similarly, carpets *etc.* or other articles which can be utilized in the office rooms of the President or Prime Minister shall be transferred to the Presidency/ Prime Minister's House and Foreign Office after making necessary double entries. Once a year, preferably in the first week of January, stocks shall be taken of those items and a report submitted to Cabinet Secretary. The Chief of Protocol shall be responsible for this action in the Ministry of Foreign Affairs. Military Secretary to the President and the Military Secretary to the Prime Minister shall take similar action in the Presidency and the Prime Minister's House.
- (iv) Articles which are not fit to be retained or displayed shall be disposed of by periodical sales under the orders of the Committee set up earlier. The Committee will assess and fix minimum price of the article before it is auctioned. If the article bears the crest of the country to which the visiting dignitary belongs, then it would not be proper to sell it by open auction. In such cases offers may be invited from government servants and other restricted groups only.
- (v) The present limits fixed for retaining the gifts by the recipients of all categories are raised to Rs.1000.
- (vi) If a recipient wants to retain gift worth more than the limit mentioned above, he may be allowed to do so on payment of the difference after evaluation of a gift in accordance with sub-para (ii). It shall first be offered for sale to the person who received it from a foreign dignitary.

[Authority.- Cabinet Division's O.M.No.11/3/72-Accounts(I)-TK, dated 27-10-1973].

**(ANNEX)****I. RULES FOR THE ACCEPTANCE OF GIFTS BY THE FEDERAL  
MINISTERS RULE 9 OF THE RULES AND STANDARDS OF CONDUCT  
FOR MEMBERS OF THE PRESIDENT'S COUNCIL OF MINISTERS**

9. (1) A Minister should not receive any gift from his subordinates.

(2) Subject to the above, it is left to the discretion and good sense of the Minister to decide on each occasion whether it is advisable or desirable that he should accept a gift or not.

(3) The gift accepted may be retained by the Minister if its value does not exceed \*Rs.1000:

(4) The gift worth more than \*Rs. 1000 should be reported to the President in the Cabinet Division. If the recipient Minister wants to keep it for himself he may do so provided he pays the difference between the actual price and \*Rs.1000. The Minister may, if he does not wish to retain it, send it to the "Toshakhana".

(5) No gifts except small mementoes like cuff-links and photographs etc, received from foreign dignitary/dignitaries in exchange for gifts carried/presented at government expense, shall be retained by the Minister. All such gifts shall be deposited in the 'Toshakhana'. If a Minister wishes to retain some or all of the gifts he shall pay the price of the gifts in question as determined by the 'Toshakhana' Evaluation Committee'.

(6) This rule will also apply to the wife and dependents of a Minister.

**II. RULES FOR THE ACCEPTANCE OF GIFTS BY  
THE GOVERNMENT SERVANTS****Extracts from the Government Servants (Conduct) Rules, 1964**

5. Gifts.— (1) Save as otherwise provided in this rule, no government servant shall, except with the previous sanction of the Government accept or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to the Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of the Government thereon shall be final.

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\* Revised Rules of 'Toshakhana' Receipt and Disposal of Gifts communicated *vide* Cabinet Division U.O.No.9/16/99-TK, dated 11-9-1999 & Procedure for Acceptance and Disposal of Gifts *vide* Cabinet Div.'s O.M. No. 9/8/2004-TK, dated 25-06-2007.

(3) If any gift is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Cabinet Division for orders as to its disposal.

\*[(4) Government servants are prohibited from receiving gift of any kind for their person or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the 'Toshakhana'].

#### **4.5 Procedure for Acceptance and Disposal of Gifts**

In supersession of Cabinet Division's O.M.No.9/8/2004-TK, dated 25<sup>th</sup> June, 2007 and all other instructions issued on the subject from time to time, the Government of Pakistan has made the following procedure for acceptance and disposal of gifts received by Government/Public functionaries.

- (1) The responsibility for reporting the receipt of the gifts shall give to on the individual recipient. All gifts received by the Government/Public functionaries irrespective of their prices, must be reported and deposited immediately in 'Toshakhana' of the Cabinet Division, Government of Pakistan. If it is found, on checking, that an individual has not reported the receipt of a gift, appropriate action will be taken against him under the relevant rules.
- (2) If the Chief of Protocol, Ministry of Foreign Affairs, or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply the list of the gifts received, together with the names of the recipients, to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol or his representative is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division. In the case of outgoing delegations or visits abroad of our dignitaries, it shall be the responsibility of the Ambassador of Pakistan and/or Head of the Pakistan mission in the country concerned to report the receipt of the gifts, together with the name of the recipients, to the Cabinet Division through the Ministry of Foreign Affairs.
- (3) Government/Public functionaries, except those in BPS-1 to BPS- 4, are prohibited from receiving cash awards offered by the visiting

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\* Subs. *vide* Estt. Div.'s Notification No. S.R.O. 807(1)/79, dated 12-9-1979.

foreign dignitaries. Such gifts may be politely refused. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount shall be immediately deposited in the government treasury and copy of Treasury Challan shall be provided to the 'Toshakhana' Incharge, Cabinet Division.

- (4) Government/Public functionaries, except the President and the Head of the Government, are prohibited from receiving gifts of any kind for their person or for members of their families from diplomats, consular and other foreign government representatives who are stationed in Pakistan or from any public organization or private individual and firm within the country. However, if due to very exceptional reasons, the gift cannot be declined, it shall invariably be deposited in the 'Toshakhana'. These instructions do not apply to gifts and donations made to institutions.
- (5) (i) Cabinet Division will get the value of the gifts assessed from government sector experts in CBR\*, Taxila Museum, National Council of the Arts, depending upon the nature of the gifts. Cabinet Division will also get the value of gifts assessed by the private appraisers borne on its approved panel.
- (ii) If the difference in value of gifts assessed by two categories of appraisers is less than 25% the high value will be accepted. However, if the difference in value is 25% or more, a Committee to be constituted by the Cabinet Secretary shall decide the final value.
- (iii) Private Appraisers borne on the approved panel of the Cabinet Division and the nominee of the All Pakistan Jewellery and Gem Stones Association will be paid 2% of the evaluation cost of each gift or Rs.2000/-, whichever is less.
- (6) The monetary limits upto which the gifts can be retained by the recipients are as follows:
- (i) Gifts upto a value of Rs. 10,000/-(Rupees ten thousand only) may be retained free of cost by the recipient subject to the provision of these rules.
- (ii) Gifts valued above Rs. 10,000/- may be allowed to be retained by the recipient on payment of 20% of the value exceeding the basic exemption of Rs.10,000/-.
- (iii) Gifts valued at Rs.1.0 Million or more shall not be retained by the recipient, except the President and the Head of the

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\* FBR.



Government. However the recipient of gift comprising distinct articles but gifted in a single transaction having collective value of Rs. 1.0 Million or more shall have an option to retain any article(s) upto the collective value of less than Rs. 1.0 Million only subject to the condition that part of an article will not be allowed to be taken. This exemption shall however not be available in case of antiques and gifts of intrinsic historical value.

- (iv) Different gift articles given by a single dignitary to a functionary at one occasion will be treated as single gift for the purpose of valuation.
  - (v) The maximum monetary limit to be allowed for retention of gifts in one calendar year for any functionary other than the President or the Prime Minister should not exceed Rupees 2.5 Million. However, the gifts having value in excess of the limit of Rupees 2.5 Million can be retained by the recipient on payment of 65% of the assessed value of the gifts.
  - (vi) The recipient should collect the gifts after payment of retention price within four months failing which it will become the property of the 'Toshakhana' and will be disposed of as per 'Toshakhana' Rules.
- (7) The Head of Account of 'Toshakhana' in which the amounts are to be deposited is "1300000-Others (NES) Misc. Receipt of Darbar Presents (Central)", Retention Cost of the gift should be deposited within four months failing which the recipient will lose the right to have it.
  - (8) Gifts deposited in the 'Toshakhana' which are fit for display, shall be properly catalogued and then displayed in the public rooms of the Foreign Office/Cabinet Division and in the residences of the Head of the State and the Head of the Government. Such articles shall be properly entered in the 'Toshakhana' register and in the stock registers of the respective offices.
  - (9) An annual physical verification shall be carried out in respect of such articles by an authorized officer of the Cabinet Division in the first quarter of each calendar year.
  - (10) Gifts which are not fit to be retained or displayed shall be disposed of by periodical sales to be arranged by the Cabinet Division, Government of Pakistan. These sales shall be held once or twice a year. The list of gifts to be sold shall be circulated to all Federal Government officers and officers of the armed forces. The articles

not purchased in two consecutive auctions by the government servants should be disposed of to the public through sealed bids.

- (11) Antique items and vehicles shall not be allowed to be purchased by the recipients. Antiques shall be placed in the museums or displayed in official building owned by the government. Vehicles shall be given to the Central Pool of Cars of the Cabinet Division.
- (12) Gifts, other than those in the nature of antiques or of intrinsic historical value, given to but not retained by the President, the Head of the Government and the Governors, will be sold in accordance with sub-para (10) above. The gifts in the nature of antiques or of intrinsic historical value shall be put on display in accordance with sub-para (8) above.
- (13) The procedure shall apply to the President/Head of the Government and their family members, Chairman Senate, Speaker National Assembly, Chief Justice of the Supreme Court, Governors of the Provinces, Members of the Federal Cabinet, Attorney General for Pakistan, Ministers of State, Deputy Chairman, Senate, Deputy Speaker, National Assembly, dignitaries holding ministerial status, Members of Provincial Cabinets, Judges of Supreme Court, Chief Justice/Judges of the High Courts, Parliamentarians and other elected representatives, all government servants (civil and military) as well as employees of the government controlled corporations, autonomous and semi-autonomous bodies and their spouse/dependents, members of the Provincial Governments, other members of public visiting abroad as members of official delegation.

[Authority: Cabinet Div.'s O.M. No. 9/8/2004-TK, dated 25<sup>th</sup> October, 2011.]

#### **4.6 Rules for the Receipts and Disposal of Gifts by Government Servants, Employees of Government Controlled Corporations, Autonomous and Semi-Autonomous Bodies and Nationalized Institutions**

Receipt and Disposal of Gifts:- Monetary limit fixed for retention of gifts by the recipients are as under:—

- (a) Gifts valued upto Rs.1,000/- are allowed to be retained by the recipients free of cost.
- (b) Gifts valued between Rs.1,000/- and Rs.5,000/- may be retained by the recipients if he is willing to pay 25% of the valued of the gift after deducting Rs.1,000/- from its assessed value.

(c) Gifts of the value beyond Rs.5,000/- may be allowed to be retained by the recipient if he is willing to pay 25% of the value between Rs.1000/- and Rs. 5,000/- and 15% of the valued above Rs.5,000/- recipient.

(2) The Head of Account\* of 'Toshakhana' in which the amounts are to be deposited is:-

"C Non-Tax Revenue

C03 Miscellaneous Receipts

C038 Others

C03843 Sale Proceeds of Durbar and Other presents

(3) The government officials except those in BPS-1 to 4 are prohibited from receiving cash awards from visiting foreign dignitaries. In case it is not possible for the officials to refuse the acceptance of offer without causing offence to the visiting dignitary, the amount so received should be deposited in the treasury.

(4) The responsibility for reporting the receipt of the gifts shall devolve on the individual recipients. However, if the Chief of Protocol or his representative is attached to a visiting dignitary or a delegation, it is his responsibility to supply the details of the gifts and the names of the recipients to the Cabinet Division for further necessary action. In case of a dignitary or a delegation with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit is responsible to furnish such details.

(5) The government servants are prohibited from receiving gifts of any kind for their persons or for members of their families from diplomats, consular and other foreign government representatives or their employees, stationed in Pakistan. If, however, due to very exceptional reasons, the gifts cannot be returned, these should be deposited in the 'Toshakhana'. These instructions, however, would not apply to gifts/ donations made to institutions.

(6) Government Servants (Conduct) Rules, 1964 are also applicable in case of acceptance of gifts by the government servants. All gifts received by a government servant, irrespective of their price, must be reported to the Cabinet Division. Acceptance of gifts by the government servants from the private firms/individuals is strictly forbidden.

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\* For details, see Chart of Accounts (CoA), PIFRA (Project to Improve Financial Reporting and Auditing), Auditor General of Pakistan (AGP), July 4, 2005 (corrected upto 31.8.2008) (Object Element C=Non-Tax Revenue No. XII.

(7) These rules also apply to the employees of the government controlled corporations, autonomous and semi-autonomous bodies and all nationalized institutions.

[*Authority.*- Communicated vide Cabinet Division's U.O. Note No.9/16/99-TK, dated 11-9-1999].

## **Sl. No. 5**

### **Receipt of Gifts – Toshakhana Rules**

It has been observed that despite instructions issued from time to time, the policy laid down in many cases is not being followed in respect of gifts received by government functionaries. The relevant extract from 'Toshakhana' rules are once again circulated for compliance by all concerned.

2. The responsibility for reporting receipt of gifts rests with the individual recipient. All gifts received irrespective of their value must be reported to the 'Toshakhana' in the Cabinet Division, Government of Pakistan. Government officials are also barred from receiving gifts of any kind from the diplomatic, Consular and other foreign government representatives in Pakistan or commercial concerns.

3. Cases have come to notice of the Cabinet Division where some recipients did not intimate the receipt of the gifts on their own or they did so very late. It has also been observed that some government functionaries have been accepting gifts from private firms/parties in contravention of the existing instructions.

4. All Ministries/Divisions are, therefore, once again requested to advise officials working under their control to strictly observe the rules on the subject. These rules also apply to the Federal Ministers, Ministers of State, Advisers, Governors, Chief Ministers and Provincial Ministers.

[*Authority.*- Cabinet Division's O.M. No. 9/9/91-TK dated 21-11-1991]

#### **5.1 Presentation of Gifts by the Government and Semi-Government Corporations**

It has been observed that certain government and semi-government corporations are sending gifts like ties to the Ministers and to senior officials. It is requested that necessary instructions may please be issued to all the autonomous and semi-autonomous bodies under your administrative control to discontinue this practice forthwith.

[*Authority.*- Cabinet Division's D.O. letter No.102/5/74-Min, dated 31-1-1974].

## **5.2 Bar Against Demanding Dowry and Acceptance of Gifts on Occasions of Marriages**

Attention is invited to rule 5(1) of the Government Servants (Conduct) Rules, 1964, according to which no government servant shall, except with the previous sanction of the government, accept or permit any member of his family to accept from any person any gift the receipt of which may place him under any form of official obligation to the donor. It has been found that this rule is not being observed by government servants and a number of cases have recently come to notice in which government servants have accepted, particularly on occasions of marriage, expensive gifts from persons with whom they have or are likely to have official dealings. It has also been observed that government officials demand expensive dowries at the time of marriage and even display such dowries and gifts before large gatherings. The Committee on the Eradication of Social Evils has deplored the practice of demanding and displaying dowries and gifts on occasions of marriage as it encourages lavish expenditure and ostentatious living.

2. In view of the increasing tendency to demand and display dowries and to accept expensive gifts, government have decided that rule 5 (1) of the Government Servants (Conduct) Rules, 1964 should be enforced more rigorously and government servants should be directed to avoid lavish expenditure on marriage and other ceremonies and to desist from demanding or displaying dowries or accepting gifts from persons other than those who are closely related to them.

[Authority.- Estt. Div.'s O.M. No. 3/8/67-D.II, dated 27-6-1967].

## **5.3 Bar Against Acceptance of Gratification by \*Grade 1-3 Employees on Occasions of Eid etc. from Public**

Allegations have come to the notice of government that on occasions of Eid and other national festivals, \*Grade 1-3 employees of certain government departments like the Post Offices, \*\*Telegraphs, Income Tax, Customs Departments etc., pester people for money and other gratifications. Government view such malpractices with extreme displeasure and wish to re-emphasize the necessity of stopping forthwith such practices, wherever they exist and in whatever form or shape.

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\* BPS.

\*\* Telephone & Telegraph Department (T&T Deptt.) converted into Pakistan Telecommunication Corporation and later privatized as Pakistan Telecommunication Company Ltd. (PTCL). However, National Telecommunication Corporation. caters to the telecommunication needs of the government. The posts of Telephone Operators continue to exist in government organizations.

2. In this connection, attention of the Ministries/Divisions is invited to clause (1) of rule 5 of the Government Servants Conduct Rules, 1964 which provides, *inter alia*, that a government servant shall not, except with the previous sanction of the government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. \* [If, however, due to very exceptional reasons, a gift cannot be refused, the same may, under intimation to the Cabinet Division, be kept for official use in the department or organisation in which he is working].

3. It is requested that all the Ministries/Divisions may kindly bring the above instructions home to all the \*\*Grade 1-3 employees under their control including those employed in the Departments, etc., under them, and take effective steps to eradicate such evil practices.

[Authority.- Estt. Div.'s O.M. No. 4/11/62-D.II, dated 14-4-1962].

#### **5.4 Acceptance of Foreign Trips Sponsored by Commercial Firms**

It has come to the notice of the government that government servants accept offers of foreign trips through the generosity of parties who have commercial dealings with government departments or autonomous bodies. Besides being unbecoming of a government servant, acceptance of such offers tends to place him under official obligation to the party concerned which is not conducive to good administration. It has, therefore, been decided that government servants should attempt to avoid acceptance of offers of such trips. If in any case it is not considered desirable to refuse such an offer in public interest prior permission of the Establishment Division and the Ministry of Finance should invariably be obtained for its acceptance.

2. Ministries/Divisions are requested kindly to bring this to the notice of all concerned.

[Authority.- Estt. Div.'s O.M. No 3/8/66-D.II, dated 13-8-1966].

#### **5.5 Acceptance of Foreign Awards by Government Servants**

It is noted with regret that contrary to the laid down instructions, there have been several instances where government servants have accepted title, honour or decoration from foreign states. Invariably the excuse for having accepted awards by government servants in ignorance of the rules.

2. The competent authority has taken serious notice of this tendency and has been pleased to direct that all Ministries/ Divisions/Departments may be

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\* Amended according to rule 5(1) of the Government Servants Conduct Rules, 1964.

\*\* BPS.

asked to disseminate the rule position to government servants for strict compliance. The Ministries/Divisions are requested to please bring the rule position as defined in Section 6 of the Government Servants (Conduct) Rules, 1964 and Article 259 (1)\* of the Constitution of Pakistan, to the notice of all employees working under them and also to the employees of autonomous statutory bodies under their administrative control.

[Authority.- Estt. Div.'s O.M. No. 6/10/88-D-3, dated 3-10-1988].

### **5.6 Holding of Farewell Parties on the Occasion of Transfers of Government Servants in their Honour**

Attention is invited to \*\*rule 3 of the Government Servants (Conduct) Rules according to which a government servant shall not, without the previous sanction of the local government, receive any complimentary or valedictory address, or take part in the presentation of a complimentary or valedictory address or attend a public meeting, or entertainment held in the honour of such other government servant or to any person. Under sub-rule 2(c) of the same rule, no government servant shall solicit any subscriptions in aid of a fund raised for non-official purposes. Instructions in amplification of this rule issued in the Establishment Division O. M. No. 4/39/61-EVI, dated the 26th July 1961 enjoin that subscriptions which tend to glorify a particular government official should be discouraged. In view of this, the conduct of government servants who encourage non-officials to give big farewell parties on the occasion of their transfers, or who take interest in promoting a large number of pointless functions and inauguration ceremonies would attract the provisions of rule 3 of the Government Servants Conduct Rules.

2. It is, therefore, requested that the Ministries/ Divisions/ Provincial Governments may kindly bring the above rule and instructions to the notice of all government servants and put a stop to this tendency among them. It may also be emphasized that breach of this rule will make them liable to be proceeded against under the Government Servants (Efficiency and Discipline) Rules, 1973 .

[Authority.- Estt. Div.'s Letter No. 4/4/63-D.II, dated 15-3-1963].

### **Sl. No. 6**

#### **Prohibition to be Chief Guests**

In rule 7 (I) of the Government Servants (Conduct) Rules, 1964 it has been laid down that no government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main object is to praise him.

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\* Article 259(1) of the Constitution of Pakistan, 1973 reads. " No citizen shall accept any title, honour or decoration from any foreign State except with the approval of the Federal Government".

\*\* Rules 7 and 9 of the Government Servants (Conduct) Rules, 1964.

2. A question has been raised whether cases of government servants who are invited as chief guests would come within the mischief of this rule.

3. The main object of this rule is to discourage government servants from accepting invitation to parties where they will be chief guests. In cases where acceptance of such invitations are considered to be unavoidable, the official concerned should take permission from the next higher authority. When the government servant concerned is the Head of the Department or Secretary to the Government, he will obtain permission through the Secretary of the Ministry concerned or the Establishment Secretary as the case may be.

[*Authority.*- Estt. Div.'s O.M. No. 3/8/68-D.VII (DIV), dated 27-9-1969].

### **6.1 Raising of Subscriptions for Functions, etc.**

Enquiries are frequently received from various Ministries/Divisions on the point whether government servants may participate in the raising of funds for functions such as receptions, etc. The matter has been considered and the government have decided that, whenever officials undertake to collect subscriptions for cultural and other non-official purposes, the permission of the next higher authority must invariably be taken. This would not apply naturally to the Basic Democracies\*.

2. A question has, however, arisen as to what criteria should be fixed for the guidance of the next higher authority in considering cases for such permission. The point is still under consideration and the decision on this point, when arrived at, will be communicated in due course. In the meanwhile, the next higher authorities should naturally exercise their discretion in this regard keeping in view the basic objectives of the order which is meant to put a check on indiscriminate raising of subscriptions for purposes which are not necessary from the point of view of the community as a whole. Any subscriptions which tend to glorify a particular government official should be specifically discouraged.

[*Authority.*- Estt. Div.'s O.M. No.4/63/59-E.VI, dated 5-11-1960 and O.M. No. 4/39/61-EVI, dated 26-7-1961].

### **6.2 Raising of Subscription for Funds – Regulatory Criteria**

In continuation of the Establishment Division Office Memorandum No. 4/39/61-E.VI, dated the 26th of July, 1961, the following further criteria have been laid down by government to regulate the raising of funds by government servants:

- (i) The 'next higher authority' for the purposes of permission should be the next higher officer of the government servant concerned, but

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\* Implies the present local government system.



where the next higher officer is below the rank of a Head of Department, the permission of the Head of the Department concerned should be obtained through the next higher officer;

- (ii) No coercion or pressure should be used in the raising of funds-the basis of the campaign should be kept purely voluntary and every precaution should be taken to keep this unconnected with official matters;
- (iii) The Police and Income Tax authorities should be prohibited from taking part in any collection of funds;
- (iv) Collection of funds should take place outside office hours and it should not interfere with or hamper in the performance of the official duties of the government servants concerned;
- (v) The authority permitting the raising of funds should satisfy itself that these are utilized for the purposes for which these have been collected;
- (vi) Funds should be collected to the extent it is necessary and care should be taken to see that the public are not unnecessarily burdened;
- (vii) Foreign establishments and firms should not be individually approached but if in response to a general appeal for funds, they voluntarily contribute, this should be accepted; and
- (viii) All subscriptions should be duly receipted, accounted for and the accounts submitted to the higher officer for scrutiny.

[Authority.- Estt. Div.'s O.M. No. 4/39/61-D.II, dated 28-4-1962].

### **Sl. No. 7**

#### **Declaration of Property Held and Acquired by Government Servants**

In supersession of the Establishment Division's O.M No. F.4/10/48-SEII, dated the 17<sup>th</sup> August, 1950, it is stated that under rule 12 of the Government Servants (Conduct) Rules, 1964, every government servant or candidate for government service, is required to make to the government a declaration of all immovable property which may, from time to time, be held or acquired by him or by any of the members of his family as defined in rule 3(1) (c) *ibid.* Ministries/Divisions are accordingly requested to call upon all government servants under their administrative control to make a fresh declaration in respect of the immovable property held by them, in the case of optees on the 15th August, 1947, and in the case of others, from the date they entered government service. The additions made to their holdings of immovable property so declared subsequently should be notified *vide* paragraph 2 of the attached form (Omitted).

2. The declaration should accompany a statement from every government servant which should indicate clearly and in details the resources with which such acquisitions have been made.

3. The declarations should be submitted by an officer belonging to a regularly constituted service to the Division under whom he is employed and the division concerned should furnish a copy thereof to the Division administratively concerned with the service to which the officer belongs e.g. in the case of officers of the CSP\*, GAR CSS etc. the declaration should be submitted to the Division under which the officer is serving and copies of the returns should be furnished to the Establishment Division, etc. In all other cases, the declarations should be maintained by the heads of departments concerned.

4. Ministries/Divisions are requested to bring these instructions to the notice of all government servants working under them and to make sure that the revised declaration are made by them as soon as possible. A certificate to the effect that the declaration have been obtained from all officers members of the staff under their control may then be furnished to this division.

5. Government servants should be warned that they render themselves liable to disciplinary measures if they ignore these instructions or do not submit complete information about their assets of immovable property.

[Authority: OM No. 3/17/67-D.II, dated 28<sup>th</sup> September, 1967].

### **7.1 Grant of Permission for Acquisition of Property (Movable and Immovable) by Government Servants**

Clarifications to rule 11 of the Conduct Rules, 1964.— The following clarifications are issued for guidance of the Ministries/Divisions in partial modification of the instructions contained in Establishment Division O.M. No. 3/17/67-D.II, dated the 28th September, 1967 and with reference to the amendments made in the Government Servants (Conduct) Rules, 1964 vide S.R.O. No. 211 (R)/68:-

- (a) for purchase of land from Co-operative Housing Society or Government Housing Scheme no permission of the Government is necessary, but for construction of house on the same plot, permission of Government will be required under rule 11-A\*\* of the Government Servants (Conduct) Rules, 1964.

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\* CSP (Civil Service of Pakistan)/PAS; GAR (General Administrative Reserve) no longer relevant. For background details see Establishment Manual, Vol. II (1947-1963) E & O&M Wing President's Secretariat, Government of Pakistan pp 41-65. CSS (Central Secretariat Service) implies OMG.

\*\* Rule 11-A, omitted vide Estt. Div.'s Notification SRO 984(1)/2004, dated 15-12-2004.

- (b) for purchase of bonds, shares or securities from the approved security market, a semi-government institution or through public offer by a company prior permission is not necessary. Permission will, however, be necessary if the purchase is made from sources other than these mentioned above; and
- (c) If the wife of a government servant finances construction of a house from her independent sources of income, permission of the government will not be required. But if financial arrangements are being made by the government servant either from his own savings or from loan taken by him prior permission should be obtained even if the house to be constructed is in the name of the wife or any dependent member of the government servant.

[Authority.- Estt. Div.'s O.M.No. 3/17/67-D.VII,(D-IV), dated 6-8-1969].

### **7.2 Prescribed Form for Permission Regarding Acquisition/ Disposal/ Construction of Immovable Property**

Requests from officers/officials for permission in regard to acquisition/ disposal/construction of immovable property should be decided by the Ministries/Divisions concerned after obtaining the necessary information on the prescribed form (Annex).

[Authority.- Estt. Div.'s O.M. No. 3/47/70-D.IV, dated 10-12-1970].

### **7.3 Revision of Proforma for Permission Regarding Acquisition/ Disposal/ Construction of Movable/ Immovable Property**

The proforma for obtaining information from officers/officials for permission in regard to acquisition/ disposal/construction of movable/immovable property has been revised in order to make it elaborate. Requests from the officers/officials for permission in this regard may henceforth be decided by the Ministries/Divisions concerned after obtaining the necessary information in the revised proforma, a copy of which is enclosed (Annex).

2. As regards the officers belonging to the \*groups controlled by the Establishment Division, namely \*\*APUG and OMG, information as in the proforma may be obtained from the officers concerned and forwarded to this Division for necessary action alongwith their applications, (Annex).

[Authority.- Estt. Div.'s O.M. No.3/47/70-D.IV, dated 29-8-1978].

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\* Add "and Service".

\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

(Annex)  
(Sl.No.7.3)

**PARTICULARS OF THE MOVABLE/IMMOVABLE PROPERTY PROPOSED TO BE BOUGHT/SOLD**

Description of property proposed to be bought, sold or constructed	Value of the property	Amount for which the property is to be purchased/ sold or constructed	Sources and funds from which the property is to be purchased or constructed	Whether permission was obtained from government for purchase, sale or construction of property	Detailed particulars of the purchaser/ seller i.e., Name, Address, Profession and Relationship with the government servant, if any	Whether the government servant had any dealing with the purchaser or seller during his service under government	Particulars of the existing movable/ immovable property and value thereof owned by the government servant and his family
1	3	3	4	5	6	7	8

Family: - Includes the wife and children dependent on the government servant.

Signature \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Ministry/Division \_\_\_\_\_  
 Dated \_\_\_\_\_

#### **7.4 Acquisition of Immovable Property by Government Servants Posted/ Employed In Pakistan Missions Abroad**

The question of acquisition of assets in the form of immovable property by Pakistanis residing abroad has been under consideration of the government for sometime past, Pakistani nationals residing abroad fall into the following broad categories:-

- (a) Pakistani nationals who have more or less settled down abroad. Such persons may be employed there or may be carrying on some independent business or profession;
- (b) Government servants who are Pakistani nationals employed in our Embassies/Missions abroad;
- (c) Pakistani nationals employed in branches or subsidiaries abroad of Pakistani companies/firms.

2. There is no objection to Pakistani nationals who have settled down abroad acquiring immovable property or foreign shares and securities by resorting to bank borrowings from their own resources provided no exchange liability is created for remittance from Pakistan at any stage. If and when such persons return to Pakistan, they will have to transfer the income and the sales-proceeds of such properties to Pakistan as required in terms of the provisions of the Foreign Exchange Regulation Act, 1947\*. There would also be no objection if the branches of Pakistani banks operating abroad give loans and advances to Pakistani settlers abroad for the purpose of acquiring properties abroad provided these advances and interest thereon are recovered entirely in foreign exchange and no exchange liability is created for remittance from Pakistan as stated above.

3. As regards government servants who are Pakistani nationals employed in the Embassies/Missions abroad or other government servants posted on duty or training abroad, they should be discouraged from acquiring properties or foreign shares and securities abroad. The remuneration which such persons receive is intended to cover their living and other incidental expenses. If an official can manage to save funds out of his remuneration, such savings should be remitted to Pakistan rather than used for acquiring properties and foreign shares and securities abroad.

4. Some Pakistani banks, companies and firms have been permitted to establish branch offices or subsidiaries abroad. In some cases, Pakistani nationals have been employed in such branch offices or subsidiaries abroad.

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\*Also refer to State Bank of Pakistan-Foreign Exchange Manual Eighth Edition 2002 (Corrected upto 31<sup>st</sup> January, 2002 Vol. I & II).

They should also, like government servants, transfer their savings, if any, to Pakistan instead of acquiring assets abroad.

5. The above is being circulated to Pakistan Embassies/High Commissions/Consulates, etc. to enable them to extend correct guidance to Pakistani nationals who may approach them in this behalf.

6. These instructions are also being sent to the various Ministries and Departments of the government and semi-government institutions to bring the same to the notice of their officers who are or may be posted abroad.

[*Authority*.- Finance Division's O.M.No.1(14)-EF/EXP/62, dated 19-8-1963].

### **7.5 Declaration of Assets Held and Acquired by Government Servants and Corporation Employees**

Instructions regarding Declaration of Property and Assets have been issued from time to time, but unfortunately these have been either insufficiently understood or dealt with in routine. As a result, the compliance of these instructions by the Ministries/ Divisions/Departments etc. and by the officials themselves has remained sporadic. The President has also taken notice of this unsatisfactory state of affairs.

2. The instructions on the filing of Declaration of Assets have been revised and consolidated for strict compliance by all concerned, as follows:-

- (I) The Declaration of Assets are to be submitted by—
  - (a) all government servants of all grades\*,
  - (b) all re-employed government servants,
  - (c) all persons employed on contract,
  - (d) provincial civil servants and corporation employees serving on deputation in the Federal Government,
  - (e) all officers and employees of corporations/ autonomous bodies set up and/or controlled by the Federal Government.
  - (f) commissioned and non-commissioned officers of the armed forces serving on secondment in civil posts and in corporations/autonomous bodies.
- (II) (a) The Declaration of Assets should be submitted by all concerned on first appointment and thereafter annually on 31st December each year, on the attached proforma which should be filled in and signed by the Declarant himself.

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\* BPS.

- (b) The revised proforma for declaration of assets provides for affixing of photographs of all officers of \*Grade-17 and above on the first submission of declaration of assets under these instructions.
- (III) The Declarations are to be made in respect of Property and Assets held in the name of government servant himself and members of his family as defined in rule 3(1) (c) of the Government Servants (Conduct) Rules, 1964 reproduced below:-
- "Member of a government servant's family" includes—
- (i) his wife, child or step-child, whether residing with the government servant or not; and
  - (ii) any other relative of the Government Servant or his wife, when residing with and wholly dependent upon the government servant, but does not include a wife legally separated from the government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the government servant has been deprived by law".
- (IV) The Declaration should include the description/ details of immovable property such as land, houses required, built, or under construction including the property which is under mortgage or which is otherwise encumbered and movable property such as motor vehicles, investment or ownership (part or otherwise) of business enterprises, stocks, shares, securities, certificates, prize bonds, insurance policies and jewellery having a total value of Rs. \*\*[50,000] or more, in terms of rule 12 of the Government Servants (Conduct) Rules, 1964.
- (V) (a) It will be the responsibility of Ministries/ Divisions/ Departments/Corporations/Autonomous Bodies to obtain the declaration of assets in respect of persons serving under them. Failure to file the declarations on the prescribed date or within fifteen days thereof construed as misconduct and the defaulters will be liable to disciplinary action under the rules. Action against the defaulting persons will be taken by the respective Ministries / Divisions / Departments / Organizations etc. under whom the official is serving for the time being in accordance with the relevant disciplinary rules.

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\* BPS.

\*\* Revised vide Estt. Div.'s Notification No.S.R.O. 846(I)/85 dated 5-9-1985 from Rs. 10,000 (Ten Thousand).

- (b) A certificate to the effect that such declarations have been obtained from all officials should be forwarded to the Establishment Division by all Ministries/Divisions/Departments by 1st March of each year.
- (VI) (a) The Declaration of Assets should be maintained and handled in the same manner as the confidential reports. These should be kept on separate files for each individual official and maintained as companion files of the C.R. dossiers of the officials concerned. The declaration of assets of the officials whose C.R. dossiers are not required to be maintained under the relevant instructions, should be kept in the above manner as companion files to their service books.
- (b) The Ministry/Division/ Department/ Corporation or Autonomous Body which maintains the original C.R. dossier/ Service Books of the officers/staff will be responsible for custody and maintenance of the files of Declaration of Assets in the prescribed manner.
  - (c) For this purpose, the Declarations should be forwarded, alongwith lists to the respective Secretaries of the Ministries/ Divisions/Heads of Attached Departments/ Corporations/ Autonomous Bodies who are responsible for the maintenance of the C.R. dossiers of the concerned officials by 1st March of each year.
- (VII) Under a directive of the President, the Secretaries of the Ministries/Divisions and Heads of Departments etc. are to be held responsible for any case of corruption in the Ministry/Department etc. under them. In cases where the Secretary has reasons to believe that the assets have not been correctly reported, or are in excess of known means of income, may order an investigation through an internal inquiry or by FIA, to be followed by proceedings under disciplinary rules in the event of such charges having been, *prima facie*, established.
3. The various instructions issued from time to time, regarding filing of Declaration of Assets are deemed to have been modified to the extent stated above.
4. The Ministries/Divisions may please bring these instructions to the notice of the officials serving under them and the Attached Departments/ Subordinate Offices and Heads of Corporations/Autonomous Bodies for compliance.

[Authority.- Estt. Secretary's D.O.letter No.2/2/81.D.A/D.I, dated 19-9-1982].



**(ANNEX)**

S-121

(Revised)

(Loose)

Declaration of Assets for the  
year ending on 31st December, 20  
/on \_\_\_\_\_  
(initial appointment)

<p><b>PHOTOGRAPH</b> (To be affixed by officers in BPS 17 &amp; above only on the first declaration under the revised instruction).</p>
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1. Name and Designation \_\_\_\_\_  
with BPS \_\_\_\_\_
2. Occupational Group/Service \_\_\_\_\_ (if any).
3. Name of Organization where \_\_\_\_\_ serving.

**DECLARATION**

I \_\_\_\_\_ S/o \_\_\_\_\_  
hereby declare that the Assets, immovable and movable, described in the  
proforma overleaf duly signed, are held by me and members of my family, [  
'family' as defined in Rule 3(1) (c) of the Government Servants (Conduct) Rules,  
1964] on 31st December, 20 /on \_\_\_\_\_

\_\_\_\_\_  
(the date of initial appointment).

Signature \_\_\_\_\_  
Designation \_\_\_\_\_

**Rules 3(1) (c) of Government Servants (Conduct) Rules, 1964.**

"Member of a government servant's family" includes:-

- (i) his wife, child or step-child, whether residing with the Government servant or not; and
- (ii) any other relative of the government servant or his wife, when residing with and wholly dependent upon the government servant, but does not include a wife legally separated from the government servant, or a child or step-child who is no longer in any way dependent upon him or of whose custody the government servant has been deprived by law."

Reference to a wife shall be construed as reference to a husband where the government servant is a woman.

## 7.6 Observance of Obligations for Submission of Declaration of Assets

In continuation of Establishment Division's D.O. letter of even number dated the 19th September, 1982, it is requested that while submitting the declaration of assets the following obligations should be observed:-

- (i) The Declaration of Assets should be submitted by all concerned on first appointment, and thereafter annually on 31st December each year on calendar year basis.
- (ii) The officers of \*Grade 17 and above will affix their photographs with the Declaration of Assets to be submitted by 31st December each year.
- (iii) The declaration of assets belonging to officers of \*\*APUG/OMG only will be forwarded to the Establishment Division by all Ministries/ Divisions.
- (iv) A certificate to the effect that such declarations have been obtained from all officials should be forwarded to the Establishment Division by all the Ministries/Divisions by 1st of March each year. The controlling Ministries/Divisions will submit a consolidated certificate in respect of Departments etc. controlled by them.
- (v) It will be the responsibility of Ministries/ Divisions/ Departments/ Corporations/ Autonomous Bodies to obtain the declaration of assets in respect of persons serving under them, and take disciplinary actions against the defaulting officers/ officials who do not submit each declarations by the prescribed date or within fifteen days thereof.

[Authority.- Estt. Div.'s Circular No. 2/2/81-DA, dated 11-10-1982].

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\* BPS.

\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

For the year ending 31st December, 20....

S-121(Revised) (Loose)

**PROFORMA**  
(See Sl. No. 7.6)

I,.....S/D/o..... Employed in .....hereby declare that no immovable and movable property, *i.e.* bonds, shares, certificates, securities, insurance policies and jewellery having a total value of Rs \*[50,000]or more is held by me and members of my family, except as stated below:-

Name	In whose name held	Province & District in which the property is situated	Nature of property and extent of interest held	Approximate value of property	How acquired whether by purchase, gift or by inheritance	Remarks
1	2	3	4	5	6	7

1. For the period of.....  
20 .....
2. Accretions/decrements made  
during .....  
20 .....

Members of family.- As defined in Rule 3(1) (c) of Government Servants (Conduct) Rules, 1964

Signature .....

Designation.....

\* Subs *vide* Estt. Div.'s Notification No SRO 846(I)/85- dated 5.9.1985.

## 7.7 \* Opening of Declaration of Assets

It is clarified that:-

- (i) The declaration of assets will be opened by the concerned Secretaries of the Ministries and Divisions/Heads of the Attached Departments or by the persons authorized by them.
- (ii) Each Ministry/Division would be responsible for the filing and maintenance of Declaration of Assets in regard to the posts and services administered by it.

[Authority.- Estt. Div.'s Circular No.2/2/81-DA, dated 1-1-1984].

### Sl. No. 8

#### **Amendments in Government Servants Conduct Rules, 1964 and Submission of Declaration of Income and Assets Held and Acquired by Government Servants and Corporation Employees**

By amendments in the Government Servants Conduct Rules, 1964 vide SRO No. 984(I)/2004, dated 15-12-2004 rules 11 and 11A pertaining to buying/selling of moveable/immoveable property and construction of building etc. have been omitted. By virtue of substitution of sub-rule (2) of rule-12, every government servant shall submit to the government, through the usual channel an annual declaration of income, assets and expenses for each financial year, (from 1<sup>st</sup> July to 30<sup>th</sup> June), showing any increase or decrease of property as shown in the declaration under sub-rule (1) or the last annual return, as the case may be. According to the new sub-rule (3) of the rule 12, declaration of assets proforma shall be opened in the section concerned each year and entered into the relevant database. To meet the requirements of the amended provisions of rule-12 of the Government Servants Conduct Rules, 1964, a revised Declaration of Assets Proforma has been devised (**Annex**).

2. Following guidelines may be noted for strict compliance:

- (i) Declaration of Income, Assets & Expenses are to be submitted on prescribed proforma by all government servants in all BPS including all persons re-employed/employed on contract.
- (ii) First Declaration of Assets on the revised proforma containing full details assets and liabilities be submitted by all concerned for the Financial Year ending on 30<sup>th</sup> June, 2005 by 31<sup>st</sup> July,

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\* Related to sale/purchase of property stand revised after omission of rule 11 of the Government Servants (Conduct) Rules, 1964.

2005. The government servants appointed after 30<sup>th</sup> June, 2005 submit Declaration of Assets as on the date of their first appointment. Thereafter, every government servant is required to submit declaration of his income and assets on the close of every financial year i.e. 30<sup>th</sup> June by 31<sup>st</sup> July each year.

- (iii) The declaration of assets belonging to officers of \*APUG and OMG only will be forwarded to the Establishment Division.
- (iv) A certificate to the effect that such declaration has been obtained from all officers/officials should be forwarded to the Establishment Division by all the Ministries/ Divisions by 1st of September each year. The controlling Ministries/Divisions will submit a consolidated certificate in respect of Departments etc. controlled by them.
- (v) It will be the responsibility of Ministries/Divisions/ Departments/ corporations/ Autonomous Bodies to obtain the declaration of assets in respect of persons serving under them, take disciplinary actions against the defaulting officers/officials who do not submit declarations by the prescribed date or within fifteen days thereof.
- (vi) Ministries / Divisions / Departments/Corporations/Autonomous Bodies shall also maintain database regarding annual declaration of income, assets and expenses in respect of the officers/officials administratively controlled by them.

[Authority: Estt. Div.'s O.M. No. 2/1/2004-D-4, dated 22<sup>nd</sup> Dec., 2004]

### **8.1 Amendments in Government Servants (Conduct) Rules, 1964 and Submission of Declaration of Income and Assets Held and Acquired by Government Servants and Corporation Employees**

Reference the instructions issued vide this Division's letter of even number, dated 22<sup>nd</sup> December, 2004 on the subject cited above. Ministries/Divisions and Provincial Governments are to obtain detailed declaration of income and assets for the year ending 30<sup>th</sup> June, 2005 by 31<sup>st</sup> July, 2005 from the officers/officials serving under them. Declaration of assets of officers belonging to \*APUG and OMG will be forwarded to the Establishment Division.

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\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

2. According to sub-rule (3) of rule 12 of the Government Servants (Conduct) Rules, 1964, declaration of assets proformae shall be opened in section concerned each year and entered into the relevant database. In the second phase, data in respect of the rest of the employees in BPS 1-16 are to be computerized. In case of any query or further information pertaining to technical aspect of the exercise of computerization, reference may be addressed to:-

Deputy Secretary (CP-V)  
Establishment Division, Islamabad.

[*Authority:* Estt. Div.'s OM No. 2/1/2004-D-4, dated 17<sup>th</sup> June, 2005]

## **8.2 Revised Proforma for Declaration of Income and Assets**

Reference Establishment Division's letter of even number, dated 17-6-2005 on the subject noted above. Ministries/Divisions are to note that the revised proforma of declaration of assets (**Annex**) has been uploaded on website under title "Forms", address of which is as under:-

2. The revised declaration of assets proforma may be downloaded from the websites of the Establishment Division by the Ministries/Divisions and all other concerned.

[*Authority:* Estab. Div.'s OM No. 2/1/2004-D.4, dated 25<sup>th</sup> June, 2005]

Revised Proforma for Declaration  
of Income and Assets

Annex

Government of Pakistan  
Cabinet Secretariat  
Establishment Division

DECLARATION OF INCOME AND ASSETS  
Financial Year Ending on 30th June \_\_\_\_\_

1	Name	[Grid]											
		CNIC No.	[Grid]										
		N.T.No.	[Grid]										
2	Basic Pay Scale	[Grid]	Occupation Group/ Service/Department	[Grid]									
	Present Position Held	[Grid]											
3	Present Residential Address	[Grid]											
	Phone (R)	[Grid]	Mobile	[Grid]									
4	Income (During the financial year)	Salary Rs.	[Grid]	Rental income Rs.	[Grid]	Agri Income Rs.	[Grid]	Other sources (dividend, profit, prize money, gift, loan etc.) Rs.	[Grid]	Total Rs.	[Grid]		
5	Expenses (Approx.)	Utilities (Electricity, Gas, Telephone etc.) Rs.	[Grid]	Total Household expenses Rs.	[Grid]								
6	Private Foreign Travelling (Self, Spouse & Children) During F.Y. _____	Country/Countries visited	[Grid]	Period of stay from ___ to ___	[Grid]	Approx. expenses Rs.	[Grid]						
7	Children's Education (inland & abroad)	Name(s) of children	[Grid]	Educational institutions attended during F.Y. _____	[Grid]								
8	Club Membership	Name of Club(s)	[Grid]	Membership No.	[Grid]								

**ASSETS & LIABILITIES**

9. **Immoveable Assets** (Agrl & Non-Agrl lands, House properties, Commercial & Industrial properties, Open plots of all types)

	Identification & nature of Asset(s)	Mode of acquisition/year	Cost of acquisition
a)			
b)			
c)			
d)			
e)			
f)			
g)			
h)			
i)			
j)			
k)			
l)			
m)			

10. **Moveable Assets** (Cash in hand, Motor vehicles, Jewellery, Household items, Equipment, Business capital etc.)

	Identification & nature of Asset(s)	Mode of acquisition/year	Cost of acquisition
a)			
b)			
c)			
d)			
e)			
f)			
g)			
h)			
i)			
j)			
k)			
l)			
m)			

11. **Assets held as Attorney**

	Identification & nature of Asset(s)	Nature of Power of Attorney (Revocable/Irrevocable)	Name & Address of the Legal Owner
a)			
b)			



**Assets disposed off during the year**

	Identification & nature of Asset(s)	Date of disposal	Amount received as sale proceed (Rs.)
a)			
b)			
c)			
d)			

13. **Investments** (Bonds, Shares, Certificates, deposits/Advances, Loans granted etc.)

	Details of Bonds held		Investments	
	Bond No.(s)	Denomination Rs.		Rs.
a)				Rs.
b)				Rs.
c)				Rs.
d)				Rs.

14. **Bank Accounts** (Current, Saving, Deposit A/c & F.C. A/cs)

	A/c No. & Bank Branch	Year of opening	Main source of deposits	Balance on 30.6. (Rs.)
a)				
b)				
c)				
d)				

15. **Total Assets( 9 -14)** Rs. \_\_\_\_\_16. **Liabilities** (Departmental/Bank loans, Over drafts, Mortgages secured, private loans etc.)

	Outstanding liabilities (A)		Liabilities paid off during the year (B)	
		Rs.		Rs.
a)		Rs.		Rs.
b)		Rs.		Rs.
c)		Rs.		Rs.
d)		Rs.		Rs.

(15-16(A)) **Net worth** As on 30.6. \_\_\_\_\_ Rs. \_\_\_\_\_

Net worth declared previously As on 30.6. \_\_\_\_\_ Rs. \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

Name of the Organization/Deptt. \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

**INSTRUCTIONS**

1. If the space provided in the form is found inadequate or some explanation is required, a separate page may be attached/annexed.
2. All assets should be valued at cost and in the cases of assets acquired through gift name, address of the donor and donees relationship with him is to be declared.
3. Income declared at Serial 4 must include income earned by the spouse & children as well.
4. Information requested must be completed. No column should be left blank. Columns which are not applicable should be crossed.
5. All assets owned by the officer & his family members (Family as defined in Rule 3(1) (c) of Conduct Rules 1964) should be declared. Assets acquired by major children dependents & others where funds have been provided by the officer are also to be declared.
6. Assets owned partly or acquired on "Hire purchase Agreement" or installment should also be declared.
7. If any exact figure cannot be inserted an estimated/approx figure may be given.
8. Sale proceeds of assets disposed off during the relevant financial year must be declared under the head "other sources" (Serial 4).
9. If there is no change in Assets over the previous year (for which the declaration had been filed) relevant columns (Serial 9, 10, & 11) may be marked "**As Before**".
10. At Serial 11 assets held by others as attorney on behalf of declarant, his spouse or dependent children are also to be declared.
11. Expenses against utilities (Serial 5) should include bills paid against all meters (Gas & Electricity installed on the residence) and telephone connections (including Mobile) in use of the of officer, spouse & dependent children.
12. Notwithstanding the applicability of any other law for the time being in-force, this declaration is being filed under Conduct Rule 1964 and any breach therefore (including concealment of assets or giving wrong information) is punishable under RSO\* 2000.

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\* Since Removal from Service (Special Powers) Ordinance, 2000, stands repealed vide Section 2 (1) of the Act No.III of 2010, notified vide Estt.Division's O.M.No. 3/10/2010-R.II dated 17-03-2010.

**8.3 Quarterly Statement Regarding Permissions Granted to the Federal Government Officers Under Government Servants (Conduct) Rules, 1964 by the Provincial Government to Buy and Sell Assets**

The Chief Secretaries of Provincial Governments have been allowed to grant permissions to the officers belonging to All Pakistan Services who were for the time being serving in Provinces to buy and sell assets under the Government Servants (Conduct) Rules, 1964. However, the Establishment Division has no record regarding the number of such permissions granted under these delegated powers to \*APUG officers and officers/cadres (other than PCS)\*\* during their posting in a province on deputation basis.

2. All Provincial Governments shall submit the information regarding cases disposed of by the orders of the Chief Secretary in respect of \*APUG officers on the proforma attached herewith, on quarterly basis as in the enclosed statement (**Annex**).

[Authority:- Estab. Div.'s O.M. No. 1/3/99/D-3, dated 30<sup>th</sup> November, 2002]

**Annex**

**Cases Disposed of by the Orders of Chief Secretary, Government of \_\_\_\_\_ under the Provision of the Govt. Servants (Conduct) Rules, 1964 during the Calendar Years 2001-2002 (onwards), to the Federal Government Officers Posted in the Provinces for the Time Being**

Sl. No.	Name, Designation, BPS/Group/Service and Cadre of the Officer	Description of Property Sold/ Purchased	Copy of Proforma as Prescribed by the Federal Government on which Permission was Sought in Case of Rule 11 & 11-A be attached

\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

\*\* Provincial Civil Service.

**Sl. No. 9****Private Medical Practice by Government Servants**

The private practice by unqualified practitioners, will continue to apply. Further, the private practice of homeopathy by the government servants who are registered under the Unani, Ayurvedic and Homeopathic Practitioners Act 1965, will be subject to rule 16 of the Government Servants (Conduct) Rules, 1964.

[Authority.- Estt. Div.'s O.M.No.6/7/89-D.3, dated 15-3-1990].

**9.1 Transaction of Insurance Business by Government Servants**

It has been brought to the notice of the government that certain government servants transact insurance business on behalf of their wives, sisters and other members of family living with or dependent upon them in whose names they have managed to secure agencies of insurance companies. Since during performance of official duties such government servants come across other government servants and private parties, they manage to obtain insurance policies from them by taking undue advantage of their official position. This state of affairs not only brings disrepute to the departments to which they belong, but also distracts their attention from official duties and retards their efficiency.

2. According to rule 16 of the Government Servants (Conduct) Rules, 1964, no government servant can engage himself in any trade or business, directly or indirectly, without the previous sanction of the government. Such transactions, therefore, constitute a violation of that rule and render the government servants concerned liable to disciplinary action under the Government Servants (Efficiency and Discipline) Rules.

3. Ministries/Divisions are advised that it should generally be made known to all concerned that government view this situation with concern and desire that government servants who indulge in this business indirectly through their family members should abandon it forthwith.

[Authority.- Estt. Div.'s O.M.No.3/9/66-D.II, dated 15-8-1966].

**9.2 Private Work During and After Office Hours**

It has been brought to the notice of the Prime Minister that in order to supplement their income, a large number of low paid government servants do private work in addition to their government jobs. Some of them work as ushers in the afternoon, evening and night shows of cinemas while others are often absent from their jobs under government as they attend to private work even during office hours.

2. Government work inevitably suffers on account of these government servants performing private jobs during or outside office hours. It also aggravates the unemployment problem. The Prime Minister has, therefore, been pleased to direct that action should be taken to put a stop to this objectionable trend among government servants.

[*Authority.-* Estt. Div.'s O.M. No.1/20/76-D-IV, dated 6-3-1976].

**Sl. No. 10**

**Employment of Dependent Family Members of a Government Servant in Foreign Missions in Pakistan**

A question has arisen whether dependent family members of a government servant can seek employment in foreign missions in Pakistan. The matter has been considered and it has been decided that government servants should not allow their wives to seek employment in foreign diplomatic missions in Pakistan.

[*Authority.-* Estt. Div.'s O.M. No. 1/148/76-D.IV, dated 23-11-1976].

**10.1 Engagement in Trade, Business etc.  
by Spouses of Government Servants**

Under the Government Servants (Conduct) Rules, 1964, no government servant is allowed to engage in any trade or undertake any employment or work, other than his official duties, except with the previous sanction of the government. There is, however, no bar to the spouses of government servants taking employment or engaging in any trade or profession. It has come to the notice of government that the wives of some government servants have been engaging in trade and business where influence of the husband could possibly be misused. In such cases, the possibility of public interest being jeopardized cannot be ruled out.

2. In order to safeguard the public interest in such cases, it has been decided that all government officials whose spouses have under-taken some private job or are engaged in business and trade may be directed to render a certificate to the Secretary of the Ministry/Division or the Head of the Department concerned that the profession, trade or business in which his or her spouse is engaged is in no way under his/her official influence.

[*Authority.-*Estt. Div.'s O.M. No. 7/1/79-D-IV, dated 1-9-1979]

### **10.2 Membership of Private Associations Connected with Social Work**

It has been brought to the notice of the Establishment Division that permission was refused to a government servant to become an office-holder of a private association, whose activities are confined to social work only and whose character is non-political, on the ground that membership of such associations is barred to government servants. Attention of the Ministry of Finance, etc. is drawn to rule\*15 of the Government Servants Conduct Rules, and the note thereunder and it is stated that there is no bar to government servants becoming office bearers of such associations, provided they inform their immediate departmental superiors who will decide, with reference to the said rule and note, whether the matter should be reported for the orders of government.

[*Authority.*- Estt. Div.'s O.M. No. 4/1/49-Ests.(SE), dated 8-6-1949].

### **10.3 Association with Private Trusts, Foundations, etc.**

The Government of Pakistan have considered the desirability or otherwise of serving government servants being associated with private trusts, foundations and similar other institutions which are not sponsored by the government itself, and have decided that no serving officer should associate himself with any such association or organisation.

2. This may kindly be brought to the notice of all concerned.
3. These orders will not apply to judges of the High Courts and Supreme Court of Pakistan.

[*Authority.*- Estt. Div.'s O.M.No.4/8/63-D-II, dated 7-6-1963 read with O.M. of even number dated 8-7-1963].

### **10.4 Prosecution of Studies by Government Servants in Educational Institutions**

A reference is invited to the Establishment Division O.M. No.4/24/59-VI, dated the 3rd May, 1960. It is stated that on further consideration, it has been decided that:-

- (1) Government servants intending to take-up a course of study at educational institutions should be required to take prior permission of the Head of the Department.
- (2) No such permission should be granted unless the Head of the Department is satisfied that the prosecution of studies will not interfere with the government servants' official duties.

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\* *Note.*- Rule 16 of the Government Servants (Conduct) Rules, 1964.

- (3) Permission granted may be withdrawn, if the Head of the Department is convinced that the government servant is taking part in politics or prosecution of such studies is interfering with the satisfactory performance of the duties.

[*Authority.*- Estt. Div.'s O.M.No.4/9/63-D.II, dated 23-9-1964].

### **10.5 Appearing at an Examination as Private Candidates by Government Servants**

A question has been raised whether permission is necessary for a government servant for appearing at an examination as a private candidate. The matter has been considered in consultation with the Home Affairs Division\* and the \*\*two Provincial Governments and it has been decided that:-

- (a) In case of those government officials who are prosecuting studies in educational institutions with the permission of the Head of Department no further permission is required for appearing in the examination.
- (b) In case of those who want to prosecute studies in spare time without attending any educational institution, no permission is necessary. For appearing in the examination, the Head of the Department may grant leave provided the government servant concerned can be spared without detriment to the work of the government.

[*Authority.*- Estt. Div.'s O.M.No.4/9/63-D-VII(D.IV), dated 18-8-1969].

### **Sl. No. 11**

#### **Bar Against Naming of Institutions, Projects, Roads, Streets etc. in the Country after the Names of Government Servants**

The instructions issued by the Federal Government from time to time for naming institutions, projects, roads, etc. have become out of date. The matter has been reconsidered by the Government of Pakistan, and it has been decided to lay down the following guidelines on the subject in supersession of all previous orders:-

- (i) No institution, road, street, etc., should be named after a government servant or a public representative while he is still alive.
- (ii) No institution, official or semi-official should be allowed to be named after a non-Pakistani without the permission of the Federal Government.

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\* Now Interior Division.

\*\* The word 'two' may be read 'four'.

- (iii) British names of towns, institutions, settlements etc. should be gradually replaced by Pakistani or Islamic names.
- (iv) Institutions and projects like bridges, buildings, roads, streets, etc. may be named after the following:-
  - (a) The founder of the nation and persons who were in the forefront of the freedom movement, and took a prominent part in the creation of Pakistan.
  - (b) National personalities (no longer alive) with unblemished record of service to the nation.
  - (c) Heroes who have laid down their lives for the defence of the country in war.
  - (d) Art and cultural institutions may be named after dead artists of national fame. The same principle can be followed in respect of educational institutions, libraries, scientific and technical institutions etc.
  - (e) Principal donors of any building or institution built out of or for charity.
  - (f) Living or dead heads of state/government of foreign countries friendly towards Pakistan.
- (v) Defence installations, military lines and institutions in cantonments and army stations may be named after war "shaheeds".
- (vi) No sports tournaments would be named after Governors, Ministers, government officials or public representatives of their wives.

2. Permission of the competent authority in the Federal Government or the Provincial Government concerned (President/ \*Governor as the case may be) shall be obtained in advance for the naming of institutions etc., on the basis of the above guidelines. In the case of defence installations etc., mentioned at (v) above, prior approval of the Chief of Staff Army/Navy/Air Force should be obtained.

3. These guidelines may please be brought to the notice of all concerned for strict compliance.

[Authority.- Cabinet Secretary's letter No.107/21-78-Min., dated 13-5-1978 to all Provincial Governments with copies to Ministries/Divisions].

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\* Prime Minister; Chief Minister.



### **11.1 Participation in Foreign Cultural Associations or Organizations**

Government of Pakistan have had under their consideration the desirability or otherwise of government servants participating in foreign cultural associations or organizations and have decided that no government servant should associate himself with any such associations or organizations.

[*Authority*.- Estt. Div.'s O.M. No. 4/26/60-E.VI, dated 17-6-1961].

### **11.2 Membership of Foreign Cultural Associations/Organizations**

Government have since further decided to authorize the Secretary of the Ministry concerned to grant permission, in consultation with the Ministry of Home \*Affairs, to continue the existing membership of such organisation, by a government servant who is committed and cannot extricate himself. In new cases, in which also the Ministry of Home Affairs\* should be consulted, the policy should be to discourage new membership in the interest of the proper performance of official duties.

[*Authority*.- Estt. Div.'s O.M. No. 4/26/60-D.II, dated 16-9-1961].

## **Sl. No. 12**

### **Membership of British Library**

A question arose as to whether the restrictive orders should be applicable also to the membership of the British Council Library and other organizations of like nature. It has been decided that there should be no objection to officers becoming members of the British Council Library and similar organizations.

[*Authority*.- Estt. Div.'s O.M. No. 4/26/60-D.II, dated 15-11-1961].

*Note:* For definition of foreign cultural association, please see Section 2 (a) of the Foreign Cultural Associations (Regulation and Functions) Ordinance, 1975.

### **12.1 Unauthorized Communication of Official Documents or Information**

The Rules of Business contain a provision to the effect that no information acquired directly or indirectly from official documents or relating to official matters shall be communicated by a government servant to the press, to non-officials or even officials belonging to other government offices, unless he has been generally or specially empowered to do so. It has been brought to the notice of the Cabinet Division that the implications of the above rule are not fully appreciated by government servants with the result that information contained in official documents finds its way to non-officials or officials belonging to other

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\* Ministry of Interior (Interior Division).

government offices and through them to outsiders. Ministry of Finance, etc., are requested kindly to bring the matter to the notice of all government servants under their administrative control and warn them that they should not talk about or discuss official matters coming to their knowledge directly or indirectly with outsiders or even with officials belonging to other government offices.

2. It may further be brought to the notice of the government servants that a provision to the same effect as in the Rules of Business, 1973 is made in rule 18 of the Government Servants Conduct Rules\* and an infringement thereof can be the subject of departmental proceedings. It is also an offence under Section 5 of the Official Secrets Act, 1923.

[*Authority.*- Cabinet Division's O.M. No. Cord.(1)-8/97/58, dated 28-11-1958].

### **Sl. No. 13**

#### **Premature Leakage of Information to the Press/Media**

Instances have come to the notice of the government where information regarding its policies and other activities was communicated to the press before these policies etc., had been finalized, by sources which were not competent to release or indicate that information. The premature leakage of such information places the government in an embarrassing position.

2. Communication to the press/media or to a Government servant unauthorized to receive it or to a non-official person of any statement facts or opinion or other information by a Government servant which is likely to embarrass the Government is prohibited under rule 22 of the government Servants (Conduct) Rules, 1964 and any infringement of that rule is cognizable under the Government Servants (Efficiency and Discipline) Rules, 1973.

3. It is therefore, imperative to bring these provisions of Rules to the notice of all Government Servants for strict compliance. In case of violation of these Rules/instructions, the defaulting Government servants may be proceeded under Governments (Efficiency and Discipline) Rules, 1973.

[*Authority.*- Estt. Div.'s O.M.No.1/20/76-D-IV-D.3, dated 02-07-2011].

#### **13.1 Press Statements and Conferences**

A Press Conference should be held only by a Secretary/Joint Secretary\*\* Incharge of a Ministry/Division, who alone, besides the Minister, is the spokesman of the government. The Heads of Departments other than Secretaries/Joint Secretaries, may issue Press Statements as envisaged in

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\* Now Government Servants (Conduct) Rules, 1964, Rule 18 remains the same.

\*\* In the present context, it should be read as Additional Secretary.

Cabinet Division D.O. Letter No. Cord. (I)8/79/58, dated the 18th March, 1959 (Annex). This should however, be done after obtaining the approval of the Secretary/Joint Secretary concerned. Such prior approval may not be necessary in respect of Press Statements of an informative nature e.g., a railway accident, calling upon displaced persons to file returns/forms, etc.

[*Authority.*- Cabinet Division's O.M. No.Cord.(I)-8/79/58, dated 3-8-1959].

### (ANNEX)

**[Copy of Cabinet Division's letter No. Cord (I)-8/79/58, dated the 18th March, 1959].**

It has been decided to withdraw the restriction imposed on the issue of Press Statements by Secretaries, etc. except with the prior approval of the Secretary General and Secretaries/\*Joint Secretaries in-Charge of Ministries/ Divisions and Heads of Departments under the \*\*Central Government may issue Press Statements, as and when necessary.

2. It is also requested that Information Officers attached to the Ministries, etc., should be kept fully informed of important matters of public interest so that adequate and sustained publicity is given to government's activities and achievements.

#### **13.2 Consultation with Principal Information Officer for Projection of Government Policies Programmes and Activities**

According to the existing instructions, only Ministers and Secretaries, and such officers as may be specifically authorized, may act as official spokesman of the government and all official news and information is required to be conveyed to the press and the public through the Press Information Department.

2. The Principal Information Officer serves the Government of Pakistan as a whole, in addition to arranging issuance of publicity material emanating from ministries/conferences/press briefings for Ministers, Secretaries and official spokesman of the government. As such, it is desirable that the Principal Information Officer be consulted on the medium to be employed for projection of government policies, programmes and activities according to the situation and the subject matter.

3. (i) Press Conferences.— These shall be called by Ministers or Secretaries/other officials who may be authorized by their respective Ministers.

(ii) Press Statements.— On matters of policy which have already been approved by government and which require publicity and proper projection press

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\* Sr. Joint Secretaries/Additional Secretaries (BPS-21).

\*\* Federal.

releases may be authorized by Secretary concerned and issued through the Press Information Department.

(iii) Press Notes: On matters of public interest, other than policy, press notes of purely informative nature may be issued by the Heads of Attached Departments through the Press Information Department.

4. There is a possibility of incorrect or unauthorized information being collected by journalists and press representatives in informal contacts with officials. Attention is drawn to rule 18 of the Government Servants (Conduct) Rules, 1964 which prohibits unauthorized communication of official documents of information to a government servant unauthorized to receive it, or to a non-official person, or to the press. All government servants are warned to be careful in this matter. Any breach of this rule coming to notice will be severely dealt with.

[*Authority.*- Estt. Div.'s O.M. No.4/1/72-D.IV, dated 3-2-1972].

### **13.3 Letters to Editor**

The Ministries/Divisions are aware that most of the people explain their difficulties through the "Letters to Editor" columns of newspapers with the intention of seeking redress of their grievances from concerned government departments/agencies.

2. This Ministry holds the view that if the position is clarified by the government departments/agencies by addressing letters to the editors of newspapers in which letters concerning them are published, it will not only clarify their position but also ensure removal of genuine public grievances.

3. Ministries/Divisions are therefore, requested to kindly consider the above viewpoint, and, where practicable, take action in accordance with the procedure laid down in para 1 of Establishment Division's Office Memorandum No. 4/1/72-D.IV, dated the 3rd February, 1972.

4. The clipping from the "Letters to the Editors" columns will, as usual, be supplied to the government departments/agencies concerned by the Press Information Department.

[*Authority.*- Information and Broadcasting Division O.M.No.1(18)/72-P.III, dated 16-5-1972].

### **Sl. No. 14**

#### **Measures to Check Government Servants from Ventilating their Grievances through Members of the Legislature**

Cases have come to the notice of the Government of Pakistan in which members of the secretariat establishment must have approached members of the Legislature with a view to having their individual grievances made the subject of

interpellations in the Assembly. Apart from the consideration that the questions involved are, rarely if ever, of public importance, and that such conduct is subversive of discipline, the practice involves a contravention of the instructions contained in rule 17 of the Government Servants Conduct Rules, according to which a government servant may not, either directly or indirectly, convey to government servants belonging to other departments or to non-official persons or the press any information of which has come into possession in the course of his public duties.

2. It is felt that cases of this kind may be due to members of the Secretariat staff not having been fully aware of the provisions of rule 17 of the Government Servants Conduct Rules.

3. It is, therefore, requested that the attention of members of the Secretariat staff should be drawn to the provisions of rule 17 of the Government Servants Conduct Rules and that they should be warned that any infringement of rule 17 in future will be severely dealt with.

[*Authority.- Estt. Div.'s O.M.No.4/22/50-SEII, dated 24-10-1950.*]

#### **14.1 Approach by Government Servants to Members of Parliament for Ventilating Grievances**

The attention of the Establishment Division has been drawn to the fact that despite the instructions contained in the Office Memorandum No. 4/22/50-SEII, dated the 24th October, 1950, and the specific provision of rule 17 of the Government Servants Conduct Rules, government servants still continue to approach Members of the Parliament or adopt other improper methods for ventilating their grievances. Such a tendency on the part of government servants cannot but undermine discipline and must be checked. All Ministries/Divisions are, therefore, requested kindly to bring the instructions and rule referred to above to the notice of all officers and members of the staff employed under them once again, and make it clear that any infringement of these instructions will render them liable to disciplinary action.

[*Authority.- Estt. Div.'s O.M. No. 8/17/57-SE. IV, dated 27-2-1958.*]

#### **14.2 Approaches to Ministers, M.N.As. etc. for Purchase or Sale of Property**

It has come to government's notice that government servants make approaches through Ministers, Chief Ministers, M.N.As. and M.P.As. or other means for issue of permit to buy transportation vehicles or other imported material and for purchase and sale of property.

2. Such acts are not only in serious breach of Government Servants Conduct Rules, 1964 but also contrary to all tenets of propriety and are totally unbecoming of government servants. Government has, therefore, taken serious note of such acts on the part of government servants. In future, if any such case comes to notice, stern action will be taken against those involved. The attention of the government servants, working in your Ministries/Divisions and Attached or Subordinate Offices and Autonomous Institutions may be drawn to the Government Servants (Conduct) Rules, 1964, with direction to refrain from making such requests in future.

[Authority.- Establishment Secretary's D.O. No.1/38/74-D.IV, dated 8-5-1974].

### **14.3 Extraneous Influence by Government Servants in Respect of Service Matters**

It has been observed that the government servants, at times, attempt to bring extraneous influences in respect of service matters, such as posting, transfer, deputation etc. These acts are not only in breach of Government Servants (Conduct) rules, 1964 (as amended), but also constitute 'Misconduct' in terms of rule 2(4) of the Government Servants (Efficiency and Discipline) Rules, 1973, reproduced below:-

*"'Misconduct' means conduct prejudicial to good order of service discipline or contrary to Government Servant (Conduct) Rules, 1964 or unbecoming of an officer and a gentleman and includes any act on the part of a Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the government or any government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant."*

2. The civil servants are, therefore, advised, in their own interest, to scrupulously observe the provisions contained in the Government Servants Conduct 1964 and discipline rules. In future, if any civil servant attempts to bring extraneous influence in respect of his posting, transfer, deputation, etc., a note to this effect will be placed in his CR dossier, unless of course, proposals on these matters are made by the Ministries/Divisions/Departments themselves formally to the Establishment Division.

3. This d.o. letter may please be brought to the notice of all civil servants working in various Ministries/Divisions/ Departments etc.

[Authority.- Estt. Div.'s D.O. Letter No. 5/4/82-DI, dated 28-4-1982].

#### **14.4 Measures to Curb Extraneous Influences by Government Servants in Service Matters**

It has been observed there is an increasing trend among government servants to bring extraneous influences in service matters such as postings and transfers, promotions, etc. Apart from that in terms of rule 19 of the Government Servants (Conduct) Rules, 1964, read with sub-rule (4) of rule 2 of the Government Servants (Efficiency and Discipline) Rule, 1973, such acts constitute 'misconduct', they have an adverse effect on the overall discipline and working efficiency of the concerned set ups.

2. In order to curb these practices, the Estt. Division has been circulating instructions reminding the government servants of the provisions under the rules and emphasising the need to refrain from bringing in extraneous influences in service matters, in the then Adviser to the Prime Minister for Establishment's d.o. letter No. 57-27/86-E.II, dated 25th May, 1989, and the then Establishment Secretary's d.o. letter of even number dated 27th May, 1990. Despite clear position under the rules and issuing instructions and reminders on the subject, the instances of misconduct on the part of the defaulting government servants continue to come to notice.

3. It has accordingly been decided that all the competent authorities would bring, immediately, to the notice of the Prime Minister's Secretariat cases of the defaulting civil/government servants whenever extraneous pressures are brought to bear upon the normal channels of discipline, for seeking orders to initiate disciplinary proceedings on case to case basis, through the Establishment Division.

4. This d.o. letter may please be brought to the notice of all civil/government servants working under your administrative control in the Ministries/Divisions/Departments as well as the employees of corporations and autonomous bodies.

[*Authority*.- Estt. Div.'s D.O. letter No.5/4/82-D.I, dated 5-7-1995].

#### **14.5 Steps to Curb Extraneous Influences**

In order to curb the general tendency among the civil/government servants to use extraneous influence in contravention of rules 19 and 29 of the Government Servants (Conduct) Rules, 1964, the present government has decided to take effective steps on the subject. This includes suspension of any civil/government servant accused of the said contravention followed by expeditious E&D proceedings.

2. It is accordingly requested that, henceforth, all cases of contravention of the said rules must be dealt with by placing the defaulter under suspension, in the first instance, with the approval of the competent authority concerned. It may be ensured that this action is taken without loss of time.

3. It is further requested that copies of suspension orders and, in due course, the final orders in such E&D proceedings, may also be forwarded to Establishment Division.

4. These instructions may be brought to the notice of all federal civil/government servants working in various Ministries/Divisions/ Departments/ Provincial Governments.

[*Authority*.- Estt. Div.'s d.o. letter No.5/4/82-D.I., dated 7-11-1996].

#### **14.6 Evidence Before Committee of the National Assembly**

Under rules 114 and 179 of the Rules of Procedure of the National Assembly of Pakistan, the Committees of the Assembly have the power, *inter alia*, to summon and examine any government servant and to require the production of any official record. As the government servant, who may be thus summoned or directed by a Committee would, in the matter of giving evidence before the Committees, be also subjected to the restraints provided for in rule 23 of the Government Servants (Conduct) Rules, 1964, a question has arisen as to whether a government servant can, in the course of his examination by any such Committee, decline to disclose any information or to produce any document which he thinks it would not be in the interest of the defence, the security or the external relations of Pakistan or in the public interest generally to disclose or produce. The matter has been considered carefully and it has been decided that in such cases, the government servant concerned should claim privilege and politely decline to disclose such information or produce such document on grounds of public interest.

[*Authority*.- Estt. Div.'s O.M. No. 1/1/64-F.I./DII, dated 14-1-1965].

#### **14.7 Radio Broadcasts**

Several government servants have been invited to give and had given talks from the Radio Pakistan\*, both on subjects connected with their work and other subjects. In order that a uniform procedure may be observed, with reference to such broadcasts, it is requested that the following principles should be borne in mind.

2. There is no objection to officers giving such talks, but it must be pointed out:-
  - (a) that broadcast talks by government servants are "public utterances" within the meaning of \*\*rule 20 of the Government Servants Conduct Rules; and

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\* In addition to 'Radio Pakistan' or Pakistan Broadcasting Corporation (PBC), there is state-owned Pakistan Television Corporation Ltd. (Pvt). There are, in addition, a number of private radio/TV channels. The instructions are understood to apply, to all radio and TV channels.

\*\* Corresponds to rule 22 of the Government Servants (Conduct Rules, 1964).



- \*(b) that talks differ from newspaper articles, in that it is the policy of the Government of Pakistan that their broadcasting service shall not be used for the purpose of political propaganda.

3. In order to ensure that the Government Servants Conduct Rules are observed and that the services are kept free of political propaganda, the Government of Pakistan have decided to impose the following safeguards:-

- (a) A broadcast talk:
  - (i) shall contain nothing in the nature of political propaganda or discussion of political views.
  - (ii) shall contain nothing that is likely to offend the feelings of any community or class of persons.
  - (iii) shall contain nothing which is capable of embarrassing the relations between the government and the people of Pakistan or any section thereof, or any foreign country or the ruler of any state\*\* in Pakistan.
  - (iv) shall contain nothing which would amount to disparagement of the policy or the decisions of government.
- (b) Any government servant who has been asked to deliver a broadcast talk must report the subject on which he proposes to talk, whether it is connected with his official work or not, to the competent authority under whom he is employed.
- (c) If the talk is on a subject not connected with his official work, the competent authority may, in his discretion, call for the text of the talk in order to scrutinize it.

4. It has been reported that the Heads of Offices, empowered to grant permission to government servants employed under their administrative control and invited to give broadcast talks, on subject connected with their official work, occasionally approve the scripts at the eleventh hour when it is too late for the talks to go on the air. Such delays, apart from keeping the Station Director concerned in suspense, result considerable embarrassment to the service and in dislocation of broadcasting programmes. The authorities who are competent to grant permission to broadcast should treat the cases of scrutiny of broadcast talks and the grant of permission to broadcast to government servants as IMMEDIATE.

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\* The instructions prohibited specifically the radio channels then owned by the government. The application of the instructions across the board cannot, however, be totally ruled out, as the subject relates, primarily to the conduct of government servants. The word 'broadcast' used here may also be taken to mean 'telecast'.

\*\* There are no states in Pakistan.

5. The power of granting permission to broadcast should be exercised by Heads of Ministries and Divisions, the Heads of Offices attached thereto, other officers declared to be Heads of Offices under\* SR 2(10) and specified in Appendix 14 of the Compilation of the FR. and SR., Volume II, and all Heads of Subordinate Offices. The cases of officers who exercise these powers should be submitted to the next higher authority, or the Government of Pakistan, as the case may be.

6. Governors, Ministers, Deputy Ministers\*\*, Judges of the Federal Court and of High Courts and the Auditor General are not governed by the Government Servants' (Conduct) Rules and are, therefore, to be treated as sanctioning authorities in respect of their own broadcast talks. In the case of Secretaries to Government, however, the permission of the Minister concerned would be necessary. The Chairman of the Federal Public Service Commission shall be the sanctioning authority in respect of broadcast talks by himself or any member of the Federal Public Service Commission.

7. The musical items broadcast from the Stations of the Radio Pakistan come within the term 'talk' for the purpose of these instructions, but the sanctioning authority may, at his discretion, give general permission to a particular government servant to broadcast musical items, provided he is satisfied that there is no risk involved in giving such permission. The cases of government servants employed under a Provincial Government, will be decided by that government in its discretion.

8. It is, therefore, requested that the instructions contained in the above paras may be brought to the notice of all government servants.

[*Authority*.- Information and Broadcasting Division's O.M.No.18/(1)/48-B, dated 15-12-1950].

#### **14.8 Clarification of Application of Instructions Regarding Radio Broadcasts to Employees of Autonomous Bodies**

A reference is invited to the Ministry of Communications O.M. No. KP-2(20)/61, dated the 20th March, 1962 (Annex). It is stated that the instructions contained in this Division's O.M. No. 18(1)/48-B, dated the 15th December, 1950 apply to all persons in the civil service of Pakistan, whether for the time being on foreign service or not, to whom the Government Servants Conduct Rules also apply.

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\* Departments: SR 2(10) READS: Head of a department means any authority which the \*\*Governor General may, by order, declare to be the head of a department for the purposes of these rules.

\*\* Prime Minister', in terms of rule 15 (g) read with Sl. No. 18, Schedule V-A, of Rules of Business, 1973 (As amended upto 16<sup>th</sup> Jan. 2007).

\*\* Means Minister of State and Supreme Court, respectively.

2. It has been held by the Cabinet Secretariat (Establishment Division) in consultation with the Ministry of Law that the employees of autonomous and semi-autonomous bodies, like the Port Trust, P.I.D.C., Pakistan Council of Scientific and Industrial Research etc. except the government servants who may be on deputation to those bodies cannot be regarded to be in the civil service of Pakistan, and, therefore, they do not come under the purview of the Government Servants Conduct Rules.

3. In view of the above position, the heads of autonomous and semi-autonomous bodies do not come within the fold of the orders contained in this Division's O.M referred to above.

[Authority.- M/o Information & Broadcasting O.M. No.1(18)/62, dated 10-7-1962].

### (ANNEX)

**[Copy of Ministry of Communications O.M. No., KP-2(20)/61, dated the 20th March, 1962].**

Reference Information and Broadcasting Division's Office Memorandum No.13 (1)/48-B, dated the 15th December, 1950 regarding broadcast talks by government servants. A question has arisen whether instructions laid down therein are also applicable to the heads of autonomous, semi-autonomous bodies like the Port Trust etc. and if the heads of such institutions are asked to broadcast talks, their cases should come to the administrative Ministry concerned for grant of permission. Since mention has been made only of government servants, it is presumed, they do not come into the picture. However, the Ministry of National Reconstruction and Information\* are requested to kindly clarify the above points for guidance.

#### **Sl. No. 15**

#### **Taking Part in Politics- Bar against Supporting Student Agitations**

Attention is invited to \*\*rule 23 of the Government Servants Conduct Rules, according to which a government servant shall not permit any person dependent on him or under his care or control, to take part in, or in any way assist any movement or activity which is, or tends directly or indirectly to be subversive of government as by law established in Pakistan. Under the same rule, a government servant shall be deemed to have permitted a person to take part in, or assisted a movement or activity, if he has not taken every possible precaution, and done everything in his power to prevent such person so acting. In view of this, the conduct of government servants who may, consciously or unconsciously, support the student agitators and have sympathies with them would attract the provision of rule 23\*\* of the Government Servants Conduct Rules.

\* Now Ministry of Information and Broadcasting.

\*\* Rule 24 of the Govt. Servants (Conduct) Rules, 1964 .

2. It is, therefore, requested that the above rule may be brought to the notice of all government servants and it may also be emphasized that a breach of this rule will make them liable to be proceeded against under the Government Servants (Efficiency and Discipline) Rules\*.

[Authority.- Estt. Div.'s O.M.No.4/23/62-D.II, dated 19-10-1962].

### **15.1 Participation of Government Servants in the Functions of the Political Parties**

The question, whether government officers should or not accept an invitation and attend a function arranged by a political party in honour of Head of State, or a Cabinet Minister who may be a member of that political party, has been considered in the Establishment Division, and it has been decided that in such cases, where a government servant accepts an invitation to a function organized by a political party and attends it, it will appear to amount to his participation in the activity of that political organisation and will be in contravention of the provisions of \*\*rule 23 of the Government Servants Conduct Rules which prohibits government servants from taking part in, or subscribing in aid of, or assisting in any way in political movement in Pakistan, or relating to Pakistan affairs.

2. These restrictions would not, however, apply to those officers, who are responsible for the maintenance of law and order, and may be required to be on duty in such functions e.g., the Commissioner, the Deputy Commissioner, the D.I.G., the Senior Superintendent of Police etc.\*\*\*

3. It is requested that the above decision may kindly be brought to the notice of all government officers, and it may be emphasized that acceptance of an invitation to any function organized by a political party would amount to breach of \*rule 23 of the Government Servants Conduct Rules.

[Authority.- Estt. Div.'s O.M.No.4/11/63-D.II, dated 5-8-1963].

### **15.2 Action to be Taken Against Government Servants Found Indulging in Politics/ Subversive Activities**

Instructions have been issued from time to time bringing to the notice of the government servants, rules under which their participation and the activities of political organizations is prohibited. In the context of the present situation it is necessary to bring the provisions of the relevant law/rules to the notice of all government servants for their guidance.

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\* Refers to Government Servants (Efficiency and Discipline) Rules, 1960.

\*\* Rule 24 of the Govt. Servants (Conduct) Rules, 1964 may be referred to in the present context.

\*\*\* Officers of the Local Governments, police and officers (DC and police officers & other officials of Islamabad Capital Territory (ICT) administration & Federally Administered Tribal Areas (FATA).

2. Action against the defaulting government servants can be taken under the following law/rules:-

- (i) The Pakistan Essential Services (Maintenance) Act, 1952.
- (ii) The Government Servants (Conduct) Rules, 1964.
- (iii) The Government Servants (Efficiency and Discipline) Rules.
  - (a) Pakistan Essential Services (Maintenance) Act, 1952.— If a government servant, whose employment has been declared essential under rule 3 of the Pakistan Essential Services (Maintenance) Act, 1952, disobeys a lawful order or abandons work without reasonable excuse or departs from any area-specified in an order of a competent authority, he can be prosecuted under the Act and punished with imprisonment upto one year and with fine.
  - (b) Government Servants (Conduct) Rules, 1964.— Rule 24 of the Government Servants (Conduct) Rules 1964 prohibits government servants from taking part in, subscribing in aid of, or assisting in any way any political movement in Pakistan, or relating to the affairs of Pakistan, government servants are thus debarred from joining any political party. A defaulting government servant may be proceeded against under the Efficiency and Discipline Rules, 1964 on the charge of misconduct.
  - (c) Government Servants (Efficiency and Discipline) Rules.— A government servant can be proceeded against if he is guilty of misconduct or is found to be engaged in subversive activities independently or in association with others under rule 3 of the said rules. For subversive activities, the penalty can be compulsory retirement, removal or dismissal from service.

3. Ministries/Divisions are requested kindly to bring these rules to the knowledge of the government servants under their administrative control for strict observance. They may be warned that any violation of these rules will be dealt with strictly.

[*Authority.*- Estt. Div.'s O.M.No.3/1/69-D.II, dated 19-2-1969].

### **15.3 Bar against Discussing Politics in Offices, Clubs, Restaurants and Public Places**

Attention is drawn to rule 24 of the Government Servants (Conduct) Rules, 1964 which prohibits government servants from taking part in politics and elections. The rule is reproduced below:-

“Rule 24 Taking part in politics and elections:-

- “(1) No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.
- “(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.
- “(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

- “(4)\* No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.
- “(5) A government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.
- “(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government for the time being in force to be candidates at such elections.

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\* Subs. *vide* Estt. Div.'s Notification No. SRO 993(1)/776, dated 30.9.1976.

“(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final”.

2. It is clarified that under sub-rule (7) of the above rule, the government servant is prohibited from discussing politics in offices, clubs, restaurants and other public places. Although a government servant is not debarred from voting at the elections, he cannot propagate his political views openly in a manner that might influence the opinions of others or indicate the trends of his own political thinking. He cannot also attend or participate in functions of political leaders, political rallies, processions etc. Nor can he develop associations which would get him involved directly or indirectly in a realm that is essentially political.

3. It is requested that these instructions should be brought to the notice of the all government servants for strict compliance. The government servants should be warned that any breach of these instructions will be dealt with severely.

[*Authority.*- Estt. Secretary's D.O.letter No. 5/2/70-DIV, dated 19-7-1973].

#### **15.4 Bar Against Canvassing, Interfering, Using of Influence or Taking Part in Elections**

Sub-rule (2) of \*rule 23 of the Government Servants Conduct Rules\*\*, prohibits any canvassing, interference, use of influence or taking part by a government servant in any election to a legislative body except a simple exercise by him of his right to vote without indicating the manner in which he proposes to vote or has voted. In view of the forthcoming elections to the national and the provincial assemblies. Government have further decided that the provision of this rule should be brought to the notice of all government servants specifically and they should be asked to observe the rule scrupulously.

[*Authority.*- Estt. Div.'s O.M.No.4/5/62-D.II, dated 17-3-1962].

#### **15.5 Bar Against Participation in Political Activities by Official Functionaries and Dependents**

The existing rules strictly debar official functionaries and their wives and other dependents from participating directly or indirectly in political activity which includes participation in election campaign. Rule 24 of the Government Servants (Conduct) Rules, 1964 provides as follows:-

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\* Note.-Rule 24 (3) of the Government Servants (Conduct) Rules, 1964 .

\*\* Refers to Government Servants (E&D) Rules, 1960.

“Rule 24 Taking part in Politics and elections:-

- “(1) No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.
- “(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.
- “(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to legislative body, whether in Pakistan or elsewhere:
- Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.
- \*“(4) No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.
- “(5) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.
- “(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.
- “(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final”.

2. Ministries/Divisions, etc, are requested to warn all government servants that unless they exercise/strict care and vigilance in keeping themselves and the members of their families aloof from political activity prohibited by the above rule, disciplinary action would be taken against them.

[Authority.- Estt. Div.'s O.M.No.5/2/70-D.IV, dated 20-8-1970].

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\* Subs *vide* Estt. Div.'s Notification No.S.R.O.993(I)/76 dated 30-9-1976.



**Sl. No. 16****Propagation of Sectarian Creed**

Government of Pakistan have received frequent complaints that certain officials belonging to a particular sect abuse their official position in propagating their sectarian creed among their subordinates and other persons who come in contact with them in their official capacity. Government take a serious view of this matter and have accordingly decided to stop this undesirable activity at once and to prohibit in future the propagation of any sectarian creed in this objectionable manner. Government wish to make it known that drastic action will be taken against any person who offends against this rule, irrespective of the sect to which he may belong.

[*Authority.*- Estt. Div.'s O.M.No.4/22/52-SE.II,dated 27-9-1952].

**16.1 Instructions Relevant to Service Associations -  
Participation of Officers/Staff of the Establishment  
Division in the Business Meetings of their Respective  
Service Associations**

The question whether certain categories of government servants should or should not be allowed to hold office in, or attend the business meetings of the various service associations of which they are members, has been considered and it has been decided that officers and members of the staff working in the Establishment Division should not become office bearers in their respective service association, or attend business meetings so long as they remain in the Establishment Division.

[*Authority.*- Estt. Div.'s O.M.No.4/3/63-F.VII, dated 16-3-1963].

**16.2 Bar Against Participation of Officials  
Working in Administration Branches  
in the Business Meetings of their  
Respective Associations**

The question whether certain categories of government servants should or should not be allowed to hold office in or attend the business meetings of the various service associations of which they are members, has been under consideration of the government, and it has been decided that officers and members of the staff working in the Administration Branches\* of the Ministries/ Divisions and their Attached Departments should not hold offices in their respective service associations, nor should they attend business meetings of such Associations as long as they remain in the Administration Branches\*.

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\* Including 'Sections'.

2. The term "business meetings", in this context, means (a) all meetings of the executive, managing or working committees of the associations concerned, and (b) such meetings or parts of meetings of the general body in which business relating to service matters is discussed or transacted.

[*Authority.*- Estt. Div.'s O.M. No. 4/3/63-F.VII, dated 8-8-1963].

### **16.3 Supply of Copies of Government Orders/ Instructions to the Employees Associations**

Copies of general orders of non-confidential nature, which embody decisions of the government affecting a particular class of employees, may, at the discretion of the authorities which accord recognition, be supplied to the recognized associations, through the Establishment Division.

2. The matter has been examined in the Establishment Division. Now the government orders of non-confidential nature, relating to service matters, are available in the form of books. For instance, administrative or establishment instructions have been compiled in "Establishment Manual", "Estacode" etc., and financial orders in the "Compilations" etc. These books or relevant instructions from those publications, can be had by the associations, individually. The orders which may not be available in those publications and may not be of confidential nature, can be obtained by the associations from the Ministry/Division concerned on formal or informal request.

3. The instructions regarding the supply of copies to the associations, as contained in the above-quoted and other orders, on the subject, are therefore, hereby withdrawn.

4. Ministries/Divisions are requested to bring these orders to the notice of the office-bearers of the associations, who may be employed with them or with their Attached/Subordinate Organizations.

[*Authority.*- Estt. Div.'s O.M. No. 16/1/82-D.5, dated 20-6-1982].

### **16.4 Service Associations Representing Services Existing Prior to the 20th August, 1973 Have Ceased to Exist**

Following the Prime Minister's announcement dated the 20th August, 1973, introducing Administrative Reforms, all \*Services have been abolished and replaced by a unified structure of Grades. Consequently, all service associations representing services, existing prior to 20th August, 1973, have ceased to exist.

[*Authority.*- Estt. Secretary's D.O. letter No.16/17/73-F.I., dated 3-11-1973].

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\* Three groups (Accounts Groups, Foreign Affairs Groups & Police Groups) 'groups' later renamed as 'services;.

**16.5 Continuation of Service Association  
Other Than Those of Services  
Regularly Constituted**

Associations of employees other than those belonging to the regularly constituted \*Services, may continue to function till further orders.

[*Authority.*- Estt. Secretary's D.O. letter No.16/17/73-F.I, dated 30-1-1974].

**Sl. No. 17**

**Bar Against Holding Elections and Celebrating Victory During Office Hours**

It has come to the notice of the Establishment Division that sometimes elections for the service associations are held in the office premises during office hours, as well as, victory in such elections is celebrated on the following days by the winning groups in the office premises during the working hours. As a result of this, the government work remains suspended for days together which is not desirable. It has, therefore, been decided that—

- (i) elections for the service associations may not be allowed to be held during the office hours, and
- (ii) victory in such elections may not be celebrated within the office premises during the office hours.

2. Ministries/Divisions are requested kindly to bring it to the notice of the associations, with which they are concerned, for strict compliance.

[*Authority.*- Estt. Div.'s O.M.No.6/4/74-F.I, dated 7-5-1974].

**17.1 Bar Against Holding of Meetings and  
Associations During Office Hours in  
Office Premises**

In continuation of the Establishment Division O.M. No. F. 16/4/74-FI, dated the 7th May, 1974, it is stated that apart from preventing the service associations to hold elections and celebrate victory in office premises during office hours, it has been decided that the meetings of the associations should also not be held, during the office hours, in office premises. There is, however, no bar if such meetings are held, after office hours, in office premises.

[*Authority.*- Estt. Div.'s O.M. No. F. 16/4/74-F.I, dated 11-6-1974].

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\* Add "and Groups".

## 17.2 Functioning of Service Associations

Following decisions of the government were circulated to all Ministries/Offices of the Federal Government *vide* Establishment Division Office Memoranda of even number, dated the 7th May, 1974 and 11th June, 1974 , that:-

- (i) elections for the service associations may not be allowed to be held during office hours,
- (ii) victory celebrations in such elections may not be allowed within the office premises during the office hours, and
- (iii) meetings of service associations may not be held in the office premises during office hours.

2. It has come to the notice of Establishment Division that these instructions are not being followed strictly. In certain cases, even the general body meetings of service associations were planned to be held in the office premises during office hours, in which the Federal Ministers had been invited to preside over the functions.

3. The orders referred to in para 1 above were issued with a view to ensuring that the government work does not suffer due to association activities. Heads of Ministries/Offices of the Federal Government are once again requested kindly to ensure that service associations of the employees under their administrative control do not hold functions in the office premises during office hours.

[*Authority.- Estt. Div.'s O.M. No.16/4/74-F.I, dated 1-4-1976*].

### **Sl. No. 18**

#### **Permission to Representatives of Service Associations to Attend Various Meetings**

It is stated that representatives of service associations have informed that they are facing difficulties to attend the meetings during office hours convened by the Staff Welfare Organization.

2. It has been decided with the approval of Establishment Secretary that the representatives of service associations may be permitted to attend meeting of Board of Trustees, Federal Employees Benevolent Fund and Group Insurance as and when held, during office hours, subject to production of notice from the organization.

3. It is, therefore, requested that representatives of the service associations may kindly be allowed to attend the above meetings, which are officially arranged and the agenda of the meeting is also provided to the

Ministries/Divisions. The timings should be invariably laid down in the orders of the meeting to ensure that the office bearers after the meeting report back for duties, within the reasonable time.

[*Authority.*- Estt. Div.'s O.M.No.16/3/87-D-3, dated 7-4-1987].

### **18.1 Grant of Interview to the Office Bearers of the Association**

It is stated that Pakistan \*Grade 1 & 2 Employees' Association have stated that the officers in the Ministries/Divisions do not give time for interview to discuss the problem of the employees. Ministries/ Divisions are requested that the request of office bearers of \*Grade 1 & 2 Employees' Association for interview regarding their collective and genuine problems may be accepted.

[*Authority.*- Estt. Div.'s O.M.No.16/5/88-D.5, dated 20-3-1988].

### **18.2 Bar Against Public Criticism of Government Action by Associations etc.**

Public criticism of the government action by a civil servant or a body of civil servants constitutes misconduct under the Government Servants (Conduct) Rules, 1964 and calls for disciplinary action.

2. The associations of civil servants are not like the ordinary trade unions or bodies of workers employed in the industrial or commercial sector. Civil servants are allowed to form associations under a strict code which allows ventilation of their legitimate grievances only through the prescribed channel. The publicity to the press is not allowed.

[*Authority.*- Estt. Div.'s D.O. No.1471/PS/ES/76, dated 23-6-1967].

### **18.3 Demands of Service Associations**

It has come to the notice of Establishment Division that un-recognized/un-registered service associations are in existence with whom some of the Ministries/Divisions etc. are having discussions. It is hereby advised that the issues raised registered/recognized associations may only be considered to ensure elimination of un-registered/un-recognized associations.

[*Authority.*- Estt. Div.'s O.M. No.16/19/88-D.II, dated 07-11-2006].

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\* BPS.

**Sl. No. 19****Channel of Communication Between Recognized Service Associations and Government**

According to the rules governing recognition of associations of civil servants, the recognized associations are required to submit their representations to government through the office specifically designated for the purpose. The recognition of an association which disregards the rules and adopts other methods of representation is apt to be withdrawn.

2. Instances have come to the notice of this Division where recognized associations have addressed their representations to authorities, other than those to whom such representations should have been addressed and have circulated copies of the representations to various authorities. This is a violation of the condition of recognition of associations.

3. In so far as associations recognized by the Establishment Division are concerned, Deputy Secretary, Establishment Division was designated as the officer to whom representations should be addressed. Other Ministries and Divisions were requested to similarly designate their officers for the purpose. The matter has been further examined and it has been decided that more senior officers should be designated for the purpose which should not be lower than Joint Secretary in the case of Ministries/Divisions and the Head of Department, or his Deputy, in the case of Attached and Subordinate Offices.

4. The Ministries/Divisions are requested to designate appropriate officers for the purpose of receiving representations and to notify the same to the associations whose recognition is still valid in terms of Establishment Division D.O. letter No. 16/17/73-F.I., dated the 30th January, 1974. The Establishment Division may please be informed of such associations and the officers designated to receive representations from the associations.

5. While communicating the designation etc. of the revised designated officers, the association should be warned that in case representations are addressed by the associations to the officer/authority other than the officer designated for the purpose, its recognition is apt to be withdrawn by government.

[Authority.- Estt. Div.'s O.M.No.1814/75-F.II, dated 28-3-1977].

**19.1 Approaching Foreign Missions and Aid-Giving Agencies by Officers to Secure Invitation to Visit a Foreign Country or to Elicit Offers of Training Facilities**

It has come to Cabinet's notice that certain officers of the Central\* or Provincial Governments have approached foreign governments or their

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\* Federal.

representatives in Pakistan for the grant to them of scholarships, fellowships or other facilities to visit foreign countries, *etc.*, and have finalized the arrangements without obtaining prior approval or have taken these negotiations and arrangements to a stage where refusal by the Government of Pakistan to grant the necessary permission to the officer concerned would embarrass the government as well as the officer. In order to prevent a repetition of such cases, it is considered necessary that no officer should make such approaches in future without the prior approval of the government under which he is employed or make any commitment, whatsoever, without obtaining the prior permission of government.

2. It is, therefore, requested that this may please be brought to the notice of all officers to ensure that this undesirable practice is stopped.

[*Authority.*- Cabinet Division's D.O. letter No. 54(38)-53-Cord, dated 25 and 26-8-1953].

### **Sl. No. 20**

#### **Correspondence with Foreign Missions**

Instances have come to notice in which foreign missions have offered scholarships/ fellowships to officers employed under the Government of Pakistan and the Provincial Governments direct for purposes of their training abroad. Such offers were accepted by officers and Ministries/Governments when approached subsequently, concurred in the arrangements.

2. As the Ministry of Finance, *etc.*, are aware, the channel of communication between the \*Central and Provincial Governments and the foreign missions in Pakistan is the Ministry of Foreign Affairs except in such cases where certain Ministries/Departments have been allowed to correspond direct with foreign missions on purely routine or technical matters not involving any question of policy. The Economic Affairs Division have been authorized by the Ministry of Foreign Affairs to carry on correspondence direct with the foreign missions in matters relating to the technical assistance schemes. All Ministries/Divisions are, therefore, requested to route their correspondence with foreign missions on this subject through that Division.

3. In view of the above, the Ministry of Finance, *etc.*, are requested to issue instructions that no officer working under them should correspond with foreign missions in Pakistan direct and that no offer of fellowship/scholarship received from any foreign mission or any foreign government otherwise than through the Economic Affairs Division should be accepted by them nor should any Ministry concur in the acceptance of such an offer except with the concurrence of the Economic Affairs Division.

[*Authority.*- Estt. Div.'s O.M. No. 1/17/53-SE.II, dated 9-10-1953].

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\* Federal.

### **20.1 Bar Against Securing Facilities for Visiting Foreign Countries – Approaching UN Agencies etc.**

As a further safeguard to prevent the officers of the \*Central and Provincial Governments from securing facilities for visiting foreign countries by approaching direct the representatives of the United Nations, the Technical Co-operation Administration, the Colombo Plan representatives and other similar agencies, the Economic Affairs Division are taking-up this matter with these agencies so as to ensure that they do not entertain any private request from any officer for the grant to any of the facilities mentioned. The Ministry of Foreign Affairs are also being requested to make a similar representation to the United States Embassy and the United Kingdom High Commissioner in Pakistan.

[*Authority.- Estt. Div.'s D.O. letter No. 1/35/53-SE. II, dated 29-10-1953*].

### **20.2 Bar Against Approaching Foreign Missions**

Certain cases have come to the notice of government in which approaches were made to foreign missions by certain government officials, with a view to arranging for visits by them to foreign countries. In some other cases, senior officers had requested members of foreign missions to do certain small favours for them. Both kinds of action on the part of these officers were most objectionable. It is the foremost duty of government officials to uphold the prestige of their country and not to do anything which might compromise their position or place them under any obligation, whatsoever, to any foreign mission.

2. Accordingly, the Government of Pakistan have decided that, if any officer has any private business to conduct with a foreign mission which would be likely to place him under obligation to that mission or compromise his official position with them in any way, he should make contact with the mission concerned through the Ministry of Foreign Affairs.

3. So far as going to foreign countries under the various technical schemes is concerned, government have already prohibited direct contact between government servants and foreign missions and it has been laid down that no offer in this field should be accepted by any officer or Ministry unless it is made through the Economic Affairs Division.

[*Authority.- Estt. Div.'s D.O. letter No.63/55/SE.II, dated 3-4-1956*].

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\* Federal.



### **20.3 Bar Against Approaching Foreign Missions-Action to be Taken for Violation**

The President has directed that the attention of all officers should be drawn to the above instructions and it should again be made clear to them that severe disciplinary action should be taken against those who violate these instructions.

[*Authority*.- Estt. Div.'s Letter No. 1/73/58-SE.IV, dated 6-11-1958].

### **20.4 Bar Against Approaching Foreign Missions for Nomination of Government Servants by Name**

Reference Estt. Division Letter No. 1/73/58-Se. IV dated 6-11-1958. It appears that the instructions issued therein have been lost sight of and the foreign missions in Pakistan, specially those of aid giving countries, have been approached by the officials in order to extract invitations to visit the foreign countries. It is, therefore, requested that the instructions already issued may kindly be brought to the notice of all officers again, who should be warned that if anyone is asked for by name by the foreign mission, he would not be allowed to go in any case. If necessary, enquiries will be made as to how he came to be nominated by the foreign mission and disciplinary action would be taken in suitable cases.

[*Authority*.- Estt. Division Letter No. 1/73/58-E.X., dated 17-7-1961].

### **20.5 Bar Against Security Scholarships and Invitation to Visit Abroad**

1. ....Omitted.....

2. Under the existing detailed instructions, all Secretaries to the Federal Government and Chief Secretaries of Provincial Governments are required to ensure that under no circumstances should any scholarships or invitations for visits abroad be accepted from foreign missions/governments when these are offered directly to individuals. Any direct offer is required to be politely declined with the suggestion that the offer be made through the Foreign Office. In the event of direct invitation/offer being received by any individual or official from a foreign government through the post, it has to be transmitted to the Ministry of Foreign Affairs for processing.

3. These procedures have been laid down in accordance with the well-established international rules in diplomatic theory and practice governing the conduct of a sending state and its representatives in a receiving state. Extension of invitations by a sending state to the citizens of the receiving state and their acceptance by the latter fall within the purview of Article 41 (para 2) of the Vienna Convention, as follows:-

"All official business with the receiving state entrusted to the Mission by the sending state shall be conducted with or through the Ministry of Foreign Affairs of the receiving state or such other Ministry as may be agreed."

4. It is noted with regret, however, that contrary to the laid-down instructions, there have been several instances where direct invitations were extended by certain foreign governments/missions to Pakistan nationals to visit their countries or to participate in conferences and seminars there. Certain foreign missions in Pakistan have also been seeking to establish direct contacts with various local bodies, institutions and opposition elements.

5. Pursuant to a recent decision taken by the Federal Cabinet, it is reiterated once again that the laid-down procedure for contacts with foreign diplomatic missions, acceptance of invitations, gifts and scholarships *etc.*, from foreign governments should be strictly enforced without any exception. In the case of private individuals and politicians receiving direct invitations, the State Bank of Pakistan and other agencies concerned should adopt effective measures to stop their departure from the country on un-authorizedly-sponsored visits abroad. The system of prior clearance from the Interior Division and the Ministry of Foreign Affairs should be strictly followed in such cases.

[*Authority*.- Paras 2-5 of Establishment Secretary's D.O. letter No.104/30/76-Min, dated 23-6-1976].

### **Sl. No. 21**

#### **Fraternisation Between Government Servants and the Foreign Missions in Pakistan**

Instructions have been issued, from time to time, explaining the parameters within which a government servant could cultivate contacts with the personnel of the foreign missions in the country. It has, however, come to the notice of the government that despite clear orders there exists a tendency amongst government officials to approach the foreign missions, directly or indirectly, for personal favours as well as consular facilities. Such acts, obviously are a clear violation of rule 30 of the Government Servants (Conduct) Rules, 1964 and instructions issued thereunder.

2. The government has taken a serious view of the above tendency amongst government servants and it has, therefore, become imperative to circulate the government instructions on the subject once again for strict compliance by the government servants:-

- (1) Government servants should exercise great caution and restraint in the matter of social contacts with the members of foreign mission in Pakistan and, *inter-alia*, abstain from extending invitations to them for private lunches/dinners at their residence *etc.*

- (2) Officials of the level of Deputy Secretary and below should not receive the officials of the foreign missions, except with the express permission of the Secretary.
- (3) Government servants are also prohibited from contacting, or making direct approaches, to the foreign missions in Pakistan, in connection with their private business. All such approaches should be made through proper channel (*i.e.* the Ministry of Foreign Affairs).
- (4) Invitations extended by the foreign missions on the occasions of their national days to the officers below the status of Joint Secretaries, may be accepted only after obtaining permission from the Secretary.
- (5) The participation of officers below the status of Joint Secretary in the private functions, arranged by the foreign diplomats, should generally be discouraged. Joint Secretaries and officers of equivalent status will, however, do so with the prior approval of the Secretary.
- (6) Repeated and frequent attendance, by the officers, at private functions held by the same foreign diplomat, must be avoided.
- (7) As a general rules, only those officers who come into official contact with the foreign diplomat concerned, should accept his invitation.

3. Compliance of the above instructions may be ensured, at all levels, so that no one approaches, directly or indirectly, any foreign missions in Pakistan or any foreign aid-giving agency, for favours and any violation of the rules, as well as the instructions issued on the subject from time to time, will be dealt with severely under the conduct and discipline rules.

[*Authority.* - Estt. Div.'s D.O. letter No.6/17/72-DA/D-IV, dated 14-4-1990].

### **21.1 Fraternalization Between Government Servants and Foreign Missions**

Refer to the subject noted above and to state that it has been noticed with concern that various Government officials working in the Ministries/Divisions/ Departments of Pakistan are directly approaching members of foreign diplomatic missions and sharing data and information of their interest without approval of the competent authority. In return, some of them are obliged by incentives like course, visits to foreign countries and visas for their family members.

2. Attention is invited towards Establishment Division's D.O. of even number dated 14-04-1990 and its subsequent instructions last issued on 14-02-2011 whereby Government Servants have been prohibited from contacting or making direct approach or establishing social/official contacts with the Foreign Missions in Pakistan.

3. Ministries/Divisions are once again requested that the above instructions may be brought to the notice of all government servants for strict compliance with further emphasis that their interaction with diplomats, if required, should only be through approved channels.

[Authority:- Estt. Div's O.M.No.6/17/72-D-IV/D-3, dated 17-05-2012].

### **21.2 Fraternalization Between Government Servants and Foreign Missions**

Refer to the subject noted above and to state that it has been observed with great concern that various Government officials working in the Ministries/Divisions/Departments of Pakistan as well as in the Provinces directly approach members of foreign diplomatic missions and discuss the topics pertaining to the governance and public administration, without approval from the competent authority.

2. Establishment Division has earlier issued a number of instructions on the issue. The latest one was circulated vide this Division's D.O. of even number dated 17-05-2012 whereby Government Servants were prohibited from establishing social/official contacts with the Foreign Missions in Pakistan but the same are not being implemented.

3. It is, therefore, requested that in future Ministries/Divisions/Offices may initiate disciplinary proceedings, under the Government Servants (E&D) Rules,1973 against those Government Officials violating the said instructions, while the names of the Government Officials belonging to the Groups of PAS,PSP, Secretariat and OMG as well as BS-20 and above officers of other than the said Groups, may be forwarded to this Division for similar action.

[Authority:- Estt. Div's O.M. No.6/17/72-D-IV/D-3, dated 14-12-2014].

### **21.3 Indulging in Critical Remarks Against Ministers**

All government servants should be warned that they should not indulge in critical remarks against their own Ministers or other Ministers. This is against discipline or good conduct, and should be dealt with as such.

[Authority. - Estt. Secretary's D.O. letter No.4/20/61-D.II, dated 23-9-1961].

**Sl. No. 22****Government Servants (Marriage with Foreign Nationals) Rules, 1962**

In exercise of the powers conferred by clause (2) of Article 178 of the Constitution, the President is pleased to make the following rules, namely:-

1. **Short title, application and commencement.**— (1) These rules may be called the Government Servants (Marriage with Foreign Nationals) Rules, 1962.

(2) They shall apply to every person who is a member of an All-Pakistan Service or who is serving in a civil capacity in connection with the affairs of the Central\* Government, but shall not apply to any person who is employed on contract.

(3) They shall come into force at once.

2. **Definitions.**— In these rules, unless there is anything repugnant in the subject or context:-

- (a) "foreign national" means a person who is not a citizen of Pakistan;
- (b) "government servant" means a person in the service of Pakistan to whom these rules apply whether such person is, for the time being, on "foreign service"<sup>\*\*\*</sup> or not;
- (c) "marriage" means matrimonial relationship entered into in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly;
- (d) "misconduct" has the same meaning as in the Government Servants (Efficiency and Discipline) Rules, 1960.

"3. Marriage with Foreign nationals prohibited.—(1) Subject to the provisions of sub-rule (2), a government servant who marries or promises to marry a foreign national shall be guilty of misconduct and render himself liable to any of the major penalties under the Government Servants (Efficiency and Discipline) Rules, 1973<sup>\*\*\*</sup>.

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\* Federal.

\*\* deputation.

\*\*\* Subs. vide Estt. Div.'s Notification No. S.R.O 497 (I)/81, dated 27-5-1981.

(2) A government servant, may with the prior permission of the Federal Government marry or promise to marry a \* [foreign national of any country recognized by Federal Government].

(3) The grant of permission under sub-rule (2) shall be at the discretion of the Federal Government, and may be subject to such conditions, if any, as it may specify."

4. Supersession of previous rules, notifications, etc.-These rules shall supersede all previous rules, notifications and instructions relating to the conditions of marriage of a government servant.

[*Authority*.- Estt. Division's Notification No. S.R.O. 341 (K)/63 (4)/103/5, dated 29-4-1963 as amended up to 13-9-1965].

Note.- Officials who propose to marry Indian nationals should submit applications on the form prescribed vide Establishment Division O. M. No. 4/103/59-D-II, dated the 11th June, 1963.

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\* Subs. vide Estt. Div.'s Notification No.S.R.O 1083(I)/2010 dated 12-11-2010.

**NEW PROFORMA FOR MARRIAGE WITH A FOREIGN NATIONAL****Name of Ministry/Division/Department:**\_\_\_\_\_

1. Name, Designation and Department in which the official is employed:
2. Particulars of the lady whom the applicant wishes to marry:
  - (a) Name:
  - (b) Father's Name:
  - (c) Age:
  - (d) Qualification:
  - (e) Profession:
  - (f) Full Address:
3. Political affiliation of the lady and her family, if any.
4. Family commitments and relationship, if any.
5. Whether the lady would come to Pakistan to marry, or the official proposes to go to \_\_\_\_\_?
6. If the official wishes to go to \* \_\_\_\_\_ why cannot the lady come over to Pakistan to get married?
7. Whether the lady has visited Pakistan previously and if so, on what date and for what purpose? With whom and where did she stay.
8. Near relations of the lady in \* \_\_\_\_\_ if employed, where and in what status.
9. Relations of the lady in Pakistan with address and profession.
10. Work on which the official is engaged at present stating the nature of work secret or ordinary.
11. Work on which the official has been engaged during the last two years stating the nature of work secret or ordinary.
12. (a) Number of visits made to\* \_\_\_\_\_ by the applicant with approximate date and purpose of visit in each cases.
  - (b) Where and with whom did he stay in \* \_\_\_\_\_
  - (c) Passport number with date and place of issue.
13. Place visited in \* \_\_\_\_\_
14. Proof, if any, in support of the statement made at Serial No.4.
- 15.
16. Present Pakistani address of the Government Servant

Date: \_\_\_\_\_ Signature\_\_\_\_\_

Designation\_\_\_\_\_

Certificate to be recorded by Secretary/Joint Secretary/Incharge/Deputy Secretary/Head of the Department.

It is certified that the information given above represents true position in respect of \_\_\_\_\_ according to his own statement. Information relating to items No.10, 11 and 12 has been verified from the official record.

Place: \_\_\_\_\_ Signature of the recommending officer

Date \_\_\_\_\_ Designation \_\_\_\_\_

"Note: \* \_\_\_\_\_ stand for name of the foreign Country."

### **22.1 Marriage or Promise of Marriage with Foreign Nationals (Except Indian) to be Considered 'Misconduct'**

Attention is invited to the Government Servants (Marriage with Foreign Nationals) Rules, 1962, whereunder marriage or promise of marriage with foreign nationals, except those of India, by any government servant is not permitted and contravention of these rules is considered as misconduct rendering the government servants found guilty, liable to be removed from service. Marriage or promise thereof with the citizens of India is possible only with prior permission of the government.

2. It has come to notice that in some cases, the government servants concerned were not fully aware of these rules. Ministries/Divisions are, therefore, requested to draw attention of their officers to the provisions of these rules and advise their strict observance. The attention of all those who enter service in future may also be specifically drawn to these rules at the time of assumption of duties.

3. There is also need for forewarning the officers particularly the young at the time of their going abroad. The officers on such occasions may be granted interviews by Secretaries or heads of departments under whom they work in which the risk involved in violating the marriage rules may be explained.

[Authority.- Estt. Div.'s O.M. No. 3/13/68-D.II, dated 14-6-1968].

### **22.2 Observance of Government Servants (Marriage with Foreign Nationals) Rules, 1962 and Guidelines**

The competent authority in the Chief Executive Secretariat has directed that all government servants be directed to:-

- (i) scrupulously observe the requirements of the Government Servants (Marriage with Foreign Nationals) Rules, 1962 and policy guidelines issued from time to time; and



- (ii) abstain from applying for or acquiring green cards/foreign nationality etc. in contravention of the conduct and discipline laws/rules etc.

2. All Ministries/Divisions are requested to bring the above instructions to the notice of all employees working under them or in the Attached Departments/Subordinate Offices or in the autonomous/ statutory bodies etc. under their administrative control for strict compliance.

[Authority: Estt. Div.'s Circular No. 2/7/81-D4/D3, dated 15<sup>th</sup> June, 2000]

### **22.3 Bar Against Making Requests for 'Ex-Post Facto' Approval for Marriages with Foreign Nationals**

Lately, there has been an increase in requests of ex-post facto approval for marriages with foreign nationals in relaxation of the above rules. Invariably, the excuse for having contracted such marriages by the government servants is ignorance of the rules.

2. The competent authority has taken serious notice of this tendency and has been pleased to direct that all Ministries/ Divisions/ Departments be asked to disseminate the rule position to government servants for strict compliance. The competent authority has further directed that in future no more *ex-post facto* permission will be granted in such cases.

3. Ministries/Divisions are requested to please bring the above instructions to the notice of all employees working under them and also to the employees of autonomous statutory bodies under their administrative control.

[Authority.- Estt. Div.'s O.M. No.2/7/81-D.IV/D.3, dated 26-9-1988].

### **22.4 Marriage with Foreign Nationals – Request Ex-Post Facto a Misconduct**

Under the Government Servants (Marriage with Foreign Nationals) Rules, 1962, marriage or promise of marriage with a foreign national by any government servant, except with those of Indian Muslims with prior approval of the government, is a misconduct under the Government Servants (Efficiency & Discipline) Rules, 1973. Further, under Establishment Division's O.M. of even number, dated 26-9-1988, it has been made clear that no request is entertained for *ex-post facto* approval in such cases.

2. All Ministries/Divisions are again requested to bring the above position to the notice of all employees working in the Ministries/Divisions or in the autonomous/statutory bodies under their administrative control, for strict compliance and not to forward cases of 'ex-post facto' approval to the Establishment Division.

[Authority.- Estt. Div.'s O.M.No.2/7/81-D.IV/D.3, dated 8-1-1996].

### **22.5 Prohibition of Wasteful Expenditure on Marriages**

The Cabinet in its meeting held on 11.2.1997, has, inter alia, decided that the government functionaries henceforth should not attend any such marriage functions which violate the provisions of the Marriages (Prohibition of Wasteful Expenses) Act, 1997 and use discretion in attending marriage functions other than those of close family and personal friends.

2. It is requested that the above decision may be brought to the notice of all concerned for strict compliance.

[*Authority*.- Estt. Division's letter No.2/3/97-D.3, dated 18-6-1997].

### **22.6 Fraternalization with Foreign Missions Measures to Curb Tendency**

Instructions have been issued, from time to time, explaining the parameters within which a government servant could cultivate contacts with the personnel of foreign missions in Pakistan. It has, however, come to the notice of the government that despite these clear orders, there exists a tendency among government officials to approach the foreign missions, directly or indirectly, for personal favours as well as consular facilities. Such acts, obviously, are a clear violation of rule 30 of the Government Servants (Conduct) Rules, 1964, and instructions issued thereunder.

2. The government has taken a serious view of the above tendency among government servants and has desired taking effective measures to curb this tendency. In this connection, the following instructions provide the guidelines on the subject:-

- (i) Government servants should exercise great caution and restraint in the matter of social contacts with the members of foreign missions in Pakistan and, *inter-alia*, abstain from extending invitations to them for private lunches/dinners at their residence, etc.
- (ii) Officials of the level of Deputy Secretary and below should not receive the officials of foreign missions except with the express permission of the Secretary.
- (iii) Government servants are also prohibited from contacting, or making direct approaches to the foreign missions in Pakistan, in connection with their private business. All such approaches should be made through proper channel (*i.e.* Ministry of Foreign Affairs).
- (iv) Invitations extended by the foreign missions on the occasions of their national days to the officers below the status of Joint Secretary, may be accepted only after obtaining permission from the Secretary.

- (v) The participation of officers below the status of Joint Secretary, in private functions arranged by foreign diplomats, should generally be discouraged. Joint Secretaries and officers of equivalent status will, however, do so with the prior approval of the Secretary.
- (vi) Repeated and frequent attendance by officers at private functions held by the same foreign diplomat must be avoided.
- (vii) As a general rule, only those officers should accept foreign diplomats' invitation who come into official contact with the latter.

3. You are requested to kindly ensure compliance of the above instructions, at all levels, and that no one approaches, directly or indirectly, any foreign mission in Pakistan or any foreign aid-giving agency, for any personal favours. It is requested that these instructions may kindly be circulated to all officers under the administrative control of your Ministry/Division, including in the autonomous/semi autonomous bodies/corporations, for strict compliance and to initiate prompt disciplinary action against those violating these instructions.

[Authority:- Estt. Div.'s d.o. letter No.6/17/72-EA/I.IV dated 16.4.1996].

### **22.7 Fraternalization of Government Servants with Foreign Diplomats**

Reference Establishment Division's d.o. letter No.6/17/72-DA/D.IV, dated 14.4.1990 and No. 6/17/72-EA/I-IV, dated 16.4.1996 on the subject noted above. It has been reported to the Establishment Division that there is a tendency amongst government functionaries to attend dinners/lunches hosted by the foreign diplomats based in Pakistan and has increased considerably. All the Ministries/ Divisions are requested to ensure that the officers/officials of the Ministries/Divisions and their attached departments strictly follow the instructions circulated *vide* Establishment Division's d.o. letter referred to above.

[Authority: Estt. Div.'s O.M.No.6/17/72-D.IV/D.3. dated 17.1.2000].

### **22.8 Permission to Seek Private Employment by Civil Servants During LPR and Within Two Years of Retirement**

A revised proforma, required to be filled in by civil servants who may be desirous of seeking private employment, during LPR or within two years of the date of the retirement, in accordance with section 14 of the Civil Servants Act, 1973 is enclosed (Annex).

2. All Ministries/Divisions are requested to circulate the above instructions and ensure that these are observed by their employees.

[Authority: Estab. Div.'s OM No. 8/1/83/D4/D3, dated 17<sup>th</sup> July, 2002]

**(Annex)****APPLICATION FORM FOR SEEKING PRIVATE  
EMPLOYMENT DURING LPR/WITHIN TWO YEARS OF RETIREMENT**

1. Name: .....

2. Appointments held during last 5 years of service:

Post(s) held with BPS	Department(s)/Organization(s)	Total Period of Stay	
		From	To

3. Nature of Retirement (\*):.....

4. Date of Proceeding on LPR: .....

5. Date of Retirement: .....

6. Particulars of Private Employee: .....

(i) Name of organization : .....

(ii) Law under which registered: .....

(iii) Composition of the Board of Directors: .....

(iv) Nature of business etc: .....

(v) Location of Head Office: .....

7. Designation of the Post and Pay Offered: .....

8. Nature of duties: .....

9. Whether the firm had official dealings with any of the department in which the officer served during the last five years. If so please give details:

\*\*10. Any other information

Signature  
with Designation/BPS  
of last post held and  
Organization

(i) On attaining the age of superannuation.

(ii) Voluntary retirement on completion of 25 years service,

(iii) Premature retirement, under Section 13(1)(i) of Civil Servants Act, 1973.

(iv) Compulsory retirement on account of disciplinary action.

(v) Retirement on medical grounds.

(Additional sheet(s) may be added where necessary)

\* Pl. indicate one of the following:

(a) Voluntary retirement on completion of 25 years service.

(b) Retirement on attaining the age of superannuation (60 Years).

\*\* 10 (iii) to read with 3.

### **22.9 Permissions Granted by the Provincial Governments to Officers of All Pakistan Services/Federal Government Officers**

The Chief Secretaries of Provincial Governments are allowed to grant permission to the officers belonging to All Pakistan Services \*(now APUG) who are, for the time being, serving in the Provinces under the Government Servants (Conduct) Rules, 1964.

2. These officers apply for any permission later during their posting in the Federal Government and usually refer to the previous permission(s) obtained by them during their posting in the provinces. As the Establishment Division generally have no intimation/record of such permission(s), it becomes difficult for this Division to deal with such cases in their time perspective.

3. To help keep the record complete and up to date in the Establishment Division, it is requested that;

- (i) Copy of each request of Federal Government servant and order passed thereon by Chief Secretary may be sent to Establishment Division.
- (ii) Similar information in regard to cases processed during calendar year 2000 onwards may be sent.

[Authority: Estab. Div.'s OM No. 1/3/99.D.3, dated 8<sup>th</sup> October, 2002]

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\*All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

## II. EFFICIENCY AND DISCIPLINE

### Sl. No. 23

#### Government Servants (Efficiency and Discipline) Rules, 1973

In exercise of the powers conferred by section \*25 of the Civil Servants Ordinance, 1973 (No. XIV of 1973), the President is pleased to make following rules, namely:—

1. **Short title, commencement and application.**—These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.

\*\*[(2) They shall come into force at once and shall apply to every civil servant].

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(1) "accused" means a Government servant against whom action is taken under these rules;

(2) \*\*\*["authority" means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973]:

@ [Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14th June 2000, the powers of "authority" shall be exercised by the officer designed as such before the aforesaid date:]

(3) "authorised officer" means an officer authorised by the authority to perform functions of an authorised officer under these rules<sup>@@</sup> or, if no officer is so authorised, the authority;

(4) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentleman and includes any act on the part of a Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant; and

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\* Now Civil Servants Act, 1973.

\*\* Subs *vide* Establishment Division Notification S.R.O. No.1809 (I)/73, dated 31-12-1973.

\*\*\* Subs. *vide* Establishment Division Notification S.R.O. No.336(I)/2000, dated 14-6-2000.

@ Added *vide* Establishment Division Notification S.R.O. No.470(I)/2000, dated 7-7-2000.

@@ Added *vide* Estt. Division Notification No. 4/2/77-DI, dated 3<sup>rd</sup> July, 1978.

- (5) "penalty" means a penalty which may be imposed under these rules.

3. **Grounds for penalty.**—Where a Government servant, in the opinion of the authority—

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because—
  - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
  - (ii) he has assumed a style of living beyond his ostensible means; or
  - (iii) he has persistent reputation of being corrupt; or
- (d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore prejudicial to national security, the authority may impose on him one or more penalties.

4. **Penalties.**—(1) The following are the minor and major penalties, namely—

- (a) **Minor Penalties:**
  - (i) censure;
  - (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
  - (iii) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
  - (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;

(b) **Major Penalties:**

- (i) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a person—

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract in accordance with the terms of the contract.

**5. Inquiry Procedure.**—(1) The following procedure shall be observed when a Government servant is proceeded against under these rules:—

- (i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

\*[Provided further that where the authority is President \*\*[or Prime Minister], the powers of the authority under this clause shall be exercised by the Secretary, Establishment Division].

- (ii) The authorised officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

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\* See footnote \* proviso (b) rule 5 (1) (i).

\*\* Added *vide* Establishment Division Notification S.R.O No.43(l)/86, dated 7-1-1986.



- (iii) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall—
- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
  - (b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

- (iv) On receipt of the report of the Inquiry Officer or Inquiry Committee or, where no such Officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority along with the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

\*[(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorised officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority].

**6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.**— Where an Inquiry Officer or Inquiry Committee is appointed, the authorised officer shall—

- (1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.

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\* Added *vide* Establishment Division's Notification No.7/5/75-DI, dated 14-5-1975.

- (3) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.
- (4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.
- (5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.
- (6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.

6-A. \***[Revision.]**—(1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorized officer and pass such order in relation thereto as it may deem fit;

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorized officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:

Provided that no such opportunity shall be given where the authority, for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity].

**7. Powers of Inquiry Officer and Inquiry Committee.**—(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry

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\* Subs. vide Establishment Division Notification S.R.O. No.74(I)/2001, dated 2-2-2001.

Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

8. **Rule 5 not to apply in certain cases.**—Nothing in rule 5 shall apply to a case—

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

\*[8-A. **Action in respect of government servant required to proceed on leave.**—If a government servant proceeding on leave in pursuance of an order under sub-rule (1) of rule 5 is not dismissed, removed from service, reduced in rank or compulsorily retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay].

9. **\*\*[Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.**—When a government servant, to whom these rules apply, is serving under a Provincial Government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents, on the basis of which disciplinary proceedings are proposed, and if considered necessary, it may with the approval of the lending authority place him

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\* Added *vide* Establishment Division Notification No.2/14/73-DI, dated 12-3-1975.

\*\* Subs *vide* Establishment Division Notification S.R.O. No.74(I)/2001, dated 2-2-2001.

under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules].

10. **Appeal.**—A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under [the Civil Servants (Appeal) Rules, 1977]:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

\*\*[10-A. **Appearance of Counsel.**—No party to any proceedings under these rules before the authority, the authorised officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate].

11. **Repeal.**—The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply \*\*\*[and the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961] are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

[Authority.— Estt. Div.'s Notification No. S.R.O. 1213(1)/73, dated 18-8-1973]  
[No. 7/1/73-D-I]

### 23.1 Disciplinary Proceedings Against Accused Government Servants

During a high level meeting chaired by the Chief Executive, it was noted that the designated 'Authorized Officers' have adequate powers under the Government Servants (Efficiency and Discipline) Rules, 1973 to departmentally proceed against government servants involved in the alleged charges of misconduct, inefficiency, corruption etc. They have all the powers to take following actions:—

- (a) To send such officers on forced leave for a period of three months or to recommend suspension from service and extension in forced leave and suspension, in terms of rule 5(1)(i) of the said rules;
- (b) To frame charges/allegations and to initiate disciplinary action in terms of rule 5(1)(ii) & (iii) and to impose one or more minor penalties prescribed in the rules with due process of law after giving a reasonable opportunity of showing cause;

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\* Subs *vide* Establishment Division Notification S.R.O. No.55(I)/77, dated 18-1-1977.

\*\* Added *vide* Establishment Division Notification No.7/3/74-D.I, dated 14-11-1974.

\*\*\* Added *vide* Establishment Division Notification No. S.R.O. 1809(I)/73. dated 31-12-1973.

- (c) To recommend to the 'Authority' award of any of the major penalties prescribed in the rules after due process of law.

2. The designated 'Authorities' also have the original, as well as, revisional powers under rule 5(1)(iv) and rule 6-A of the Government Servants (Efficiency and Discipline) Rules, 1973 which include powers to call for record of any case pending before or disposed of by the 'Authorized Officer' and to pass such order in relation thereto as it may deem fit. Similarly, the appellate authorities under the Civil Servants (Appeal) Rules, 1977 have full powers to modify the orders passed by the departmental authority or the 'Authorized Officer' in cases of appeal where the penalty imposed upon the accused officer is considered inadequate.

3. The \*Chief Executive of Pakistan, in the light of the above, has been pleased to direct that in order to enforce the Government Servants (Efficiency and Discipline) Rules, 1973 and the Civil Servants (Appeal) Rules, 1977 in true spirit, the designated 'Authorities' 'Authorized Officers' and the 'Appellate Authorities' shall invoke the above mentioned provisions of law/rules whenever such a situation arises, without any leniency or hesitation for conclusion of disciplinary proceedings strictly on merit. It is desired that the aforementioned directions of the Chief Executive be fully implemented and due care taken to strictly observe the provisions of rules, prescribed procedures and instructions issued on the subject from time to time.

4. All Ministries/Divisions/Departments are advised to ensure that upto date lists of all disciplinary cases (initiated, pending and finalized) shall be sent periodically to the Discipline Wing of the Establishment Division for scrutiny/re-assessment *etc.* on the proforma already prescribed vide Establishment Division O.M. No.1/3/70-D.I, dated 7th May, 1970.

5. The above instructions may kindly be communicated to all concerned for proper guidance and strict compliance in future.

[*Authority.*—Establishment Division's D.O. letter No. 11/5/2000/D.I, dated 26-2-2000]

### **23.2 Disciplinary Proceedings Under Government Servants (E&D) Rules, 1973 Against Accused Government Servants: Furnishing of Case Material**

Instances have come to the notice of the Establishment Division that the Ministries/Divisions and Provincial Governments, while forwarding the cases for obtaining the orders of the competent authority *i.e.* Establishment Secretary under rule 5 (1) (i) of the Government Servants (E&D) Rules, 1973, do not generally observe the provisions of said rules, laid down procedure and earlier instructions issued on the subject matter. It has particularly been observed that

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\* Prime Minister.

the copies of relevant documents and case material against the accused officers are not enclosed as annex alongwith the Summary/Note for the Establishment Secretary, duly signed by the respective authorized officers on the subject.

2. All the Secretaries/Additional Secretaries Incharge of Ministries/ Divisions and Chief Secretaries of the Provincial Governments are requested to kindly ensure that, while forwarding the cases of \*BPS-17 and above Federal Government servants for obtaining the orders of the Establishment Secretary under rule 5 (1) (i) of the Government Servants (E&D) Rules, 1973, following information and copies of documents be enclosed alongwith the Summary/Note:–

- (i) In case of the proposal for placing \*BPS-17 and above Federal Government servants under suspension, copies of all relevant documents/case material including bio-data of the accused officer and copies of documents on the basis of which suspension of the officer is necessitated viz. any complaint or fact finding inquiry/probe etc. be provided.
- (ii) In case of a request for extension in suspension period of a government servant under suspension or extension in forced leave period, on expiry of current sanction after three months, the present position of the disciplinary case, including the stage of inquiry if it is in progress, may invariably be stated in the said proposals.
- (iii) In case of recommendation for reinstatement in service of a government servant under suspension or termination of forced leave period, the copies of complete record of proceedings viz. charge sheet alongwith statement of allegations, show cause notice if issued instead of charge sheet, report of the Inquiry Officer and final orders of the Authorized Officer etc. be provided.

3. The above instruction may kindly be communicated to all the concerned quarters for guidance and compliance in future.

[Authority.– Establishment Division's O.M. No.11/5/2000-D.1, dated 4-5-2000].

### **23.3 Applicability of Disciplinary Proceedings Against Dismissed, Removed or Compulsorily Retired Civil Servants**

On a directive from the Chief Executive Secretariat, the question, as to whether any order under the Government Servants (Efficiency and Discipline) Rules, 1973 can be passed against a civil servant who already stands dismissed from service, has been examined in consultation with Law, Justice & Human Rights Division. It has been clarified that if a person is dismissed or removed from

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\* Under Rule 2(2) of Government Servants (E&D) Rules,1973 read with rule 6 of Civil Servants (A.P&T)Rules,1973, the authorities for BS-17 to 19 Officers are now concerned Secretaries. Establishment Division is not required to be approached for their cases.

service or compulsorily retired, he does not retain the status of a civil servant for the purpose of any other disciplinary proceedings or imposition of any other penalty. There is a concept of law that the process of appeal is the continuation of the original proceedings, therefore, if a dismissed, removed or retired employee moves a departmental appeal or representation or files an appeal before the appropriate judicial forum he is deemed to be a civil servant for that particular matter only under the said concept of continuation of status during the process of appeal.

2. Where an appeal is filed, the appellant may be treated as a civil servant for the purpose of disposal of that appeal only and the result of any other inquiry that may have been conducted may be held in abeyance. However, if the dismissed, removed or retired person does not file any appeal, the order of dismissal, removal from service or compulsory retirement will attain finality and the result of the other inquiry will become infructuous.

[Authority: Estt. Div.'s O.M. No.SCE/6/97, dated 14.1.2002].

**23.4 Review of Rule Framework on Efficiency and Discipline of Autonomous Bodies etc. for Incorporation of the Provisions at par with Article 194 of Civil Services Regulations, as Amended**

The Prime Minister's Office, while examining the report in a case of criminal offence committed by an employee of an autonomous body, has observed that departmental proceedings and actions under the criminal law are not mutually exclusive and could be taken simultaneously without prejudice to the outcome in either proceedings. Despite this legal position, the organization's report shows that the court was successfully persuaded in this case by the accused officer to grant bail, *inter alia*, for the reason that no departmental proceedings had been initiated against him; thereafter, on their part the organization also proceeded further and reinstated the officer to his substantive position on the basis of bail grant order in his favour, to reinforce and obviate any legal challenge. It was obvious then that the relevant authorities of the organization did not apply their own mind to the facts and merits of the case leading to the registration of the case, and to determine the desirability or otherwise of initiating the Efficiency and Discipline proceedings against the accused officer. Such indifference and apathy also reflects connivance on the face of record, was unjustified and hence unacceptable. Prime Minister's Office has requested the Establishment Division to examine the matter in detail; also to advise all Ministries/Divisions to direct the State Enterprises/Autonomous Bodies under their administrative control/responsibility to review their rule-framework on Efficiency and Discipline for incorporation of the provisions at par with Article 194 of the Civil Service Regulations, as amended.

2. The instruction printed at Serial No.118 (pages 542-543 of ESTACODE 1989 edition) provide as under:-

- (i) There is no legal bar to the holding of a departmental inquiry against a government servant who is being prosecuted in a criminal court. However, departmental inquiry can be deferred till the termination of criminal proceedings where the holding of departmental inquiry may have effect of impeding the course of justice or of prejudicing the trial.
- (ii) In case the accused government servant has been acquitted from a criminal case on technical grounds, the departmental proceedings on the same facts can be started.
- (iii) In case the accused government servant cannot be criminally prosecuted in a Court of law for some reasons or others, it does not bar the government for inquiring into the truth of a charge against a government servant by means of departmental inquiry.

It has been observed that to above instructions are not fully followed by the Ministries/Divisions while dealing with criminal cases.

3. In view of the above, all Ministries/Divisions are requested to strictly follow the instructions contained in Establishment Division's Office Memorandum vide Establishment Division OM No. 4/5/69-D.I, dated 17<sup>th</sup> June 1969. They are also advised that above instructions may be brought to the notice of Heads of all Attached Departments/ Subordinate Offices/Autonomous Bodies/State Enterprises etc., and the staff working under them for their strict compliance.

\*[4. Ministries/Divisions are further advised to direct the State Enterprises/Autonomous Bodies under their administrative control/ responsibility to review their existing rule-framework on Efficiency and Discipline and suitably incorporate following provisions of the Civil Service Regulations\*\* in their service rules.

Article 194. A Government servant who has been charged for a criminal offence or debit and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under FR-53.

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\* Subs. vide Establishment Division Corrigendum No.3/1/99-R.3, dated 8-6-1999.

\*\* Commonly known as CSR.



Article 351. Future good conduct is an implied condition of every grant of a pension. The Local Government, and the Government of Pakistan, reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

The decision of the Governor General\* on any question of withholding or withdrawing the whole or any part of a pension under this Regulation shall be final and conclusive.

Article 351-A. The Governor-General\* reserves to himself the right to order the recovery from the pension of an officer who entered service, of any amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service:

Provided that—

- (1) such departmental proceedings, if not instituted while the officer was on duty:—
  - (i) shall not be instituted save with sanction of the Governor General\*;
  - (ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty whichever is later;
  - (iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and
  - (iv) shall be conducted by such authority and in such places whether in Pakistan or elsewhere, as the Governor General\* may direct;
- (2) all such departmental proceedings shall be conducted, if the officer concerned so request in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and
- (3) such judicial proceedings, if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (1).

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\* In the present context, President/Prime Minister.

Article 351-B. The government may, within one year from the date of issue of Pension Payment Order, recover any of its dues from the pension granted to a civil servant, subject to the condition that no recovery shall be made from the pension without the personal order of the Head of the Ministry or Division or Head of the Department, declared as such under S.R. 2(10) and included in Appendix No.14 Vol. II of the Compilation of the Fundamental Rules and Supplementary Rules as the case may be].

[Authority: Estt. Div.'s O.M.No.3/1/99-R.3, dated 30-4-1999].

**Sl. No. 24**

**Designation of Appointing Authority under Rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and Designation of Authorized Officer Under the Government**

In pursuance of government policy of decentralization and devolution of powers the following amendments have been made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and Government Servants (Efficiency and Discipline) Rules, 1973 :-

- (i) Rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 has been amended *vide* Notification SRO No. 276(1)12000, dated 25.05.2000 under which Secretaries of the Ministries/Divisions concerned have been authorized to make appointments to posts in BPS 17-19, and they have also been authorized to notify appointing authorities for posts in BPS-16 and below.
- (ii) Sub-rule(2) of rule 2 of the Government Servants (Efficiency and Discipline) Rules, 1973 has been amended *vide* Establishment Division Notification SRO No. 336(I)/2000, dated 14.06.2000 under which appointing authority prescribed in rule-6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 has been designated as 'authority' under the aforesaid rules.

2. In terms of the above mentioned amendments, the Secretaries of the Ministries/Divisions are required to:-

- (i) notify appointing authorities for posts in BPS-16 and below in the Ministries/Divisions, Attached Departments and Subordinate Offices under their administrative control. These appointing authorities will become authority under rule 2(2) of Government Servants (Efficiency & Discipline) Rules, 1973 ; and

- (ii) designate 'authorized officers' for civil servants in BPS 17-19 in Ministries/Divisions, Attached Departments and Subordinate Offices.

[Authority: Estt. Div.'s DO No. 16/18/2000-R.2, dated 27<sup>th</sup> June, 2000]

#### 24.1 Procedure for Obtaining Orders of the President or Prime Minister in Disciplinary Cases

It has been decided that in future, all the summaries for the President/Prime Minister in disciplinary cases should invariably be accompanied by the information desired in the enclosed *proforma*. The cases/ summaries received without this information will be returned back to their respective Ministries and Divisions.

[Authority.- Estt. Division's d.o.letter No.3/4/83-D-2, dated 24-3-1983].

#### BIO-DATA

(TO BE USED IN DISCIPLINARY & OTHER CASES)

1. Name of the Officer
  - (a) Grade\* .....
  - (b) Date of Birth & Age on  
( Years Months Days )  
.....
  - (c) Date of Joining & Length of Service.  
( Years Months Days )  
.....
  - (d) Date of Absence from duty. (if applicable)  
.....
  - (e) Total PERs V.Good, Good, Average, Below Average (Years to be shown against Average & Below Average PERs).  
*Note:*  
(1) Any missing PERs with reasons.  
(2) Photo of the Officer is affixed in the C.R.dossier or not and reasons if missing.
  - (f) Adverse Remarks.  
.....
  - (g) Service (Showing Appointments held).  
.....

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\* BPS.

## **24.2 Powers of the 'Authorized Officer' to Suspend a Government Servant or to Send Him on Leave**

Rule 5(1) of the Government Servants (E&D) Rules, 1973 provides that in case where a government servant is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of "authority", suspend him, provided that any continuation of such leave or suspension shall require approval of the "authority" after every 3 months.

Rule 5(4) of above rules further provides that if on receipt of the report of inquiry officer or inquiry committee, or, where no such officer or committee is appointed, on receipt of the explanation of the accused, the "authorized officer" proposes to impose a minor penalty, he shall pass orders accordingly. Following questions have accordingly arisen in the context of above rules:-

(a) Whether specific approval of the "authority" will be required for reinstatement of the government servant concerned if the "authorized officer" imposes upon him a minor penalty before expiry of the current period of suspension or whether an order for the reinstatement of government servant can be passed by the "authorized officer" himself?

(b) Whether the order of suspension or forced leave under rule 5(4) of above rules will automatically abate if the approval of "authority" to the continuation of such forced leave or suspension of a government servant is not obtained after every 3 months?

2. The matter has been recently examined in the Establishment Division in consultation with the Law Division. The conclusion reached is given below *ad-seriatim*:-

(a) Since under rule 5 of the Government Servants (Efficiency and Discipline) Rules, 1973, the 'authorized officer' can only suspend a government servant after obtaining the approval of the "authority", on the basis of the principle embodied in section 25 of the General Clauses Act, 1897 the "authorized officer" would be competent to reinstate the government servant only with the approval of the "authority".

(b) Since continuation of forced leave or suspension beyond a period of three months again requires the approval of the "authority" it would appear that on expiry of the said period of three months the government servant who has been placed under suspension or forced to proceed on leave would be deemed to have been reinstated unless before the expiry of the said period the approval of

the "authority" to the government servant continuing to be under suspension or on leave has been obtained.

[*Authority*.- Estt. Division's O.M. No.7/2/75-DI. dated 22-2-1975].

### **24.3 Approval of Competent Authority for Extension in Suspension**

A reference is invited to the Establishment Division Office Memorandum of even number, dated the 22nd February, 1975, wherein the legal position with regard to suspension, extension of suspension period and reinstatement of the civil servants was explained.

2. It has come to the notice of the Establishment Division that, on the basis of the above instructions, civil servants under suspension are being re-instated on the ground that approval of the authority for their continued suspension was not obtained before the expiry of three months of their suspension or the extended period of suspension.

3. It may be clarified that the intention of the Establishment Division in circulating the legal position contained in the O.M. referred to above was to impress upon the Ministries/Divisions the importance of obtaining the approval of the authority for the continued suspension of a civil servant well in time. As has been stated in para 2 (b) of O.M. referred to above, it is necessary to obtain orders of the authority for the reinstatement of a civil servant who is under suspension.

4. Ministries/Divisions are requested to take necessary steps to obtain the approval of the authority for suspension of a civil servant after every three months well in time before the expiry of the period of suspension. In no case should a government servant under suspension be re-instated without the approval of the authority.

[*Authority*.- Estt. Division's O.M.No.7/2/75-DI, dated 16-3-1976].

### **24.4 Appointment of an Inquiry Officer Under the Government Servants (Efficiency & Discipline) Rules, 1973**

Under rule 5 (1) (ii) of the Government Servants (Efficiency and Discipline) Rules, 1973, the "Authorised Officer" has the powers to order holding of inquiry against an accused government servant through an Inquiry Officer or Inquiry Committee. It has been noticed that sometimes the Ministries/

Divisions/Departments appoint Inquiry Officers who are junior to the accused government servant.

2. It is clarified that it is not appropriate to appoint an "Inquiry Officer" junior to the officer being proceeded against under the aforementioned rules as that could lead to administrative and legal complications at a later stage. All Ministries/Divisions are, therefore, advised to keep this aspect in view while appointing inquiry officers in cases involving disciplinary cases under the E&D Rules.

[*Authority.*- Estt. Division's O.M. No. 16/61/94-R.2, dated 24-1-1995].

**Sl. No. 25**

**Grant of Personal Hearing to the Accused Government Servant Under Rule 5 (1) (iii) of the Government Servants (Efficiency & Discipline) Rules, 1973**

Rule 5 (1) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973, provides that if the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall—

- (a) by order, in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of action, and
- (b) give him a reasonable opportunity of showing cause against that action.

2. A question has arisen as to whether a reasonable opportunity of showing cause against the proposed action includes grant of personal hearing to the accused. The matter has been considered in consultation with the Law and Justice Division and it has been decided that in order to safeguard against the possibility of the disciplinary proceedings being vitiated at later stage, the show cause notice should contain a reference asking the accused if he wishes to be heard in person.

3. All Ministries/Divisions are accordingly advised that, henceforth, every show cause notice to be issued in terms of rule 5 (1) (iii) of the Government Servants (Efficiency and Discipline) Rules 1973, must contain a specific reference asking the accused to state whether he wishes to be heard in person.

4. The above decision is circulated for the information of Ministries/Divisions with the request to also bring it to the notice of the Attached Departments/Subordinate Offices, *etc.* under the administrative control for necessary action.

[*Authority.*- Estt. Division's O.M.No.16/29/96-R.2, dated 17-6-1996].

### **25.1 Extension in Period of Suspension**

It has been observed that, while making a request for extension in the suspension period of a civil servant under suspension on expiry of the current sanction after three months, the Ministries/Divisions do not mention the stage of disciplinary proceedings/inquiry *etc.* against the accused.

2. It has, therefore, been decided that, whenever such a request is made by the Ministries/Divisions, the present position of the disciplinary case including the stage of inquiry, if it is in progress, may invariably be stated in the proposals for extension in the period of suspension of the accused officer.

[*Authority.*- Estt. Division's O.M. No. 2/26/86-D.I., dated 30-8-1987].

### **25.2 Stoppage of Increment Under Government Servants (Efficiency and Discipline) Rules, 1973**

Instances have come to the notice of the Establishment Division where the penalty of stoppage of increment under Government Servants (Efficiency & Discipline) Rules, 1973, has been imposed on government servants, who have reached the maximum of the pay scale thus making the penalty ineffective. It is, therefore, necessary that the stage of the pay scale at which a government servant is drawing pay is kept in view by the competent authority before imposing the penalty of stoppage of increment under the above rules.

[*Authority.*- Estt. Division's O.M.No.31/46/86-R-3, dated 7-12-1986].

### **25.3 Need of Keeping the Provisions of FR-29 in View While Imposing the Penalty Under Rule 4 (1) (b) (i) of the Government Servants (Efficiency and Discipline) Rules, 1973**

It is to state that rule 4 (1) (b) (i) of the Government Servants (Efficiency and Discipline) Rules, 1973 provides for the penalty of reduction to a lower post or time scale or to a lower stage in a time scale. In this connection attention is invited to the provisions of Fundamental Rule 29 which stipulates that " if a Government Servant on account of misconduct or inefficiency is reduced to a lower \* grade or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if so to what extent". Law Division have advised that the provisions of FR-29 should be treated as supplementary to rule 4 (1) (b) (i) of the Government Servants (Efficiency and Discipline) Rules, 1973. It is, therefore, necessary that while passing an order imposing a penalty of reduction to a lower post or time scale or to a lower stage in a time scale, the requirements prescribed in FR-29 should be strictly observed.

[*Authority.*- Estt. Division's O.M. No. 16/18/94-R.2, dated 09-09-1998].

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\* BPS.

**25.4 Competency of the Punishing Authority to Re-try Cases or to Revise Punishments Already Imposed**

The following questions have arisen:-

- (a) whether an original punishing authority can, on his own accord, re-try a case in which he has already passed orders on the grounds that some flaws in the statutory procedure have been detected by him after the issue of orders but before any appeal has been preferred to the appellate authority against these orders; and
- (b) whether a punishing authority can, merely on reconsideration, modify and revise the penalties already imposed by him in a case in which there has been no flaw in the statutory procedure.

2. The reply to both questions is in the negative. An original punishing authority cannot revise its own punishing orders whether merely on reconsideration or on discovery of some flaw in the statutory procedure after the original orders are passed but before any appeal has been preferred against these orders. In either case, if no appeal has been preferred, only the Governor General-in-Council\* in exercise of his revisional powers can order a re-trial of the case or a modification of the original orders.

3. In this connection it may be added that the intention of the orders contained in para 2(b) of this office letter No. ESB, III-I/36, dated the 29th May, 1936, is that the appellate authority can order re-trial of a case on the ground of flaw in procedure only on receipt of an appeal from the appellant. If no appeal has been preferred or if an appellate authority has already passed his order on an appeal the only authority competent to order re-trial in a case on the grounds of flaw in procedure is the Governor General-in-Council.

[Late D.G.P.&T. New Dehli letter No. E.III- 18/41, dated the 30 January, 1941 to all Heads of Circles]

*Note.*- The clarification given by the late D.G.P.&T. in his above letter is valid in the present context.

[*Authority.*- Estt. Division's U.O. Note No.1012/66-DI, dated 21-2-1967].

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\* Now it would mean the competent authority under the Government Servants (E&D) Rules, 1973.



### **25.5 Competency of the Punishing Authority to Re-try Cases or to Revise Punishments Already Imposed – Clarification**

As per Establishment Division's instructions issued *vide* u.o. No. 1012/66-D-1 dated 21-02-1967, original punishing authority cannot revise its own punishing orders whether merely on reconsideration or on discovery of some flaw in the statutory procedure after the original orders are passed.

2. The instructions referred to above also hold good in cases whether punishing orders are passed under the \*Removal from Service (Special Powers) Ordinance, 2000 and it is reiterated that the competent authority, after awarding the penalty and notifying the same, cannot review/revise its own orders under the ordinance, *ibid*.

[*Authority:* Estt. Div.'s OM No. 8/13/2003-D-3, dated 10<sup>th</sup> February 2007]

### **25.6 Powers of the Authority under Rule 6-A of the Efficiency and Discipline Rules**

Under the provisions of rule 6-A of the Government Servants (Efficiency and Discipline) Rules, 1973, the authority may call for the record of any case pending before or disposed of by the authorized officer and pass such order in relation thereto as it may deem fit.

2. To enable the 'Authority' to perform its function more effectively under the provision of said rule, it has been decided that in future, whenever the disciplinary proceedings are completed against a civil servant of the Federal Government in BPS 17 and above, copies of the record of the proceedings *viz:* charge sheet alongwith statement of allegations; show cause notice, if issued instead of charge sheet; report of the Inquiry Officer and the final orders, be endorsed to Establishment Division, Joint Secretary (Discipline).

3. The above decision may also be brought to the notice of all Attached Departments/Subordinate Offices' for strict compliance in future.

[*Authority:-* Estt. Division's O. M. No. 2/83/80-C. II(B), dated 17-11-1980].

### **25.7 Disciplinary Procedure to be Followed in Cases Where No Inquiry Officer/ Committee is Appointed**

Rule 5 (1) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973 provides that if the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall:-

- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of action, and

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\* Since Removal from Service (Special Powers) Ordinance, 2000, stands repealed *vide* Section 2 (1) of the Act No.III of 2010, notified *vide* Estt. Division's O.M.No. 3/10/2010-R.II dated 17-3-2010.

- (b) give him a reasonable opportunity of showing cause against that action.

2. Both the provisions mentioned at (a) and (b) in the preceding paragraph are mandatory. On an appeal filed by a government servant against the order of his compulsory retirement, the Service Tribunal has recently set aside the order of his compulsory retirement on the grounds that neither the action to be taken was specifically mentioned in the Show Cause Notice nor was he given a reasonable opportunity of showing cause against the proposed action. It has been pointed out by the Services Tribunal that there are decisions of the superior courts on the point that whenever any discretion is given to an authority, it has to be exercised not arbitrarily but honestly, justly, and fairly in the spirit of rules, and on judicial grounds and for substantial reasons. For this purpose, the nature of allegations against the accused has to be considered. In a case where it is clear to the authorized officer that the accused can be given reasonable opportunity of showing cause against the action proposed to be taken *e.g.* where the allegations could be decided by reference to record in a summary manner, the procedure under sub-rule (iii) of rule 5(1) may be adopted. Otherwise, the ends of justice would be served by ordering an inquiry through an Inquiry Officer or Inquiry Committee.

3. In a Show Cause Notice, the proposed action is required to be specified, and no general mention is to be made by reference to all the minor or major penalties in the rules.

4. Further, serving of a Show Cause Notice and mere reply thereto in denial of allegations or mere questions and answers do not amount to affording the accused a reasonable opportunity of showing cause as required by clause (b) of rule 5 (1) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973. The requirement of reasonable opportunity of showing cause against proposed action will only be satisfied if particulars of the charge or charges, substance of evidence in support of the charges and specific punishment which would be called for after the charge or charges are established are communicated to the civil servant who is given reasonable time and opportunity to show cause.

[*Authority*.- Estt. Division's O.M. No. 6/8/79-D.I., dated 10-7-1979].

### **25.8 Specification of Penalty in the Charge-Sheet/ Show Cause Notice Under the Government Servants (Efficiency & Discipline) Rules, 1973**

Under rule 5 of the Government Servants (Efficiency and Discipline) Rules 1973, in case a government servant is accused of subversion, corruption and misconduct, the authorized officer shall, *inter alia*, decide whether in the light of facts of the case or interest of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated

in rule 6 thereof shall apply. The charge-sheet accompanied by the statement of allegations, shall accordingly be framed by the authorized officer and got served on the accused. If, however, the authorized officer decides that it is not necessary to have an inquiry conducted he shall serve on him a show cause notice in terms of rule 5 (1) (iii) of the said rules, specifying therein the penalty proposed to be imposed upon the accused.

2. A reference to rule 6 of the Government Servants (Efficiency & Discipline) Rules, 1973 will show that in a charge sheet, the penalty or penalties which may be imposed if the charge or charges are established are not required to be specified. The proposed penalty or penalties are specified in the:

- (i) Show cause notice issued in terms of rule 5 (1) (iii) of the Government Servants (Efficiency & Discipline) Rules, 1973, or
- (ii) Show cause notice issued in terms of rule 5 (1) (iv) of the Government Servants (Efficiency and Discipline) Rules, 1973, after the authorized officer has considered the inquiry report and arrived at a provisional conclusion as the penalty to be imposed as required *vide* para 3 of the Establishment Division O.M. No. 4/20/82-R.I. dated 20th July, 1982 in pursuance of Supreme Court's judgement in the case of the Mir Muhammad V/s \*NWFP (All Pakistan Legal Decisions SC-179).

4. The above instructions may also be brought to the notice of attached departments/subordinate offices for compliance in future.

[*Authority*.- Estt. Division's O.M. No. 2/1/82-D-2, dated 11-1-1982 as modified *vide* Estt. Division's O.M. of even number dated 3-7-1985].

**25.9 Requirement to Issue a Fresh Show Cause Notice If the Penalty Imposed Under Government Servants (Efficiency and Discipline) Rules, 1973 or Proposed to be Imposed is Greater than that Specified in the Show Cause Notice or is Proposed to be Enhanced by the Appellate Authority**

As a result of disciplinary action taken against a government servant, the appellate authority considered the penalty imposed by the authorized officer to be inadequate and enhanced the penalty. The government servant filed an appeal against enhancement of penalty before the Services Tribunal (Appeal No. 2(K) of 1980). The Services Tribunal, while accepting the appeal, observed that the penalty was enhanced without giving the appellant an opportunity of being heard which was against natural justice and further observed that "we are of the firm opinion that even if the rules are silent on the subject, any time an appellant's punishment is enhanced, he will be given a show cause and a hearing. This requirement of natural justice shall always be read into the rules." The Division concerned referred the observation of the

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\* Now K.P.K.

Services Tribunal to the Ministry of Law who confirmed that, while it was open to the appellate authority to revise the sentence upward, it would be appropriate for the appellate authority to give a show cause notice to the appellant and hear him before passing the order. They advised that the order of the Tribunal should, therefore, be obeyed:

2. The observations of the Service Tribunal and the advice of the Justice Division mentioned in para 1 is brought to the notice of all Ministries/Divisions and Departments for guidance and compliance.

3. The cases in which a penalty is enhanced may be as follows:-

- (i) Where the authority decides to enhance the penalty proposed by the authorized officer and which is greater than the maximum penalty shown in the show cause notice issued by the authorized officer in terms of rule 5 (1) (iii) of the Government Servants (Efficiency & Discipline) Rules, 1973, or in the show cause notice issued by the authorized officer in terms of rule 5(1) (iv), after considering the inquiry report, as the case may be; or
- (ii) Where the authority in exercise of its revisionary powers under rule 6-A of the rules, decides to enhance a penalty already imposed in a case already disposed of or which, in a pending case, is greater than the penalty shown in the show cause notice; or
- (iii) Where the appellate authority, in exercise of its appellate jurisdiction, decides to enhance the penalty already imposed on the appellant.

4. The Ministries, Divisions and Departments are advised to ensure that in all such cases as are mentioned above, before the penalty is enhanced a show cause notice is invariably issued and the accused/appellant is given an opportunity of being heard in person.

[Authority.- Estt. Division's O.M. No. 4/42/83-D.2, dated 29-7-1985].

#### **Sl. No. 26**

#### **Specification of Major Penalty in the Show Cause Notice Issued Under Government Servants (Efficiency and Discipline) Rules, 1973**

Attention is invited to para 3 of Establishment Division O.M.No.2/1/82-D.2, dated 11-1-1982 as corrected *vide* para 1 of O.M. of even No. dated 3rd July 1985, wherein advice was conveyed that while issuing a show cause notice to an accused government official under the Government Servants (Efficiency and Discipline) Rules, 1973, mention of imposition of the penalty of "dismissal from service" should, invariably, be made. Once an accused official has been served with a show cause notice for the highest penalty of "dismissal from service" under

the said rules, there can be no legal objection to the imposition of a lesser penalty/penalties on him, if subsequently so warranted on finalisation of the disciplinary proceedings.

2. Attention is also invited to this Division O.M. No.4/42/83-D.2, dated 29-7-1985, wherein it was laid down that if a penalty is enhanced in the following cases, a show cause notice should invariably be issued, and the accused/appellant be provided an opportunity of being heard in person:

- (i) Where the 'authority' decides to enhance the penalty proposed by the 'authorised officer' and which is greater than the maximum penalty shown in the show cause notice issued by the 'authorised officer' in terms of rule 5 (1) (iii) (b) of Government Servants (Efficiency and Discipline) Rules, 1973, or in the show cause notice issued by the authorised officer in terms of rule 5 (1) (iv), after considering the inquiry report, as the case may be; or
- (ii) Where the authority in exercise of its revisionary powers under rule 6-A of the rules, decides to enhance a penalty already imposed in a case already disposed of or which, in a pending case, is greater than the penalty shown in the show cause notice, or
- (iii) Where the appellate authority, in exercise of its appellate jurisdiction, decides to enhance the penalty already imposed on the appellant.

3. It has been observed that in some cases due regard was not paid to the above instructions. All Ministries and Divisions are requested to ensure that the above instructions are strictly observed in all cases to preclude legal/procedural objections.

[*Authority*.- Estt. Division's O.M.No.16/8/98-R.2, dated 19-3-1998].

### **26.1 Publication of Notices in the Newspapers**

It has come to the notice of the government that the procedure of publication of notices in the press in the cases of unauthorized absence/abscondment from duty is being frequently resorted to without taking into consideration the provisions of rule 8(b) of the Government Servants (Efficiency and Discipline) Rules, 1973 which provides for the dispensation of adopting even formal procedure in such cases. This not only results in undue delay in finalization of these disciplinary cases but also undue wastage of government money on publication of such notices.

2. The matter has, therefore, been considered in the Establishment Division in consultation with Law Division. It is clarified that under the Government Servants (Efficiency and Discipline) Rules, 1973, there is no provision making it obligatory or mandatory for the authority/authorized officer to publish a notice in the newspaper in the cases of unauthorized absence/ abscondment from duty. The requirement of rule 5 of the Government Servants (Efficiency and Discipline) Rules, 1973, is that the accused may be informed of the action proposed to be taken in regard to him and the grounds of such action and that he may be given a reasonable opportunity of showing cause against the action. This information can be conveyed to him by different means, *i.e.* by registered post at his last known address or by affixation of a notice at that address, *etc.* Same is the position under rule 6(2) in respect of service of a charge-sheet. According to rule 8 of the said rules nothing in rule 5 shall apply if the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded, in writing, by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause, for instance, if it is reported that the accused has left his place of abode without leaving an address or he has gone out of the country and his whereabouts are not known. If the authority mentioned in rule 8(b) is satisfied about the genuineness of the report, it may invoke the provision contained in the said rule. The publication of a notice in newspapers may not be resorted to.

3. The publication of notice in the newspapers, in such cases should, however, be resorted to in very rare cases where the competent authority is not in a position to record reasons for its satisfaction as to the practicability of affording the accused an opportunity of showing cause. There a lack of response to such a notice may induce that authority to be so satisfied.

4. The above instructions may please be brought to the notice of all concerned for strict compliance in future.

[*Authority*.- Estt. Division's O.M.No.4/18/83-D-2, dated 15-2-1984].

## **26.2 Publication of Charge Sheet or Show Cause Notice in Newspaper**

A case has come to notice where long leave granted to a postal clerk was cancelled and he was asked to resume duty immediately. When he failed to do so, a notice was published in the newspaper directing him to resume duty within seven days otherwise *ex-parte* proceedings under the Government Servants (Efficiency and Discipline) Rules, 1973 could be taken against him which might result in his removal from service. He failed to resume duty. He was accordingly dismissed from service. His departmental appeal was rejected. Thereafter, he filed an appeal in the Services Tribunal (Appeal 2(P) of 1984). The Services Tribunal accepted the appeal and set aside the order holding as follows:

"It is manifestly evident that the impugned order was passed without taking any proceeding under the Efficiency & Discipline Rules though in the notice published in the newspaper it was categorically stated that in case of failure of the appellant to resume duties, *ex-parte* proceedings under the E&D Rules would be taken against him. In any case, the punishment of dismissal from service could be awarded only after taking proceedings under the E&D Rules which was not done and the impugned order was passed in an arbitrary and unlawful manner. The position being so clear, the impugned order cannot be sustained and we have no option but to set it aside."

2. The observations of the Service Tribunal are brought to the notice of all Ministries, Divisions and Departments who should ensure that due care is taken in observing the requirements of Government Servants (Efficiency and Discipline) Rules, 1973 in taking disciplinary action against civil servants. In this case, what was published was merely a notice or a warning that if the clerk did not resume duty, action under Government Servants (Efficiency and Discipline) Rules, 1973 would be taken. However, on his failure to resume duty as directed, order to dismissal was straightway passed without initiating disciplinary action on the ground of misconduct.

3. In this connection, a reference is also invited to the Establishment Division O.M. No. 4/18/83-D.2, dated 15th February, 1984, bringing out the requirement of rule 8, clause (b) and the circumstances in which that rule can be involved. According to rule 8(b), nothing in rule 5 (containing inquiry procedure) will apply to a case where the competent authority is satisfied that for reasons to be recorded, in writing, it is not reasonably practicable to give the accused an opportunity or showing cause. If all efforts to communicate with the accused through normal channels (like sending him the notice or charge sheet by registered post to his known addresses) fail, that may induce the authority to be so satisfied. For this purpose, publication of charge sheet or show cause notice, as the case may be, in the national press is certainly not required. However, if in rare cases, the competent authority is unable to satisfy itself that it is not reasonably practicable to communicate with the accused, the competent authority may publish the notice *i.e.* show cause notice in terms of rule 5 (1) (iii) of the Government Servants (E&D) Rules, 1973 or rule 5 (1) (iv) or charge sheet in terms of rule 6 (as the case may be) in the newspapers and any lack of response to it may satisfy the competent authority that it is not responsibly practicable to give the accused an opportunity of showing cause.

[*Authority.*- Estt. Division's O.M.No.4/18/83-D.2, dated 9-7-1985].

### **26.3 Disciplinary Action - Need to Observe Strictly the Rules and Procedure Relating to Check List**

It has been observed that in dealing with disciplinary cases, care is not generally taken to observe the procedure laid down in the Government Servants (Efficiency and Discipline) Rules, 1973. Such omissions vitiate the case and if the government servant concerned goes in appeal to the Services Tribunal, the appeal is sometime accepted on this account. It is, therefore, necessary that extreme care is taken to ensure that the cases are dealt with according to the prescribed rules and procedure.

2. The Establishment Division has been issuing instructions from time to time drawing attention of all concerned to specific requirements of rules and procedure or to omissions generally noted in disciplinary action. In this connection a reference is invited to the Establishment Division O.M. No. 7/2/79-D-I, dated 18th November, 1979 with which a check list for guidance of authority, authorized officer and inquiry officer was circulated to ensure that all procedural requirements are met. This was followed by a circular d.o. letter No. D-553/80-JS (Rev & D) dated 22<sup>nd</sup> October, 1980 from Establishment Secretary to all Secretaries, drawing attention to some irregularities noticed in the disciplinary cases submitted to the Establishment Division. In Establishment Division O.M. No. 4/20/82-R.I, dated 20th July, 1982, it was further laid down that, in future, after the authorized officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed on the accused, the accused should be supplied with a copy of the inquiry report and asked to show cause, within a specified time, as to why the particular penalty should not be imposed on him and any representation submitted by the accused in his behalf should be taken into consideration before final orders are passed.

3. It is requested that the instructions issued from time to time and particularly the instructions in the Office Memoranda quoted in para 2 may strictly be followed in future by the Ministries/Divisions and by departments and offices under their administrative control. For facility of reference, the instructions contained in the three office memoranda quoted in para 2 have been consolidated in a fresh check list, which is attached to this letter as **Annex**. It should always be consulted while processing disciplinary cases.

[*Authority*.- Estt. Secretary's d.o. letter No.3/1/85-D.2, dated 26-3-1985].



**(ANNEX)****CHECK-LIST OF REQUIREMENTS TO BE NOTED WHILE TAKING ACTION UNDER GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1973**

## ➤ Authority.— To ensure that:-

The President has been pleased to designate the officer or authority to exercise his powers as Authority under rule 2(2).

## ➤ Authorized Officer.— To ensure that:-

1. The officer exercising the powers of Authorized Officer has been authorized by the Authority to act as such in terms of rule 2(3).
2. The Authorized Officer while exercising his discretionary powers of suspension under rule 5(1) (i) has obtained prior approval of the Authority in writing before issuing orders suspending the accused officer. The summaries for authority seeking its approval for suspension or extension of suspension period are signed by the authorized officer and not by any other officer. Further, an officer can be suspended only if he is accused of subversion, corruption or misconduct rule 5 (1) (i).
3. Formal approval of the Authority is available for continuation of the suspension period after every three months rule 5 (1) (i).
4. Formal approval of the authority is available for extending the period of forced leave after every three months rule 5 (1) (i).
5. No officer other than the Authorized Officer has decided that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry office or Inquiry Committee, rule 5(1)(ii).
6. Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorised officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry. [Rule 5(1)(iii)]. (Though it is not a requirement of the rule that the reasons for not holding an inquiry be recorded, yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice).
7. The procedure prescribed in rule 6 is followed in case the Authorized Officer in exercise of his discretionary power under rule 5 (1) (ii) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee.

8. Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorized Officer and not by any other officer. [Rule 6 read with rule 5 (1) (ii)].
9. A formal charge-sheet together with a statement of allegations has been framed and communicated to the accused officer by the Authorized Officer under his signature. (The statement of allegations should also be authenticated by the authorized officer). [Rule 6 (1)].
10. The charge sheet requires the accused:
  - (i) to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;
  - (ii) to state whether he desires to be heard in person, [Rule 6 (2)].
11. The procedure laid down in Rule 5 (1) (iii) is followed in case the Authorized Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.
12. In the show cause notice issued under Rule 5 (1) (iii), the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties. The description of penalties should conform to the description given in the rules. The show cause notice must be signed by the authorized officer.
13. On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under rule 5 (1) (iii), the Authorized Officer has determined whether the charge or charges against the accused officer has been proved or not [rule 5 (1) (iv)].
14. After the authorised officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause, within a specified time, which should not be less than 7 days and more than 14 days from the date of receipt of inquiry report, against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

15. In case the Authorized Officer has proposed imposition of a major penalty on the accused officer, he has referred the case to the Authority with his recommendation and with all the documents mentioned in the rule [rule 5 (1) (iv)].
  16. When the accused has desired to be heard in person, the authorized officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty. [rule 6 (2)].
  17. In case the authorized officer in respect of civil servants holding posts in basic pay scales 17 and above decides to forward a disciplinary case to the President\*, where he is the authority, he should invariably submit his proposal to the Establishment Division in the form of a "summary for the President\*\*" marked to the "COS to the President\*\* through Establishment Secretary" alongwith complete CR dossier. The summary should also contain the following information:-
    - (i) date of the birth of the accused;
    - (ii) date of his entry into service; and
    - (iii) the length of qualifying service for pension as on the date on which summary is forwarded.
- Inquiry Officer/Committee.- To ensure that:-
1. The procedure laid down in rule 6(3) to (6) is strictly adhered to during the inquiry proceedings.
  2. The inquiry proceedings being of judicial nature in terms of rule 7, the Inquiry Officer has recorded the statement of witnesses on oath [Rule 7 (a)].
  3. The accused officer is allowed to cross-examine the witnesses produced against him during the proceedings. [Rule 6 (3)].
  4. The accused officer is afforded a reasonable opportunity to produce his defence. [Rule 6 (3)].
  5. The case is heard from day to day and no adjournment is given except for reasons to be recorded in writing which should be reported to the authorized officer. No adjournment should exceed a week. [Rule 6 (4)].
  6. The findings are recorded after due analysis and appreciation of evidence on record.

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\* Prime Minister.

\*\* Principal Secretary to Prime Minister.

**Sl. No. 27****Approval for Placing a Government Servant under Suspension**

A detailed check-list stands circulated to all the Ministries/ Divisions vide Establishment Secretary's D.O. letter No. 3/1/85-D.2, dated 26-3-1985 which is required to be strictly followed while taking action under the Government Servants (Efficiency and Discipline) Rules, 1973. This check-list has been carefully prepared and provides detailed guidance to the authorities concerned regarding the various stages/aspects of the E&D proceedings, including preparation of charge-sheet, statement of allegations, etc. to avoid what may otherwise lead to such proceedings being declared totally or partially irregular at a later stage by the competent authority/forum.

2. Despite these detailed instructions, however, instances are not lacking where due to serious lapses on the part of the authorities concerned, the accused civil servants have escaped punishment or where such proceedings had to be re-initiated. All this is avoidable if the detailed instructions on the subject are strictly followed.

3. One of the major failures which has been noted is in respect of suspension of the defaulting civil servants. Not infrequently, references seeking approval of the competent authority for placing a civil servant under suspension or for extension in the period of his suspension are forwarded under the signatures of someone other than the "Authorised Officer". Since the Efficiency & Discipline proceedings have a legal connotation and all orders, including suspension, are liable to judicial scrutiny upto the Supreme Court's level, it is vital that all such proposals are signed by the competent authority himself as these powers cannot be delegated to anyone else.

4. The instructions on the subject may be strictly adhered to which would not only safeguard the State's interests but would also save the Ministries/Divisions concerned from avoidable loss of time and energy.

[Authority:- Estt. Division's O.M.No.2/52/94-D-I, dated 26-12-1994].

**27.1 Irregularities in Dealing with Disciplinary Cases**

The following irregularities have come to the notice of Establishment Division, in dealing with the disciplinary cases submitted by the Ministries and Divisions in respect of the Civil Servants of Basic Pay Scale 17 and above.

- (i) Under rule 5 (1) of the Government Servants (Efficiency and Discipline) Rules, 1973, it is the "authorized officer" [designated as such under sub-rule (3) of rule of the said rules] who can obtain the approval of "authority" [designated as such under sub-rule (2) of rule 2 of the said rules] to the suspension of a civil servant. The summaries proposing the suspension of the civil servants in

grades\* 17-20 are some time received under the signatures of an officer other than 'authorized officer'.

- (ii) Rule 5 (1) (ii) makes it incumbent upon the "authorized officer" to decide that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry Officer/Inquiry Committee or a "Show Cause Notice" should be served on the accused official in terms of sub-rule 5 (1) (iii), it has been noticed that in some cases either this decision has been taken by a person other than 'authorized officer' or the "authorized officer" has not shown to have applied his independent judgement.
- (iii) In case the Authorized Officer has decided to serve a "Show Cause Notice" to the accused official, under rule 5(iii), sometimes it is not served under his signatures. Similarly, in a large number of cases it has been noticed that the action proposed to be taken against the accused and grounds thereof are not incorporated in the show cause notice. Instead of that a general reference is invited to one of the major penalties, which is not correct.
- (iv) In case the "Authorized Officer" decides to hold an inquiry through an Inquiry Officer/Inquiry Committee, formal orders regarding the appointment of Inquiry Officer/Inquiry Committee have to be issued by the "Authorized Officer " and not by any other officer.
- (v) In terms of rule 6, it is the "Authorized Officer" who has to frame a charge-sheet together with a statement of allegations and then communicate these to the accused official. It has been observed in some of the cases that (a) charge sheet has been signed by an officer other than the "authorized officer" (b) the charge-sheet is not accompanied by the statement of allegations, elaborating the charge; (c) the statement of allegations has not been authenticated by the "authorized officer".
- (vi) In terms of rule 6 (4), the Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment with reasons shall be reported forthwith to the 'authorized officer'. No adjournment shall be for more than a week. In spite of clear provisions of the rules, it has been generally noticed that (a) the inquiry proceedings are not conducted by the Inquiry Officers from day to day; (b) the reasons of adjournments, if any, are not regularly reported to the "authorized officer" (c) the period of adjournment goes beyond a week. These delays must be avoided, particularly in cases where the accused officer is under suspension.

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\* BPS

- (vii) Under rule 6 (2), the authorized officer has to afford the opportunity of personal hearing to the accused officer, if such opportunity is claimed, before deciding to impose a minor penalty or recommending to the authority the imposition of major penalty, in terms of rule 5 (1) (iv). It has been often observed that this opportunity of personal hearing is confused with the hearing given by the inquiry proceedings. This is not correct.
- (viii) Under rule 5 (1) (iv), on receipt of the report of the Inquiry Officer or an Inquiry Committee on receipt of the explanation of the accused to the show cause notice, if any, the authorized officer has to determine whether the charge/charges have been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge-sheet, statement of allegations, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. It has been generally found that (a) the Inquiry Officer at times besides giving his findings on the charges also makes his recommendation regarding the imposition of a major or minor penalty, (b) the authorized officer does not make use of his independent judgement, (c) the recommendations of the authorized officer to the authority are not accompanied by all the documents mentioned above.

2. The irregularities detailed above are grave in nature and a failure to fully comply with the requirements of the Government Servants (Efficiency and Discipline) Rules, 1973 impairs and at times vitiates the disciplinary proceedings and the order imposing a penalty on an accused is frequently set-aside by the appellate authority or the Services Tribunal. This not only results in loss of prestige for the government but also in the loss of unnecessary expenditure which the government has to incur in defending the appeals of the aggrieved government servants in the courts of law.

3. It may kindly be ensured that provisions of the Government Servants (Efficiency and Discipline) Rules, 1973 are fully complied with in future by the officers responsible for discharging their duties under the said rules before and during the currency of the disciplinary proceedings against the civil servants as 'Authority', 'Authorized Officer' or 'Inquiry Officer'.

[*Authority*.- Estt. Div.'s D.O. letter No. 553/80-JS(Rev. & D), dated 22-10-1980].

## 27.2 Supply of Copies of Inquiry Reports to the Accused Officials

A reference is invited to rule 5 and 6 of the Government Servants (Efficiency and Discipline) Rules, 1973. The Supreme Court of Pakistan in their Judgement in Mir Muhammad Vs. \*NWFP (All Pakistan Legal Decisions. 1981 SC. 179) observed as follows in respect of corresponding rules 5 and 6 in the \*NWFP Government Servants (Efficiency and Discipline) Rules, 1973.

"It seems to us, therefore, that on a proper construction of rules 5 and 6 read together it is a statutory requirement that if a formal inquiry is held, then the authorized officer should, after he has tentatively decided upon the action he proposes to recommend to the Authority, give an opportunity to the accused officer to offer his explanation against the proposed action in the light of the findings of the inquiry officer or inquiry committee, before sending his recommendations to the Authority. This would, of course, necessitate that a copy of the inquiry report be furnished to the accused officer at this stage, and he should be apprised of the action proposed against him."

2. In view of the Supreme Court Judgement, it is now necessary that in a case where a formal inquiry is held, a copy of the inquiry report is furnished to the accused official to enable him to offer his explanation with regard to adverse finding, if any, recorded against him by that Inquiry Officer or the Inquiry Committee, as the case may be.

3. It has been decided that after the authorized officer has considered the report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause, within a specified time, which shall not ordinarily exceed \*\*[fourteen days], against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

4. The procedure described in para 3 may also be followed in those disciplinary cases which are in progress and have not been finally closed. Even in cases where the matter has been pending before the Services Tribunal or the Supreme Court, the proceeding may be started *de novo* in consultation with the Law Division, from the stage from which the error could be corrected in the light of the aforesaid Judgement. Cases finally closed need not be reopened.

[Authority.- Estt. Division's O.M. No. 4/20/82-RI, dated 20-7-1982].

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\* Now K.P.K.

\*\* The words "one month" have been substituted by the words "fourteen days" *vide* Estt. Division O.M. No. 3/1/85-D-2 dated 3-7-1985.

### **27.3 Grant of Personal Hearing to the Accused Official**

According to instructions contained in the Establishment Division circular O.M.No.4/20/82-R.I, dated 20th July, 1982, in a case where a formal inquiry is held, the authorized officer, on receipt of the inquiry report, shall arrive at a provisional conclusion as to the penalty to be imposed and shall supply a copy of the inquiry report to the accused and ask him to show cause within a specified time, against the penalty to be imposed. A question has arisen at what stage the accused will be given personal hearing by the authorized officer whether it will be given after the receipt of the inquiry report and before the accused is supplied with the inquiry report and, asked to show cause against the particular penalty to be imposed or it will be given after this action is completed and the reply of the accused to the Show Cause has been received.

2. The matter has been considered in the Establishment Division in consultation with the Law Division and the view held is that the right stage for giving personal hearing to the accused by the authorized officer, if the accused had asked for such opportunity, comes after the accused has submitted his reply to the show cause notice and before the authorized officer finally makes up his mind as to the penalty to be imposed, and gives orders to that effect or submits the case to the authority, as the case may be.

[Authority.- Estt. Division's O.M. No. 4/24/82-RI, dated 8-11-1982].

### **27.4 Government Servants to be Placed under Suspension when Really Necessary**

Cases have come to the notice of the Establishment Division in which government servants have been kept under suspension unduly long, the period in some cases extending over six months thereby subjecting them to unnecessary mental and other hardships.

2. The matter was considered at the Secretaries' meeting, held on the 7th July, 1949. It has been decided, in the first place, that no government servant should be placed under "suspension" except when this is really necessary, and that the following factors should guide an officer in deciding whether or not to issue orders of suspension:

- (a) There must be a strong '*prima-facie*' case against the delinquent;
- (b) If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable;
- (c) Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to;



- (d) No one should be suspended for petty breaches of discipline and for minor departmental offences;
- (e) No one should be suspended unless:
  - (i) he wilfully and obstinately refuses to carry out an order;
  - (ii) during the course of an enquiry his retention in his appointment would hamper or frustrate such enquiry;
  - (iii) he is in police custody;
  - (iv) he is charged with an offence of a nature which, if proved against him, would ordinarily result in his dismissal.

**Note.—** Where documentary and oral evidence has already been collected and the risk of an official tampering with evidence (documentary or oral) no longer exists, the order of suspension should be cancelled. Where, however, there is still such a risk, he should be transferred. In cases where the police have intervened and the official is under arrest, the order of suspension must remain in force until the official is released on bail or until sentence has been pronounced.

[*Authority.*- Estt. Division's O.M. No. F. 32/48-Estt. (SE), dated 21-7-1949].

### **27.5 Leaving Station by Government Servants Under Suspension**

It has been observed that, on being placed under "suspension", an officer is generally prohibited from leaving the station. This is desirable where it is felt that, unless he is confined to a particular station, he might tamper with the evidence likely to be produced against him, but such prohibition should not be enforced if there is no cause for such apprehension. He should simply be required to inform the authority concerned of his movement.

[*Authority.*- Para 3 Estt. Division's O.M. No. F. 32/48-Estt.(SE), dated 21-7-1949].

### **27.6 Bar Against Use of Government Stationery and Service Postage Stamps by Accused Government Servants in Disciplinary Proceedings**

The question whether an accused government servant is entitled to use government stationery and service postage stamps in replying to the charges framed against him and in making other correspondence in connection with his defence has recently been examined and it is decided that an accused government servant is not entitled to use government stationery and service postage stamps in replying to the charges or making other correspondence in connection with his defence. Cost of stationery and postage stamps required by him in connection with his defence has, in all cases, to be borne by the accused government servant himself.

[*Authority.*- Estt. Division's O.M. No. 2/29/67-D,I., dated 8-1-1968].

**Sl. No. 28****Payments and Amenities Admissible to Government Servants Under Suspension**

F.R.53(b): In the case of a government servant under suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.

[*Authority.*- Finance Division's Notification No.F.1(6)R.4/93(1), dated 21-9-1994].

**28.1 Filling Up of Suspension Vacancies**

The question, whether a vacancy caused by suspension of a government servant can be filled-up like other ordinary vacancies, has been recently examined in consultation with the Ministry of Finance and the Law Division. It has been decided that though a vacancy caused by suspension of an officer cannot be filled-up substantively, it can be filled up on an officiating basis, and that no supernumerary post need be created in such case.

2. This supersedes Establishment Division's O.M.No.2/14/67- C.III, dated the 19th September, 1968.

[*Authority.*- Estt. Division's O.M. No. 6/2/71-D.I, dated 20-9-1971].

**28.2 Termination of Services of Temporary Government Servants under Suspension**

Attention is invited to Establishment Division's O.M. Nos. 21/11/61-D.I, dated 22 December, 1962 (**Annex-I**) and 18th April, 1963 (**Annex-II**) on the subject of "Speedy Disposal of Disciplinary Cases-Policy Regarding Government Servants undergoing Criminal Prosecution before Departmental Action". It is stated that the advice of the Justice Division was sought whether it was possible to terminate the services of an employee, who was arrested on a criminal charge of murder and had been undergoing trial for a long time, without any notice and without assigning any reasons, in accordance with the terms and conditions of his service as contained in his letter of appointment. The position as per advice of the Justice Division\*, is as follows:

2. A civil servant is not necessarily in temporary employment merely because of a statement in the order of appointment that his appointment will be purely temporary and liable to termination at any time without any notice or reasons being assigned. No civil servant is a temporary employee as long as the employment is for an indefinite period or against a post which continues to exist for an indefinite period. It is extremely difficult to attribute to the legislature an

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\* Law & Justice Division.

intention to clothe the authorities concerned with arbitrary power of terminating the service of a civil servant in their discretion without assigning any reason. The courts have always been reluctant to interpret these provisions in a manner as would justify the extenuation of an employee without any justification.

3. Further after the enactment of Civil Servants Act, 1973, the services of a civil servant can either be terminated under section 11 of the Act or under Government Servants (Efficiency & Discipline) Rules, 1973. It is not possible to spell out any power to terminate the services of an employee without notice and without assigning any reason from the provisions of sub section (3) of section 11 of Civil Servants Act, 1973, especially in the presence of the provisions of sub-section (1) thereof regarding termination of service during the initial or extended period of probation. If an employee has passed through the period of probation to the satisfaction of the competent authority, he is no longer a temporary employee with the meanings of sub section (3) if his employment is for an indefinite period or against a post which continues to exist for an indefinite period.

4. In the light of the above advice of the Justice Division, services of an employee can no more be terminated without notice and with assigning reason [on the basis of the contents of Establishment Division's O.M. dated 22nd December 1962 (**Annex I**) and 18th April 1963 (**Annex II**) referred to above].

[Authority.- Estt. Division's O.M.No.31/64/86-R3 dated 20-4-1987].

#### (ANNEX I)

**[Copy of Establishment Division O.M. No.12/11/61-D.I, dated 22nd December, 1962].**

Instances have come to the notice of the government that there are still a number of cases pending in courts against officials for unusually long periods without departmental proceedings having been ever resorted to. It has also been found that, in some cases, the accused officials have, while continuing under suspension, been absconding for long and sometimes for years, presumably with intent to frustrate or delay the court proceedings. With a view to meeting such situations, it has been decided that, whenever such an instance comes to the notice of the government, the accused official, whether permanent or temporary, should be asked by his last known address to report to his official superior/court. If he does not comply with the order, government should take up the formalities of his dismissal from service on charge of misconduct under the Government Servants (Efficiency and Discipline) Rules. \*[If he turns up and is a temporary hand, his services should be terminated after serving him with the requisite notice or paying him salary in lieu thereof, without assigning any reasons for the action].

2. There may still be cases of temporary government servants undergoing long-drawn court proceedings even if they have not absconded. If in

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\* Note: This applies to temporary employments made on or after 08-06-1962.

any individual case of this nature, the appointing authority considers that irrespective of the outcome of the court proceedings, the accused official should not be allowed to continue any longer on the pay roll of the government, such authority may recall the official to duty and terminate his services after serving him with the requisite notice or paying his salary in lieu thereof without assigning any reasons for the action. \* [The course of action discussed in this paragraph should be resorted to unless, of course, there is any direction of the court to the contrary in any particular case].

3. It is requested that all Ministries/Divisions, etc., may kindly check up the position of their employees involved in court proceedings and deal with the individual cases in the light of the suggestions contained in preceding paragraphs.

**(ANNEX II)**

**[Copy of Establishment Division O.M. No.12/11/61-D-I date the 18th April, 1963].**

Reference.- Establishment Division O.M. No. 12/11/61-D.I, dated the 22nd December, 1962 **(Annex I)**

A question has arisen as to whether it was necessary to recall a suspended temporary government servant to duty before serving him with the requisite notice of discharge on the ground that his services were no longer required. The point has been further examined in Establishment Division in consultation with Law Division and it has been held that a suspended temporary government servant can be served with service termination notice in accordance with the terms of the appointment during the period of suspension and discharged after the notice period without requiring him to resume duty.

2. Utmost precaution should, however, be taken to see that no reason is assigned for the termination except saying that his services are no longer required by the government.

**28.3 Bar Against Mentioning of Unfinalised  
Departmental Proceedings in  
Confidential Reports**

It has been noticed that in some \*\*annual confidential reports of officers received from various Ministries, a reference is made to departmental proceedings which are still in progress against the officers concerned.

2. The Establishment Division feel that until and unless the result of such proceedings has been known and final orders, awarding punishment, if any,

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\* Note: This applies to temporary employments made on or after 08-06-1962.

\*\* Now Performance Evaluation Reports.

have been passed by the competent authority, it would not be correct to make any such reference as may have the effect of creating doubts about the conduct and character of the officers concerned. It can hardly be controverted that such a reference, although factually correct, if inadvertently made, cannot fail to damage the officer's record even if in the long run he is completely exonerated.

3. In the circumstances it is requested that, in the case of an officer against whom departmental proceedings are in progress, no mention, whatsoever, should be made about it in his \*annual confidential reports. Only when such proceedings have been finalized, and the punishment, if any, has been awarded, should a mention about it be made in his confidential report. In such a case, a complete copy of the final order may be placed, as is usually done, on his character roll.

[Authority.- Estt. Secretary's D.O. letter No.9(1)/58-S.E.III, dated 8-5-1958].

#### **28.4 Promotion of an Officer to a Higher Post During Pendency of Disciplinary Proceedings**

References are being received in the Establishment Division enquiring whether there is any bar to an officer being considered for promotion to a higher post during the pendency of departmental proceedings against him. A similar question was examined in the past on a reference from the Home Affairs Division\*\* and it was decided that there is no bar to an officer being considered for promotion to a higher post during the pendency of investigation regarding alleged corruption etc. and all concerned were advised accordingly under this Division O.M. No. 2/10/62-DI, dated 13th February, 1962 (**Annex**). This question has been further examined and it has been decided that the instructions contained in the above O.M. should apply, *mutatis mutandis*, to all types of disciplinary cases. In the cases of departmental proceedings, a copy each of the charge-sheet and the statement of allegations should be put before the Central Selection Board or the Departmental Promotion Committee, as the case may be.

[Authority.-Estt. Division's O.M.No.2/20/67-DI, dated 13-11-1967].

#### **(ANNEX)**

**[Copy of Establishment Division O.M. No. 2/10/62-D I., dated the 13th February, 1962].**

Cases of corruption against government servants are normally investigated by the Special Police Establishment\*\*\* and are registered after preliminary inquiries only when a '*prima facie*' case appears to have been made out. A copy of the First Information Report is sent to the Ministry or Department in which the government servant concerned is serving, by way of intimation of such

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\* Now Performance Evaluation Reports.

\*\* Interior Division.

\*\*\* Special Police Establishment; now FIA.

registration. A question has arisen whether a government servant against whom a case of corruption has been registered by the police and is under investigation should be promoted to a higher rank during the pendency of such investigation, if he is otherwise considered suitable and his turn or chance for promotion has come.

2. After a careful consideration of the matter, it has been decided with the concurrence of the Ministry of Home Affairs that in cases where a government servant, against whom a case is under investigation by the Special Police Establishment\*, is proposed to be promoted, a copy of the F.I.R. should invariably be put up to the Selection Board or the Departmental Promotion Committee, as the case may be. It will then be for the Board or the Committee to take cognizance of the report and ask for a progress report, postpone consideration of the case or ignore it.

**Sl. No. 29**

**Apprising DPC/CSB of Disciplinary Proceedings**

A reference is invited to the Establishment Division's O.M. No. 9/1/58-SE III, dated the 8th May, 1958, according to which no mention should be made in the confidential report of a government servant, of the departmental proceedings which may be in progress against him, unless such proceedings have been finalized, and the punishment, if any, has been awarded. There is no bar to a government servant being considered for promotion during the pendency of departmental proceedings against him. However, in such cases, a copy of each of the charge sheet and the statement of allegations should be placed before the Central Selection Board or the Departmental Promotion Committee as the case may be, *vide* Establishment Division's O.M. No. 2/20/67-D.I. dated the 13th November, 1967.

2. A case has recently been brought to the notice of the Establishment Division where copies of the charge sheet and the statement of allegations were not put up to the Departmental Promotion Committee and a government servant, against whom departmental proceedings were pending, was promoted, although as a result of the disciplinary proceedings, he was awarded a minor punishment. Thus, the government instructions referred to in the last sentence of para 1 above were not observed.

3. It is the responsibility of the departmental representatives who attend the meetings of the Departmental Promotion Committee/Central Selection Board to apprise the Committee/Board whether or not any departmental proceedings are pending against the government servants whose cases are being considered by the Committee/Board. A serious view should be taken if the departmental representatives do not give this information to the Committee/Board and it later comes to notice that a government servant was promoted notwithstanding the fact that disciplinary proceedings were pending against him.

The Ministries/Divisions are requested to strongly impress upon the officers who serve as members of Departmental Promotion Committees or who attend meetings of the Central Selection Board as departmental representatives, to scrupulously observe these instructions.

[*Authority.*- Estt. Division's O.M. No.6/4/74-A II, dated 6-7-1974].

### **Sl. No. 30**

#### **T.A. Admissible to Witnesses and Accused Government Servant Summoned by an Inquiry Officer**

A government servant summoned by an Inquiry Officer should be allowed TA as admissible to him under S. R.\* 154 '*et seq*'\*\* and he should draw it on a regular TA bill from his own department on the strength of the Attendance Certificate furnished by the Inquiry Officer and this should be debited against the office at whose instance the inquiry was being conducted, by book adjustment. In the case of a witness who is not a government servant, travelling expenses should be determined by the Inquiry Officer with reference to the status of the witness and should be paid on the basis of the orders passed by the Inquiry Officer, by the department at whose instance the inquiry was being conducted. The TA to be paid to a non-government servant should, however, in no case exceed the maximum TA admissible to a government servant of the highest grade. The provisions of S.R. 190 '*et seq*' should also be kept in view in such cases.

[*Authority.* - Estt. Division's O.M. No. 2/41/62-D.I., dated 28-2-1963].

#### **30.1 Admissibility of TA to Witness in Disciplinary Cases**

In continuation of the Establishment Division O. M. No. 2/41/62 D. I, dated the 28th February, 1963, a further question has since arisen as to whether the aforesaid provision of TA should equally apply to the defence witness summoned by the Inquiry Officer in departmental proceedings. The point has been examined in this Division in consultation with the Ministry of Finance. The position of the defence witnesses regarding summoning them and paying them TA is as explained hereunder.

2. It is for the Inquiry Officer to consider if any particular witness cited by the accused as a defence witness is likely to be as essential witness for the purpose of defence or in other words, for the determination of truth. If the Inquiry Officer agrees that the examination of the witness will be essential, he may summon him and as soon as he summons him, he will take upon himself the obligation to allow the witness reasonable TA. If the witness is an official, he is to draw

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\* Supplementary Rules.

\*\* *et seq* abbr., and what follows; Latin '*et sequentia*'.

the TA from his parent department on the strength of the attendance certificate furnished by the Inquiry Officer, the amount being debited by book adjustment against the office at whose instance the inquiry was conducted.

3. If, however, the Inquiry Officer is not satisfied whether the examination of a particular witness will be essential for the determination of truth he may at his discretion, refuse to summon such a witness. He may, however, agree to summon him on condition that the accused will bear the travelling expenses of the witness and he may accordingly require the accused to deposit with him the anticipated amount of the TA of the witness, in advance, so that the witness could be paid therefrom. In that case, the attendance certificate to be furnished to the witness by the Inquiry Officer should contain the endorsement that the witness has been paid his travelling expenses. This will debar the witness from claiming the TA again from the government.

[*Authority.*- Estt. Division's O.M. No. 2/41/62-DI, dated 13-4-1963].

### **30.2 Admissibility of TA to Government Servants under Suspension**

A question has since arisen as to whether a government servant under suspension who was required to perform official journey as a witness or as an accused, would be entitled to TA. The question has been examined in this Division, in consultation with the Ministry of Finance, and it has been held that such a government servant would be entitled to TA in such cases and his \* grade and salary for that purpose would be taken as if he was not under suspension.

[*Authority.* - Estt. Division's O.M. No. 2/41/62-DI, dated 19-7-1963].

### **30.3 Framing of an Additional Charge During Currency of the Disciplinary Proceedings**

Instances have come to the notice of the Establishment Division that in cases where the main charge of "corruption" or "subversion" was not proved, but there was sufficient evidence to establish the charge of "misconduct" the accused could not be punished because he had not been charged with "misconduct", although the offences of "corruption" and "subversion" are the graver forms of "misconduct". To meet such exigencies, it has been decided in consultation with the Law Division, that in all suitable cases where an accused is charged with "corruption" or "subversion", an additional charge of "misconduct" may be added to the main charge.

[*Authority.*- Estt. Division's O.M. No. 2/5/66-D.I, dated 11-6-1966].

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\* BPS.



**Sl. No. 31****Scope of Departmental Proceedings Under the Efficiency & Discipline Rules in Cases Referred to the Courts**

References are very often received in the Establishment Division on the above subject in various forms. The questions generally posed by the Ministries/ Divisions are as under:-

- (i) Whether departmental proceedings can be started against a government servant who is being prosecuted in a criminal court;
- (ii) Whether departmental inquiry can be conducted against a government servant on the same charges after his acquittal by a court;
- (iii) Whether any departmental action lies against a government servant who cannot be prosecuted in a court of law due to technical grounds.

2. The matter has been examined in consultation with Law Division. Each case has to be decided on its merits and in the light of its facts and circumstances. However some guidelines can be laid down in the matter, and the following general guidelines are indicated for deciding such matters:-

- (i) There is no legal bar to the holding of a departmental inquiry against a government servant who is being prosecuted in a criminal court. It may, however, be pointed out that where the holding of departmental inquiry side by side with the criminal proceedings may have the effect of impeding the course of justice or of prejudicing the trial, the inquiry should be deferred till the termination of criminal proceedings.
- (ii) An acquittal from a criminal case may be on technical grounds or on the ground that all the ingredients of the offence are not proved by the evidence produced in court. But in departmental proceedings even one of the ingredients, if proved, may be sufficient to reach a conclusion that the accused has misconducted himself or has acted in a grossly negligent way or has shown inefficiency in the discharge of his official duties. As an example, to illustrate this point, a recent case may be cited. An officer employed in the Registry of the Supreme Court was charged and tried for embezzlement. He was, however, acquitted by the High Court in criminal appeal No. 676 of 1965. Subsequently, he was dismissed on the same allegations which were found proved in a departmental inquiry initiated by the Supreme Court. Thus departmental proceedings on the same facts may be started even if the person concerned has been acquitted in criminal proceedings.

- (iii) In some cases, a government servant cannot be criminally prosecuted on technical grounds. But this does not bar the government from inquiring into the truth of a charge against a government servant by means of a departmental inquiry. Therefore, there is no bar to proceed against a government servant departmentally, when he cannot be criminally prosecuted in a court of law for some reason or other.

[*Authority.* - Estt. Division's O.M. No. 4/5/69-D.I, dated 17-6-1969].

### **31.1 Speedy Disposal of Disciplinary and Suspension Cases**

It has been decided that the responsibility of seeing that a disciplinary case is disposed of expeditiously should rest with the Secretary in each Ministry. Fortnightly statements showing the stage in respect of each case of persons placed under suspension should be submitted by each Ministry to the Secretary to enable him to watch the progress of such cases. Quarterly statements, showing the particulars of persons under suspension and the stage of each case, should also be forwarded to the Establishment Division for the information of the government. These reports should be supplied in the beginning of January, April, June and September each year.

[*Authority.* - Estt. Division's O.M. No. F.32/48-Ests (SE), dated 21-7-1949].

### **31.2 Speedy Disposal of Disciplinary Cases – Submission of Reports to Establishment Division**

In spite of the instructions issued *vide* Establishment Division's O.M.No.F.32/48-Estt-(SE), dated 21-7-1949, instances have been brought to the notice of government where disciplinary cases have been pending for as long as two years or even more. The question of speedy disposal of disciplinary cases has, therefore, been considered by government again and it has been decided that the following instructions should be strictly observed by the Ministries/Divisions.

2. As stated in paragraph 2 of the Establishment Division Office Memorandum dated the 21st July, 1949 quoted above, no government servant should be placed under suspension except when it is really necessary. When, after due consideration and care, it is decided to suspend an officer, it should be the primary responsibility of the Head of the Ministry/Division/Department to see that the case against the government servant is disposed of as expeditiously as possible. In order to enable the Head of the Ministry/Division to watch the progress of each case where a government servant has been suspended and issue necessary directions for its speedy disposal, the fortnightly statements as prescribed in paragraph 2 of the Office Memorandum dated the 21st July, 1949, referred to above should, invariably, be submitted to him by the office concerned.

3. Disciplinary proceedings against government servants placed under suspension should be finalized within two months of the date of suspension. If, in any case, it is not possible to finalize (within the time limit of two months), departmental proceedings against a government servant under suspension, the matter should be reported to the Establishment Secretary giving the following details :-

- (i) Particulars of the case;
- (ii) Reasons for delay; and
- (iii) The period within which the case is expected to be finalized. The Establishment Secretary, after scrutinizing the report, will offer such advice to the Ministry/Division/Department as he may consider necessary with regard to the speedy disposal of the case. If the Establishment Secretary is satisfied in any case that the suspension of the government servant concerned is no longer justified or necessary, he may recommend to the competent authority to cancel the order of suspension. In cases relating to government servants other than \*Grade 17 and above, orders of suspension may also be cancelled by the Head of the Ministry or other competent authority if he is satisfied, at any time, before the finalization of the disciplinary proceedings against him that the suspension of the government servant concerned is no longer justified or necessary.

4. The quarterly statements as prescribed under Establishment Division Office Memorandum dated the 21st July, 1949 showing particulars of government servants under suspension and the stage of such case should continue to be forwarded to the Establishment Division.

[*Authority.*- Estt. Division's O.M. No. 3/53/58-SE II, dated 17-1-1959].

### **31.3 Submission of Statements in Disciplinary Cases Including Those Facing Criminal Charges**

Reference.-Establishment Division Office Memorandum No. 3/53/58-SE II, dated the 17th January, 1959.

2. A question has arisen whether cases of those government servants who are facing trial in the courts of law on criminal charges, should also be included in the statement mentioned in paragraph 2 of the said Memorandum. The matter has been carefully considered and it has been decided that cases of those government servants, who are criminally involved, should also be included in the prescribed statements. This will provide an opportunity to government to

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\*BPS.

watch the progress of such cases so that in cases of extreme hardship, or where circumstances permit, government may consider withdrawing suspension order, even before the case is decided in the court.

[*Authority*.- Estt. Division's O.M. No. 3/53/58-SE II, dated 26-5-1959].

#### **31.4 Records of Disciplinary Cases – Submission of Periodic Progress Reports**

It has come to the notice of the President that a large number of cases of disciplinary nature are pending final disposal since long and in some cases for over years. This is obviously contrary to the dictates of justice, and inevitably, results in undue hardship to the affected persons, particularly those in the lower income groups. Besides these delays, invariably subject the administration to unnecessary criticisms.

2. It is, therefore, advised that each Ministry/Division/ Department and semi-autonomous body under the Federal Government should maintain suitable records of all cases of Gazetted and non-Gazetted staff wherein investigations/ inquiries have been instituted and disciplinary action is proposed to be initiated or has been initiated showing the reasons for initiation of such action. Periodic progress in the disposal of each case should be recorded therein to facilitate authorities concerned to conduct quick scrutiny for assessing delays, their causes and to pursue their expeditious disposal.

3. All Ministries/Divisions/Departments and semi-autonomous bodies are requested to prepare an up-to-date list of all disciplinary cases pending with them in the enclosed proforma (Annex\*) and forward it, in duplicate, to the Establishment Division.

[*Authority*.- Estt. Division's O.M. No. 1/3/70-D. I, dated 7-5-1970].

#### **31.5 Delay in Process of Disciplinary Cases**

It has been observed that inquiry proceedings against civil servants under E&D Rules tend to be unduly protracted for various avoidable reasons, causing hardship to the affected officers, on one hand, and defeating the purpose of speedy disposal of cases, on the other.

2. It has, therefore, been decided that in all disciplinary cases, in addition to strict observance of the provisions of rule 6 of Government Servants (Efficiency & Discipline) Rules, 1973 and the instructions already issued with my D.O. No. 553/80-JS (Rev. & D), dated 22nd October, 1980, the following measures should be strictly observed:-

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\* Annex given below .

- (a) The Inquiry Officer be carefully selected for his competence and capability to hold the inquiry.
- (b) A time-limit should be prescribed for completion of the inquiry.
- (c) Until the inquiry is completed, the Inquiry Officer, the accused as well as the witnesses concerned should not be permitted to proceed on leave, training course or on transfer in or outside Pakistan.
- (d) A check-sheet, recording the day to day progress, should be maintained by the Inquiry Officer.
- (e) The inquiry proceedings once started should be held without interruption, as far as possible, on day to day basis.
- (f) On receipt of the inquiry, the case should be processed expeditiously by the Ministry concerned.
- (g) It should be impressed upon the Inquiry Officer that the quality of work produced by him will reflect on his efficiency, which will be recorded in his PER.
- (h) The initiating officer should record his assessment of the Inquiry Officer's performance in the PER.

[Authority.- Estt. Secretary's d.o. letter No. 5/1/81-C.II (A), dated 6-6-1981].

\*(ANNEX)

**STATEMENT SHOWING PARTICULARS OF DISCIPLINARY CASES PENDING OR PROPOSED TO BE INITIATED IN THE  
MINISTRIES/DIVISIONS/DEPARTMENTS/SEMI-AUTONOMOUS BODIES**

Name of Division/Department etc. ....

Name and particulars of the Officer Concerned.	Date of Superannuation of the Officer concerned.	Date of receipt of complaint/ allegations etc.	a) Dates of approval of Competent Authority for initiating Disciplinary Proceedings  b) Appointment of Authorize Officer.  c) Appointment of Inquiry Officer/Inquiry Committee etc.	Date of issuance of  a) Inquiry Order.  b) Charge Sheet and Statement of Allegations.	Whether the person concerned is  a) Under Suspension if so from which date .  b) On Forced Leave for the purpose of Inquiry. If so from which date .	Date of submission of Inquiry Report.	Date of Issuance of Show Cause Notice.	Present position of the case (details on extra sheet).	Reasons for delay, if any (Details to be enclosed on extra sheet, if required).	Expected date of finalization.
1	2	3	4	5	6	7	8	9	10	11

\* Modified vide Estt.Div.'s O.M.No.13/14/2007-D-II dated 11-06-2012.

### **31.6 Quick Disposal of Disciplinary Proceedings Pending Against Government Servants Who are About to Superannuate**

It has come to the notice of government that inquiry proceedings against civil servants under the Government Servants (Efficiency and Discipline) Rules, 1973 tend to be unduly protracted for various avoidable reasons causing hardships to the affected government servants on the one hand and defeating the purpose of speedy disposal of cases in others. This is obviously against dictates of justice.

2. The disposal of disciplinary proceeding assumes vital importance, especially in cases against government servants who are about to attain the age of superannuation. It goes without saying that delay in disposal of such cases not only causes hardships to the affected persons but also puts the administration to unnecessary criticism.

3. It is, therefore, requested that disciplinary proceedings against government servants nearing the age of superannuation in future should be disposed of before they superannuate. All the agencies working under the administrative control of the Ministry concerned should be advised accordingly.

[*Authority*.-Estt. Division's O.M. No.12/2/88-R.3, dated 3-10-1988].

### **31.7 Disposal of Disciplinary Cases Against Government Servants Nearing Superannuation**

Reference Estt. Division's O.M.No.12/2/88-R.3, dated the 3rd October, 1988 on the subject mentioned above, wherein all the Ministries/ Divisions were requested that disciplinary proceedings against government servants nearing the age of superannuation should in future be disposed of before they superannuate. Despite this, instances have come to the notice of this Division wherein the disciplinary cases have been delayed to such an extent that these stood abated due to non-finalisation thereof before the age of superannuation of the accused civil servants, which is not a happy state of affairs.

2. In order to guard against recurrence of such instances, it is once again requested that the instructions may please be brought to the notice of all concerned for strict compliance to ensure that the State's interests are fully protected and the civil servants really guilty of misdemeanour of any sort do not go unpunished due to the inefficiency and/or connivance of the departmental personnel in finalising the Efficiency and Discipline cases before the accused's superannuation.

[*Authority*:- Estt. Division's O.M.No.6/14/94-D.I, dated 19-12-1994].

### **31.8 Censure, Reprimand and Warning**

From references received, it appears that some authorities are not clear regarding the procedure to be followed where punishment of Censure is awarded and regarding the distinction between 'Censure' and 'Warning'.

2. Censure is one of the punishments mentioned in rule 4 (1) (a) of the Efficiency and Discipline Rules.

3. There is essentially no difference between 'Censure and reprimand', but as the official term is 'Censure', it seems preferable that normally this term should be used.

4. [ Not reproduced ]

5. According to rule 3 of the Civil Servants (Appeal) Rules, 1977, every civil servant is entitled to appeal to the appellate authority from an order of Censure passed by an authorized officer or an authority provided that, where the penalty is imposed by an order of the President, the civil servant has no right to appeal but he can apply for review of the order.

6. A warning, whether oral or written and whether given ad hoc or in \*annual confidential report, is not a censure and does not constitute a punishment, provided that it is genuinely a warning and not a censure distinguished as such.

[*Authority.* - Estt. Division's O.M. No. 3/1/52-SE. II, dated 12-4-1952 with necessary adaptations in the light of prevailing circumstances].

### **Sl. No. 32**

#### **Participation of Government Servants in Drinking Parties**

It has been reported that a number of persons organize drinking and other parties in Rawalpindi/Islamabad, which are attended by civil as well as military officers, and where views on government policies are expressed without reservations.

2. While drinking is a manifest violation of the law of the country and the sanctity of Islam, criticism of government by its functionaries, particularly at such gatherings, is a serious offence.

3. Under the Prohibition (Enforcement of Hadd) Order, 1979, alcoholic drinks are available to only non-Muslim foreigners and non-Muslim Citizens of Pakistan. As such, all government servants are apt to strictly follow the aforesaid Order and desist from such vices.

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\* Performance Evaluation Report (PER).



4. It is requested that severe disciplinary action may be taken against the defaulters, irrespective of their status; and they may also be debarred from employment under the government, semi-government organizations, and autonomous bodies.

5. These instructions may kindly be brought to the notice of all officers/employees, serving in your Ministry, including those in attached/subordinate offices as well as autonomous bodies/ corporations etc. under your Ministry.

[*Authority.* - Estt. Secretary's D.O. letter No.5/1/79 DIV, dated 17-9-1979].

### **32.1 Officers' Duty to Watch Conduct of their Subordinates**

It has been decided that all officers should be informed that it is their duty to watch the conduct of their subordinates and to ensure that corruption does not spread among them. Failures to do so would be reflection on their own efficiency.

[*Authority.* - Estt. Division's O.M.No. 3/35/59-SE.II, dated 4-3-1959].

### **32.2 Responsibility of Head of Department for Corruption in Department**

Measures undertaken to curb corruption in the police have shown appreciable results, and its personnel deserve to be commended, and encouraged to continue with their efforts in that direction.

2. Meanwhile, public complaints of corruption in several government departments persist, and effective steps are required to root it out. It is the bounden duty of every Head of Department to exercise utmost vigilance, analyse the cause, and trace the source where incidence of corruption occurs.

3. In future, a Head of Department will bear the responsibility, and be answerable for proven charges of corruption within the area of his administrative jurisdiction. It is self-evident that corruption prevails in a department if its Head is:

- (a) himself corrupt, or
- (b) wilfully blind to corruption taking place, or
- (c) so inefficient that he is unable to control it.

4. Whichever of these three reasons may be applicable, such a Head of Department cannot be retained in service to the detriment of government's objective of serving the people and promoting their weal and welfare.

[*Authority.* - President of Pakistan's note No. 57//CMLA, dated 25-9-1978].

### **32.3 Avoidance of Favouritism or Nepotism in Making *Ad Hoc* Appointments**

Considerable time often elapses before candidates recommended by the Federal Public Service Commission become available for appointment. Consequently, *ad-hoc* appointments are made, pending selection of suitable candidates by the Commission. In this connection it has been brought to the notice of government that, in making such *ad-hoc* appointments, officers in certain Ministries/Departments indulged in favouritism and nepotism. Government views this with concern and it has been decided that suitable disciplinary action should be taken against the delinquent officers.

2. Acts of favouritism or nepotism being prejudicial to good order or service discipline constitute misconduct as defined in the Government Servants (Efficiency and Discipline) \*Rules. It is, therefore, requested that if, instances of favouritism or nepotism or irregularity in making ad hoc appointments are brought to notice, the officers responsible should be proceeded against under those Rules. Suitable instructions may also kindly be issued to all officials concerned in the Ministry including Attached Departments and Sub-ordinate Offices.

[*Authority*.- Estt. Division's D.O. letter No.2/2/62-D.I, dated 15-2-1962].

### **32.4 Loss of Security Passes to be Treated as 'Misconduct'**

As provided in para 97 of the [Security Instructions] (1973 Edition) prepared by the Cabinet Division and this Division's Circular letter No. 14/17/71-Cord., dated the 18th November, 1971, a government servant who has lost the Security Pass issued to him is required:-

- (i) to make report to the Police Station and to the Head of his Department about the loss of the Pass; and
- (ii) to deposit Rs. 5 in the State Bank of Pakistan before a new Security Pass is issued to him. The amount of Rs.5 covers only the cost of the pass and actually no penalty has been imposed on him. It has been noticed that the government servants generally do not take sufficient care to keep the passes in safe custody with the result that loss of security passes is on the increase. As the pass lost can be misused by any unauthorized person which involves serious security risk, it has been decided, in consultation with the authorities concerned, that the loss of Security Pass would be treated as "misconduct" in terms of Government Servants (Efficiency and Discipline) Rules, 1973.

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\*Refers to Government Servants (E&D) Rules, 1960, repealed by Government Servants (E&D) Rules, 1973.

2. However, before any action is initiated against a government servant who has lost his Security Pass, it is necessary to determine, in each case as to whether the security pass in question was lost due to negligence. If the government servant concerned is able to give a satisfactory account of the circumstances under which the security pass was lost by him, it may not be proper to proceed against him. If, after preliminary inquiry, it is found that the Security Pass was lost due to the negligence of the government servant concerned or that the lost Security Pass had fallen into unauthorized hands as a result of any wilful omission or commission on his part, only then it would be appropriate to take disciplinary action against him under the Government Servant (E&D) Rules, 1973.

3. All Ministries and Divisions are, therefore, requested that in future while referring the case of issue of a Security Pass to a person who has already lost a Security Pass, it may also please be clearly indicated whether disciplinary action, or if any, has been taken/is being taken against the official concerned.

[*Authority.*- Ministry of Interior O.M. No. 19/2/75-Security dated 31-3-1975 as amended vide O.M. No.19/9/75- Security dated 2<sup>nd</sup> August, 1982].

### **32.5 Use of Intemperate and Inappropriate Language in Representations and Petitions of Government Servants**

At times, representations of government servants contain wild allegations against superior officers. While government servants would be free to submit their representations in accordance with the prescribed procedure whenever they feel aggrieved, they should be informed that the use of such language constitutes misconduct. You may, therefore, impress upon all government servants working under your administrative control the need and propriety of refraining from the use of such language and to scrupulously observe the norms of decency and decorum. Failure to do so on their part will not only result in no action being taken on requests contained in such representations/petitions but will also render them liable to disciplinary action for misconduct. Serious action will also be taken when wild allegations are made against senior officers which, on investigations, are found to be without any basis.

[*Authority.*- Estt. Division's D.O.letter No.8/13/71-F.II, dated 28-5-1974].

### **32.6 Grant of Pension Gratuity etc. to a Government Servant Compulsorily Retired from Service Under the Government Servants (Efficiency and Discipline) Rules, 1973**

A doubt has been felt in some Ministries/Divisions as to whether a government servant compulsorily retired under the Government Servants (Efficiency and Discipline) Rules, 1973, is eligible for grant of pension/gratuity.

2. In this connection, it is clarified that sub-section (1) of section 19 of the Civil Servants Act, 1973 provides that on retirement from service, a civil servant shall be entitled to receive such pension or gratuity or both as may be prescribed. It is laid down in sub-section (3) of section 19 of the aforementioned Act that pension is not admissible in the case of civil servants who have been removed or dismissed for reasons of discipline. As such a government servant compulsorily retired under the Government Servants (Efficiency and Discipline) Rules, 1973, is entitled to pension or gratuity or both as admissible under normal rules in terms of sub-section (1) of section 19\*.

3. According to the Auditor General of Pakistan's Letter No. 71/A/46-73, dated the 1st March, 1975 (**Annex**) the term "retirement" used in section 19(l) of the Civil Servants Act, includes "compulsory retirement" under Government Servants (Efficiency and Discipline) Rules, 1973.

4. It may be recalled that all persons who were screened out in 1959, or were prematurely retired under MLR-58 (1969) or MLR-114 (in March, 1972), or who were compulsorily retired under Government Servants (Efficiency and Discipline) Rules, 1973, in October, 1976, were allowed normal pensionary benefits, and the production of certificate of thoroughly satisfactory service in terms of Article 470-CSR was waived. The production of certificate was also waived in the cases of those who were retired under section 13 of the Civil Servants Act, 1973.

5. The position under rules may be brought to the notice of all departments, offices and autonomous bodies under the administrative control of the Ministries/Divisions so that civil servants and employees of the autonomous bodies compulsorily retired under Government Servants (Efficiency and Discipline) Rules, 1973 and under similar rules framed by autonomous bodies are not deprived of their retirement benefits.

6. In all cases of compulsory retirements, the requirement of certificate of thoroughly satisfactory service (required in terms of Article 470-CSR, and section (7) of the pension papers\*\*, or in corresponding provisions in the rules of autonomous bodies should be deemed to have been waived.

[*Authority*.-Estt. Division's O.M. No. 4/16/80-D.I, dated 25-9-1980].

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\* Civil Servants Act, 1973,

\*\* See 'A Manual of Pension Procedures (2006)' published by Pakistan Public Administration Research Centre (PPARC), Establishment Division.

**(ANNEX)**

**[Extract from Auditor-General of Pakistan Letter No. 71-A/46-73, dated 1st March, 1975].**

The term retirement used in section 19(l) of the Civil Servants Act, 1973 includes "Compulsory Retirement" under the Government Servants (Efficiency and Discipline) Rules, 1973.

**32.7 Grant of Leave to Government Servants Compulsorily Retired from Service under the Government Servants (Efficiency and Discipline) Rules**

A reference is invited to the Establishment Division's O.M. No. 4/13/60-SR, dated the 4th October, 1960 (**Annex**) and it is stated that the instructions contained therein have been reviewed in this Division and in supersession of these instructions, it has been decided that government servants compulsorily retired from service as a measure of punishment under the Government Servants (E&D) Rules, 1973 should not be granted leave preparatory to retirement.

*[Authority.- Estt. Division's O.M. No.4/8/88-D.I, dated 4-4-1977].*

**ANNEX**

**[Copy of O.M. No. 4/13/60-SR, dated the 4th October, 1960].**

It has been decided that the government servants compulsorily retired from Establishment Division service under the Government Servants (Efficiency and Discipline) Rules, 1960, may be granted leave preparatory to retirement under the normal rules. However, each case should be decided on its own merit by the competent authority as defined in Rule 2 (1) of those Rules.

**32.8 Grant of Arrears of Pay and Allowances to Government Servants for Period of Absence from Duty, on Re-Instatement as a Result of Court's Decisions**

The Supreme Court, in its recent judgment in C.A. No.28 of 1969 [West Pakistan VS. Mrs. A. V. Issacs], has ruled that a civil servant has and always had the right to recover salary already accrued due to him despite the fact that his service was during "Pleasure". This has rendered obsolete its own two earlier judgments in the cases of Mehrajuddin [PLD 1959 SC (Pak) 147] and Fazl-e-Haq Mussarrat [PLD 1960 SC (Pak) 208] and a judgment of the former Federal Court in the case of Ali Ahmed Hussain Shah [PLD 1955 FC 522] all of which followed the Privy Council's view on I. M. Lall's case and which was also followed in the Law Ministry. In its latest judgment, the Supreme Court has taken the view that if the dismissal of a government servant is held to be unlawful he should be allowed salary for the period he was kept out of service. This was, however, subject to the

condition that if he has accepted other employment or engaged in other profitable business during this period, any amount earned by him by way of salary from such employment or as profits of such business would have to be set off against the salary due, firstly because as government servant he cannot serve elsewhere or engage in any other business without the permission of the government and secondly, because on general principle a person cannot be allowed to reap a double advantage. Therefore, it would be no more open to the government to resist claim for arrears of pay of a civil servant wrongfully removed from service on the plea that no such claim was competent. The claim will have to be resisted, if at all, on the facts of a particular case referred to in the judgment as exceptional cases. The right of the government servant to claim future salary has, however, been negated by the court.

2. In view of the latest judgment of the Supreme Court on the subject, a civil servant's claim for arrears of salary in the relevant circumstances cannot now be refused. Therefore, Law Division's earlier advice to the contrary must be deemed to have been recalled and the Establishment Division is requested to review, in consultation with the Ministry of Finance, all the pending cases relating to claims of arrears of pay in the light of the fresh declaration of law by the Supreme Court and settle such claims. The Supreme Court's judgment underlines the necessity of duly observing with care the provisions of the Constitution and the Government Servants (Efficiency and Discipline) Rules\*, in all disciplinary cases against government servants and of expeditious disposal of such cases.

[Authority.- Law Division's O.M.No.F.7(8)/70-SOL(I), dated 12-8-1970].

### **32.9 Reinstatement of Government Servants on Court Decision and Functions of Enquiry Committee**

A reference is invited to the O.M. from the Law Division No. F. 7(8)/70-Sol(I), dated 12th August, 1970, which states, *inter alia*, that, in accordance with the Supreme Court's judgment in CA No. 28 of 1969 (West Pakistan vs Mrs. A. V. Issacs), if the dismissal of a government servant is held to be unlawful, he has to be allowed salary for the period he was kept out of service, reduced by the amount, if any, that he might have earned by way of salary, or as profits, on account of having accepted some employment, or having been engaged in some profitable business, during the above period. Thus, the legal status of government servants' claims for arrears of pay and allowances is no longer the same as had been indicated in para 3 of this Ministry's circular d.o. No.F.9(15)-RI (Rwp)/61, dated 23rd December, 1961 (**Annex**). Consequently, it is no longer appropriate for the enquiry committee referred to in para 4 of that

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\*Refers to Government Servants (E&D) Rules, 1960, repealed by Government Servants (E&D) Rules, 1973.

circular D.O. to consider on merits, in cases in which government servants are restored to their posts as a result of court's decisions, as to whether or not, and to what extent, pay and allowance for the period of their absence from duty should be restored.

2. It has accordingly been decided that, in cases where a government servant is reinstated retrospectively as a result of a court's decision, the functions of the enquiry committee to be set up under para 4 of this Ministry's circular d.o.No.F.9(15)-RI (Rwp)/61, dated 23rd December, 1961, as amended (**Annex**) would henceforth be as follows:-

- (a) The Ministry/Division/Department as the case may be, may obtain from the government servant concerned a solemn declaration, supported by an affidavit, as to the particulars of his employment, or engagement in profitable business, during the period of his absence from duty, and the amount earned by him by way of salary from such employment, or as profits in such business.
- (b) After examining such evidence as might be available, and cross-examining, if necessary, the government servant, the Ministry/Division/ Department, as the case may be, may give their finding as to whether or not the above declaration is, '*prima facie*', acceptable and on what grounds.
- (c) If the declaration is found to be, '*prima facie*', unacceptable, the Ministry/Division/Department, as the case may be, should refer the case to the committee, which, before giving their finding as to the amount earned by the government servant during the period of absence from duty, may get the declaration properly verified/scrutinized by any agency they consider appropriate. For example, if the case had been dealt with by the Special Police Establishment\* at an earlier stage in any connection, this verification/scrutiny may be arranged to be carried out by that Establishment\*\*. For purposes of this verification/security, assistance of the relevant Income-tax authorities, may also be sought, if the government servant concerned be an Income-tax payer.
- (d) In case the reinstatement of the government servant has been ordered by the court on account of the relevant administrative action having been found to be defective, the committee should also give their findings :
  - (i) as to which officers were responsible for that defectiveness of administrative action; and

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\* FIA.

\*\* Agency.

- (ii) as to whether any, and what part, of the amount payable to the government servant by way of net salary for the period of his absence from duty, might justifiably be recovered from such officers. The recovery from such officers will, of course, follow departmental proceedings under the Government Servants (Efficiency and Discipline) Rules.

3. The above instructions do not apply to cases in which government servants are reinstated as a result of acceptance of appeals by departmental appellate authorities, which will continue to be regulated by the provisions of FR-54, as hitherto.

[*Authority*:- Finance Division's O.M.No.781-R4/73-F.3(4)-R.I/73, dated 10-7-1973].

**(ANNEX)**

**[Extract of Paras 4 & 5 of the Finance Division letter No. F.I(15) RI (Rwp)/61, dated 23rd December, 1961 as amended].**

4. If as a result of court's decision, a government servant restored to his post, the question whether pay and allowances for the period he was under suspension or was removed from service should be decided on the merit of each case. For this purpose, it is suggested that in all cases the Ministry or Department concerned should order a departmental enquiry headed by the representative of the Ministry/Deptt. administratively concerned with their Financial Adviser/Deputy Financial Adviser as a member of the Committee. This committee should consider whether, on the merits of the case, government would be justified in restoring the official concerned, the pay and allowances for the period involved and, if so, whether in full or in part. In coming to a conclusion whether pay and allowances to the individual should or should not be restored, following considerations will have to be kept in view:-

- (a) whether the person concerned was acquitted on a purely technical or procedural grounds or whether the actual allegations against him had been gone into and were found to be incorrect;
- (b) whether the individual during the period he was away from active duty and other sources of income; and so on.

5. It has further been decided that in cases where the total period involved does not exceed 12 months from the time the individual was suspended or removed from service, the final decision should be taken by the Ministry concerned at the level of the Secretary and in all other cases the matter should be referred to the Ministry of Finance for prior concurrence.



**32.10 Grant of Arrears of Pay and Allowances to Government Servants for Period of Absence from Duty, on Reinstatement as a Result of Court's Decision**

Due to certain subsequent developments, instructions issued *vide* Finance Division circular D.O No. F-9(15) R.I (Rwp)/61, dated 23-12-1961 and O.M No. 781-R4/73-F.3(4)-R-I/73, dated 10-07-1973 called for a revision. FR-53 and FR-54 have been amended and government servants under suspension are now entitled to a subsistence grant equal to full pay and allowances. Similarly, employees reinstated in service administratively or as a result of the court's decision with consequential benefits are allowed salary for the period they stayed out of service.

2. In view of the above, therefore, there is no need to refer cases to the Finance Division for payment of arrears of pay and allowance pertaining to the period of suspension. In cases of reinstatement after removal/dismissal as a result of courts' decisions, however, the Ministry/Division/Department concerned has to determine the amount earned by the government servant concerned from other sources during the period he remained out of service. For this purpose, the Ministry/Division/Department concerned should obtain a solemn declaration from the government servant concerned in the form of an affidavit as to the particulars of his employment/business or any other profitable work undertaken by him during the period of his absence from duty and the amount earned therefrom. The case should, then, be examined by a Departmental Enquiry Committee on which Finance Division may be represented by the FA/DFA\* concerned. The Committee may examine such other evidence as it may require and give its findings and recommendations to the Secretary of the Ministry / Division concerned for such orders as he may deem appropriate.

[Authority: Estt. Div.'s O.M No. F.5(17)-R-1/2000, dated 4<sup>th</sup> August, 2000.]

**Sl. No. 33**

**Committals to Prison- [CSR 194]**

A government servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a government servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period, the government servant shall be entitled to the subsistence grant as admissible under "FR-53".

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\* Financial Adviser; Deputy Financial Adviser.

### **33.1 Suspension of a Government Servant Accused of Criminal Offences**

In cases where government servants are accused of criminal offences, frequent references are made to the Establishment Division on issues such as:

- (i) whether, on their committal to prison, they are to be suspended by a specific order or their suspension is automatic ;
- (ii) whether or not on their release on bail after arrest, they can be reinstated in service ;
- (iii) whether their continued suspension requires approval of the authority after every three months.

2. The matter has been considered in the Establishment Division in consultation with the Law Division. It has been held that cases of the above nature are to be dealt with under Article 194 of the Civil Service Regulations which are existing rules and which cannot be over-ridden by administrative instructions contained in Section IV of Appendix-3 of Fundamental Rules and Supplementary Rules Vol. II.

3. In the context of the points mentioned in paragraph 1, the position that emerges from Article 194 of CSR is explained below:-

- (a) a government servant committed to prison either for debt or on a criminal charge, should be considered as under suspension from the date of his arrest and until the termination of the proceedings against him, *i.e.*, his suspension is automatic from the date of arrest till termination of proceedings against him ;
- (b) a government servant, against whom a criminal charge or proceeding for arrest for debt is pending, should also be placed under suspension by the issue of specific orders to this effect during the periods when he is not actually detained in custody or imprisoned (*e.g.* whilst released on bail) if the charge made or proceedings taken against him is connected with his position as a government servant or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude ; and
- (c) the requirement of obtaining approval of authority for extension of suspension period after every 3 months laid down in Government Servants (Efficiency and Discipline) Rules, 1973 applies to suspensions ordered under these rules. Article 194 do not mention any such requirement.

4. In view of the position stated above, the answers to the queries mentioned in para 1 are as follows in seriatim:-

- (i) Suspension, under Article 194 is automatic.
- (ii) In the light of what is stated in the preceding paragraph, the competent authority can, in case the accused official is no longer detained in custody, reinstate him in service unless it likes him to continue to be under suspension on the consideration that the charges against him are connected with his position as a government servant or is likely to embarrass him in the discharge of his duties as such or involve moral turpitude. From the date of reinstatement onwards, the government servant will no doubt be paid full pay. However, adjustment of allowances for the period he remained under suspension will be made as Article 194 envisage after the termination of the proceedings.
- (iii) Approval of the competent authority for suspension under Article 194 is not required every 3 months.

5. With reference to (i) and (ii) in the preceding paragraph, the following administrative instructions may also be followed :-

- (a) a report may be immediately submitted to the "competent authority" whenever a person is committed to prison and is considered to be under suspension under Article 194 CSR in order to ensure that the competent authority remains in touch with the position of the official and his case; the fact of suspension may also be notified under advice to all concerned including the audit authorities in terms of Article 194 CSR; and
- (b) a report on the progress of the criminal case leading to the suspension of a government servant under Article 194, CSR, as the case may be, be submitted to the authorized officer every three months for his information to ensure that he remains in touch with the position of the official and his case.

6. The O.M. issues with the concurrence of the Ministry of Finance.

[*Authority*.- Estt. Division's O.M.No.4/12/74-DI, dated 10-3-1980].

### **33.2 Detention of Government Servants Under Public Safety Acts**

A question has arisen whether an employee of the Federal Government who is detained in prison for a period of time under the provisions of the Sindh

Maintenance of Public Safety Act, 1948 or a similar enactment and is released without any trial, loses his service under the government and whether such a person is entitled to any leave salary or subsistence allowance for the period he remained under detention. As some doubts seemed to exist in the matter, the question has been fully considered in consultation with the Law Division and it has been decided that the following procedure should be adopted to regulate cases of detention in prison and subsequent acquittal or conviction:-

- (i) As soon as it comes to notice that an employee has been detained in prison, action should be taken to place him under suspension. The period of the employee's detention \*[should be treated as period spent under] committal to prison within the meaning of Article 194 C.S.R. and the pay and allowances during suspension should be regulated under F.R.53.
- (ii) If the employee is subsequently acquitted honourably, he should be reinstated forthwith. He will be entitled to receive full salary for the entire period of his absence from duty under F.R. 54(a).
- (iii) If on the other hand, the acquittal is not honourable, then the provision of F.R. 54 (b) will apply.
- (iv) If the employee is released from detention without any trial, it is open to the competent authority to take disciplinary action against him if good and sufficient reasons exist from such action. In that case the procedure prescribed in the Efficiency and Discipline Rules must be observed.
- (v) If the employee is convicted, he may be dismissed from service if his retention in service is not desirable. In that case, the procedure prescribed in the Efficiency and Discipline Rules, need not be observed. He will be entitled to nothing more than the subsistence allowance up to the date of his dismissal from which date the pay and allowance will cease under F.R. 52.

[*Authority*.-Estt. Division's O.M.No. F/19/11/49-Ests (SE), dated 20-12-1949].

### **33.3 Clarification Regarding Detention of Government Servants Under Public Safety Act**

A reference is invited to the Establishment Division's O.M. No.F. 19/11/49-Ests (S.E.), dated the 20th December, 1949, and it is stated that a certain amount of confusion has arisen from the words "considered as resulting from" which occur in item (i) of that Office Memorandum. These words, as they

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\* Amended *vide* Estt. Division's O.M.No. 27/41/52-SE II, dated 7-12-1954.

stand, are capable of being interpreted as if a person who is detained under the Public Safety Act will be governed by the provisions of Article 194, Civil Service Regulations, as it stands. The position, however, is that Article 194 does not strictly apply to such cases but the intention is that, when a person is detained under the Public Safety Act, his pay and allowances should, on the analogy of the provisions of Article 194, be regulated as if he was committed to prison. In order to make this intention clear, it has been decided that the words "considered as resulting from" referred to above may be replaced by the words "treated as period spent under".

[Authority.-Estt. Division's O.M.No.27/41/52-SE-II, dated 7-12-1954].

### **33.4 Removal From Service as a Result of Conviction in Court of Law**

Attention is invited to the Establishment Division's O. M. No. 3/24/59-SE.II, dated 21-3-1959 (**Annex**). It is stated that the instructions contained therein have been reviewed in the Establishment Division and, in supersession of these instructions, it has been decided that, in future, all government servants convicted of a criminal charge involving moral turpitude should be dismissed from government service. For this purpose, Government Servants (Efficiency and Discipline) Rules, 1973 provide for dispensation of the normal disciplinary procedure.

2. The Ministries and Divisions are requested to bring the above position to the notice of all concerned for strict compliance in future.

[Authority.-Estt. Division's O.M.No.2/2/73-DI, dated 15-4-1976].

### **(ANNEX)**

**[Copy of Establishment Division O.M. No. 3/24/59-SE.I, dated the 21st March, 1959].**

References have been received from time to time from Ministries and Divisions *etc.* enquiring whether a government servant convicted by a court of law can be removed or dismissed from service or reduced in rank straightaway or it is necessary to give him a show cause notice before passing final orders in the matter.

2. This question has been given due consideration in the Establishment Division who are of the view that, as a general principle, if a government servant is convicted in a court of law he does not automatically lose his employment under government. But if in the opinion of the authority competent to pass orders of dismissal, removal or reduction in rank grounds

which led to his conviction are good and sufficient for imposing any of these penalties, that authority can pass such an order. If, however, the competent authority considers that a lesser penalty or no penalty at all is called for in the circumstances of the case (such as minor or technical nature) there is no bar to that authority taking a decision accordingly.

3. If it is decided to award the penalty of dismissal, removal or reduction in rank it is not necessary to give a show cause notice to the person concerned *vide* Article 181 (2) proviso (a) of the late Constitution or Rule 55 of the Civil Services (Classification, Control and Appeal) Rules [Article 177 (I) (b) of the 1962 Constitution or rule 6 of the Efficiency and Discipline Rules, 1960 may be referred to in the present context]. The order of removal, dismissal or reduction can be passed by the competent authority taking into consideration the grounds of conduct which led to the conviction of the person concerned in the court of law. The removal, dismissal or reduction in such cases takes effect from the date of orders and not from the date of verdict passed by the court.

#### **Sl. No. 34**

#### **Strictures Passed by Courts Against Government Servants**

The question, whether strictures passed by courts of law against a government servant render him liable to departmental action, has been under consideration of the Establishment Division for some time. It has been held that when a court passed any strictures against a government servant, it should not necessarily be assumed that he is guilty of some misconduct or breach of rules or an act of omission or commission. The nature of the action to be taken should be decided after careful consideration of the facts and circumstances of each individual case. If the strictures are such as to merit disciplinary action against the government servant concerned, he should be dealt with departmentally in the light of the Government Servants (Efficiency and Discipline) Rules. No government servant should, however, be punished on the basis of the strictures without drawing up necessary proceedings in accordance with the aforesaid rules. An entry may be made in the Character Roll of the government servant concerned or a copy of the strictures placed therein only when specific orders are passed to that effect by the competent authority. In no other case, strictures should find a place in the Character Roll of the government servant.

[Authority.- Estt. Division's O.M. No. 3/110/59-E.V., dated 28-4-1960].

### **34.1 Payment of Costs Incurred by Government Servants in Defending Themselves in Judicial Proceedings**

Under section 266 (3) (d) of the Government of India Act, 1935, it was necessary to consult the Federal Public Service Commission in matters relating to reimbursement of costs incurred by government servants in defending themselves in legal proceedings and accordingly, after Independence, detailed instructions were issued indicating, *inter alia*, at what stage the Commission were to be consulted in such matters, *vide* this Division Office Memorandum No. 3/15/52-SE. II, dated the 10th July, 1952 (**Annex**). These instructions continued to operate also under the 1956 Constitution which kept alive the above legal position by its Article 188 (2) (d).

2. With the commencement of the new Constitution\*, the position in this regard will, however, undergo some change as consultation with the Federal Public Service Commission in respect of matters mentioned above will not be necessary [*vide* Article 185 (2) *ibid*]. It is, therefore, requested that the instructions contained in the Office Memorandum referred to above may please be followed subject to the modification that such cases need not be referred to the Commission with effect from the 'commencing day' of the new Constitution.

[*Authority*.-Estt. Division's O.M.No.2/16/62-D.I., dated 25-5-1962].

#### **(ANNEX)**

**[Copy of Establishment Division O.M. No. 3/15/52-SE.II, dated 10-7-1952].**

The question has been raised what the practice should be where applications are received from government servants asking for the costs of defending criminal or civil proceedings filed against them when the opposite party is (a) a private person, (b) government.

2. The law on the subject is contained in section 197 of the Code of Criminal Procedure and in Section 266(3) (d) and 271 of the Government of India Act, 1935.

3. As regards proceedings initiated by members of the public against government servants in respect of an act or acts done by them in their official capacity, there is little difficulty. In a letter issued in 1919, the Government of India in the Finance Department set out the practice in the following terms:-

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\* Constitution, 1962.

"For many years, it has been the practice to apply the same principles in all departments. When a government officer has been accused of committing an offence, or has been used for damages on the ground of some act done by him in his official capacity, and it appears to the local Government that his conduct was not open to blame, it is usual to employ the Government law officers to defend the case at the expense of Government. When Government is not so satisfied, the practice is to leave the officer to defend himself at his own expense. But if he is subsequently acquitted and his character cleared Government defrays such reasonable charges as he has incurred in defending himself. The amount, which Government should pay is settled on the merits of each case according to circumstances. The justification for this procedure plainly is that had the facts been fully ascertained at the beginning, Government would have undertaken his defence".

4. It is not necessary to amplify the above statement of practice, save to invite the attention of Ministries to the necessity of consulting the \*Pakistan Public Service Commission before passing orders, as required under Section 266 (3) (d) of the Government of India Act, 1935, and of consulting the Ministries of Law and Finance whether the expenses claimed are reasonable.

5. A more difficult question arises when government are themselves the prosecutors. Unlike prosecutions launched by members of the public, prosecutions of officials by government start with a presumption that they have been filed in good faith, after careful consideration and not vexatiously. When a case fails owing to its having remained unproved or the accused being given the benefit of the doubt or on some technicality. Government are under no obligation to pay compensation; and any general practice of doing so merely because a case had failed in court would be a waste of government funds and make the cost of anti-corruption proceedings prohibitive. On the other hand the possibility cannot be excluded that there will, occasionally, be cases in which there are good reasons to believe that the accused was, in fact, innocent. In such cases, compensation may and should be paid.

6. The procedure in all cases where application for such compensation is made will be as follows. If the tentative view of the administrative Ministry concerned is that compensation should be paid, they will consult the Ministry of Law both on any legal issue which may arise and on the reasonability of the charges claimed (counsel's fees, etc.). They will then, in any case, whether or not they favour payment of compensation, forward the file to the \*Pakistan

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\* Federal.



Public Service Commission, with a concise statement of the case and all relevant papers, for their advice. On receipt of their advice, they will decide whether or not to pay compensation and, if it is proposed to make any payment, will obtain the concurrence of the Ministry of Finance\*.

**34.2 Maintenance and Circulation of List of Persons Debarred from Future Employment under Governments - Establishment of Convention Between \*\* Central Government and Provincial Governments**

As all governments addressed have indicated their willingness to establish a convention with the \*Central Government and between themselves to the effect that persons debarred from service under one government will be treated as such by other government, it has been decided to establish the proposed convention with immediate effect.

[*Authority.-* Estt. Division's No.39/4/48 Estt.(ME), dated 2-8-1948].

**Sl. No. 35**

**Procedure for the Maintenance and Circulation of Lists of Persons Debarred from Future Employment Under Government**

In order to effect economy in time, labour, and expense and to ensure the systematic preparation and maintenance of the list of debarred persons, it has been decided to centralise the work and to adopt the following procedure for this purpose:-

- (a) Ministries/Divisions will notify to the Establishment Division particulars of government employees dismissed and debarred from future employment by them or by any of their Attached Departments or Subordinate Offices;
- (b) The Federal Public Service Commission will also notify to Establishment Division particulars of all candidates declared by them as unsuitable for government employment;

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\* *Note.-* Attention is invited to Sl. No.15 (b) (XVII) Annex II to the Ministry of Finance's O.M. No. F. 1 (5) R. 12/80, dated 11th March, 1981 according to which Ministries/Divisions have been delegated full powers to sanction "Law Charges" in consultation with the Ministry of Law. The present position is in Fin. Div.OM No. F. 3(2) Exp. III/2006, dated 13<sup>th</sup> September, 2006 the System of Financial Control and Budgeting, 2006 September, 2006 (Annex 1).

\*\* Federal.

- (c) Provincial Governments will also notify to the Establishment Division particulars of government employees debarred by them from future employment, together with particulars of candidates declared by Provincial Public Service Commission as unsuitable for government service;
- (d) The particulars under (a) to (c) above will be supplied monthly to the Establishment Division so as to reach that Division not later than the 20th of the month concerned; and
- (e) Establishment Division will prepare a consolidated list, in alphabetical order, once a month, and circulate it to the Ministries/Divisions and the Provincial Governments.

[*Authority.* - Estt. Division's O.M. No. 39/6/48-Estt.(ME), dated 25-10-1948].

### **35.1 Statements about Government Servants Dismissal from Service and Debarred from Future Employment**

According to the procedure laid down in the Establishment Division Office Memorandum No.39/6/48-Estt. (ME), dated the 25th October, 1948, as amended in their Office Memorandum of even number, dated the 2nd June, 1949, Ministries/Divisions, Federal Public Service Commission, Provincial Governments and administrations are required to furnish, to the Establishment Division the particulars of government servants dismissed from service and debarred from future employment under government, in the form prescribed therein. It is felt that the form in question should be amplified to include the educational qualification and permanent address of the person debarred from government service. It is requested that, in future, information in regard to the person debarred from future employment under government may please be furnished in the revised form **(Annex)**.

2. It has been observed in several cases that authorities concerned are not in a position to furnish, to the Establishment Division, all the necessary particulars of the persons debarred from future employment under government for the reason that a proper record of their particulars have not been maintained by them. It will be appreciated that, unless full particulars of the individuals concerned are included in the consolidated list issued by the Establishment Division, there is a danger of some of these individuals re-joining government service undetected and thus the very purpose for which these lists are issued will be defeated. Ministries, etc., are, therefore, requested to ensure that full particulars of all government servants are maintained by them so that necessary particulars are made available to the Establishment Division in case any of them is debarred from future employment under government.

[*Authority.*- Estt. Division's O.M.No.38/6/65-ME, dated 18-6-1955].

### **35.2 Reports about Future Employment**

Nil reports in respect of persons debarred from future employment under government need not be sent to the Establishment Division.

[*Authority.* - Estt. Division's O.M. No. 15/6/59-ME, dated 5-9-1959].

### **35.3 List of Persons Dismissed from Service and Debarred from Future Employment**

Under instructions issued from time to time, Ministries are required to supply to the Establishment Division, a statement, giving particulars of persons dismissed from service and debarred from future employment under the government in the prescribed form by the 20th of each month. This statement is to be arranged alphabetically, typed only on one side of the paper and supplied to the Establishment Division in duplicate in a consolidated form.

2. It appears that these instructions are not being followed and these statements are not received in the prescribed form in accordance with the existing instructions. The last date prescribed for submission of these statements, *e.g.*, 20th of each month is also not being adhered to. The result is that the lists cannot be printed in time.

3. In order to ensure the systematic preparation and maintenance of the lists of debarred personnel, it is requested that the above instructions may kindly be complied with strictly in future.

[*Authority.*- Estt. Division's O.M. No. 103/10/59-Con., dated 22-12-1959].

## (ANNEX)

**LIST OF PERSONS DISMISSED OR DEBARRED  
FROM GOVERNMENT SERVICE**

Ministries/Divisions: \_\_\_\_\_

Provincial Government: \_\_\_\_\_

Serial No.	Name and Permanent Address	Educational Qualifications	Father's Name and Address	Date of Birth	Office in which employed and the post held *Post or service for which he was a candidate	Reasons for Dismissal or *Disqualification	Height and Personal Marks of Identification, if known
1	2	3	4	5	6	7	8

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\* In the case of persons declared unsuitable by the Public Service Commission.

**Sl. No. 36****Quarterly List of Persons Dismissed from Service and Debarred from Future Employment – Manner of Submission**

The Ministries/Divisions are requested that henceforth the names with particulars of persons sent to the Establishment Division for publication in the quarterly lists of dismissed and debarred from future employment under the government may kindly be sent to this Division in triplicate on the prescribed proforma in alphabetical order e.g., the names starting with Alphabet 'A' on one sheet and those starting with 'B' on a separate sheet and so on.

2. It is also requested that the material for publication in the said lists may be sent well in time so that the lists can be published immediately after the expiry of the quarter.

[*Authority.-* Estt. Division's O.M. No. 22/4/71-F.I., dated 30-11-1971].

**36.1 Consultation of Lists of Persons  
Dismissed from Service and Debarred  
from Future Employment**

The periodical lists of persons dismissed from government service and debarred from future employment under the government are issued by the Establishment Division with the object that Ministries/Divisions etc., remain abreast of the information in regard to the persons dismissed from government service on account of serious charges against them and that such persons should not be re-employed under the government in future.

2. The Ministries/Divisions/Attached Departments etc. should consult these lists before making fresh appointments to avoid chances of such persons getting into the government service again. The Establishment Division may kindly be informed that the instructions are being strictly followed by the Ministries/Divisions and that these have been brought to the notice of other authorities and offices under their administrative control.

[*Authority.-* Estt. Division's O.M. No.22/4/71-F.I., dated 3-4-1973].

**Sl. No. 37****Submission of Forged Documents in Support of Age/Educational Qualifications**

A large number of cases have come to notice in which candidates for competitive examinations conducted by the \*Central Public Service Commission have submitted forged documents in support of their age or educational qualifications. This malpractice has become so frequent that it is considered that

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\* Federal.

it can be eradicated only if strict measures are adopted. The Establishment Division, therefore, consider that no punishment less than that of dismissal is normally appropriate in such cases.

2. It is, therefore, advised that while considering cases of this nature the Ministry of Finance, etc., may keep in view the views expressed in the Establishment Division letter No.40/6/50-SEI, dated 21-6-1950.

[*Authority.-* Estt. Division's O.M. No. 40/15/51-SEI, dated 8-5-1951].

### **37.1 False or Forged Information about Educational Qualifications**

Under the existing orders, candidates for posts in government service who give false information about their educational qualifications, or tamper with their dates of birth in their educational certificates, are disqualified by the Central\* Public Service Commission from appearing at any examination, and they are also debarred by the government from employment under them. A number of such cases of forgery have been detected by the \*Central Public Service Commission, and it is felt that unless deterrent action is taken by way of prosecution in a court of law, forgers will not be discouraged. It has, therefore, been decided that whenever there are good grounds for suspecting a candidate for a post under the government of having given false information about his educational qualifications, or tampering with his date of birth as recorded in his educational certificate action should be taken immediately to prosecute him and have the case tried summarily.

[*Authority.-* Estt. Division's Letter No.6/26/58-R, dated 11-11-1958].

### **37.2 False or Forged Information about Educational Qualifications and Age and Pakistan Penal Code**

Government of Pakistan do not agree with the views expressed by the Government of East Pakistan in their letter No. 2070-GAC, dated 9th December, 1958 that the furnishing of false information by candidates for posts in government service is punishable under section 177 of the Pakistan Penal Code. Section 177 of the Pakistan Penal Code deals with the cases of persons legally bound to furnish information to a public servant, whereas there is no legal obligation in the part of a candidate to furnish information when applying for a post in government service. The offence of furnishing false information in such cases is not, therefore, punishable under section 177, but under section 182 of the Pakistan Penal Code.

2. As for tampering with the date of birth as recorded in an educational certificate, it is considered that this amounts to forgery within the meaning of section 463 of the Pakistan Penal Code. The forging of certificates to support

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\* Federal.

false assertions of educational qualifications would appear to be punishable under section 465, and the use of forged certificates punishable under section 468 of the Pakistan Penal Code. It is considered that these offences, which are punishable with long periods of imprisonment, cannot be tried summarily for the reason that, under section 260 of the Code of Criminal Procedure, only offences punishable with imprisonment for a term not exceeding six months can be tried summarily.

3. In the circumstances, prosecution for the offences mentioned above should be restricted to cases of false information under section 182 of the Pakistan Penal Code, ignoring the offence of forgery where it is also present. Steps should also be taken to have the cases tried in a summary manner under sub-section (1) of section 260 of the Code of Criminal Procedure, 1898.

[*Authority.*- Estt. Division's Letter No.6/26/58-R, dated 20-1-1959 addressed to the [then] Government of East Pakistan].

### **37.3 Anti-Corruption Measures – Government Servants to Disclose Their Assets/Severe Disciplinary Action for Indulging in Corrupt Practices**

Government of Pakistan have recently considered certain measures for the elimination of corruption among government servants and have, '*inter alia*', decided as follows:-

- (a) that a government servant when required by government to disclose his assets, immovable as well as liquid, must comply;
- (b) that a government servant, who indulges in nepotism, favouritism, victimization and wilful abuse of office, will be liable to disciplinary action which may include dismissal.

2. It is requested that the above decisions may please be brought to the notice of all government servants serving under the Government of Pakistan.

[*Authority.*- Estt. Division's O.M. No. 4/15/53-SE II, dated 7-7-1953].

### **37.4 Responsibility of Officers to Watch Conduct of Subordinates**

It has been decided that all officers should be informed that it is their duty to watch the conduct of their subordinates and to ensure that corruption does not spread among them. Failures to do so would be reflection on their own efficiency.

[*Authority.*- Estt. Division's O.M.No.3/5/59-SE II, dated 4-3-1959].

### **37.5 Responsibility of Heads of Departments/ Organizations to Eradicate Corruption from Officials Working Under Them**

Government has recently considered the question of eradication of corruption from services and decided that "Heads of Organizations" should be made responsible for rectifying and punishing corrupt officials working under them. It was further decided that they should be provided with a list of suspected corrupt officials whose activities should be watched vigilantly. In accordance with the existing instructions, it is the duty of all officers to watch the conduct of their subordinates and to ensure that corruption does not spread among them. The Inspector General, Special Police Establishment\*, is being asked to furnish to the heads of departments/organizations, lists of suspected corrupt officials of their departments/organizations. The services of the Special Police Establishment should be freely utilized for verifying the allegations of corruption, or for conducting enquiries/investigations, into suspected cases of corruption.

2. The Office Memorandum may be brought to the notice of all Heads of Departments/Organizations under the Ministry of Finance, etc.

[Authority.- Interior Division's O.M. No.1/8/67-SP(P), dated 20-9-1967].

### **37.6 Suspension of Public Servants Involved in Cases of Bribery and Corruption**

It has come to the notice of the Interior Division that government servants who were involved in cases of bribery and corruption and were suspended from service in accordance with paragraph 12 of the Instructions Regarding Investigation of Cases of Bribery and Corruption by the Federal Investigation Agency, have been kept under suspension for unduly long period. In some cases, the period of suspension extended over six months or even more, thereby subjecting such officials to unnecessary mental and other hardships. In order to obviate such hardships, it has been decided that the cases of public servants who are being prosecuted on charge of corruption and have been under suspension for over a year should be reviewed after every six months, with a view to determining whether they can be reinstated. It is accordingly requested that the particulars of such cases may be furnished to this Ministry, in the enclosed form **(Annex)** every six months *i.e.* by the middle of January and July every year alongwith the recommendations of the Ministry/Division concerned, for carrying out the proposed review.

2. 'Nil' statements may also please be sent in respect of these Ministries/Divisions/Departments/Organizations in which no public servant of the category mentioned above is under suspension.

[Authority.- Interior Division's O.M. No. 1/7/68-SP (P), dated 29-6-1968].

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\* DG, FIA .



## Form

**STATEMENT OF PUBLIC SERVANTS INVOLVED IN CORRUPTION  
CASES AND CONSEQUENTLY SUSPENDED FROM SERVICE**

Ministry/Department.....

Statement for the half year ending.....

Serial No.	Name and designation of public servant	Date from which continuously under suspension	Reason for suspension viz, whether arrested by police and whether sanction for prosecution issued	If sanction for prosecution issued its number and date	Remarks
1	2	3	4	5	6

**Sl. No. 38****Responsibility of Head of Department for Corruption within Area of his Administrative Jurisdiction**

Measures undertaken to curb corruption in the police have shown appreciable results, and its personnel deserve to be commended, and encouraged to continue with their efforts in that direction.

2. Meanwhile, public complaints of corruption in several government departments persist, and effective steps are required to root it out. It is the bounden duty of every Head of Department to exercise utmost vigilance, analyse the cause, and trace the source where incidence of corruption occurs.

3. In future, a Head of Department will bear responsibility, and be answerable for proven charges of corruption within the area of his administrative jurisdiction. It is self-evident that corruption prevails in a department of its Head is:

- (a) himself corrupt, or
- (b) wilfully blind to corruption taking place, or
- (c) so inefficient that he is unable to control it.

4. Whichever of these three reasons may be applicable, such a Head of Department cannot be retained in service to the detriment of government's objective of serving the people and promoting their weal and welfare.

[*Authority*.- President and CMLA's Note No.57/1/CMLA, dated 25-9-1978].

**38.1 Setting-up of Committees to Deal with Cases of Corruption**

The question of eradicating corruption from the various walks of life in the country has been engaging the attention of the government for some time. More particularly, corruption and indiscipline in government offices have given government cause for a great deal of concern. Accordingly, amongst other measures that the government is contemplating, the Prime Minister has been pleased to approve the following procedure for cleansing government offices and departments of corrupt and inefficient elements.

2. The Inspector General, Special Police Establishment\* should periodically compile lists of government servants who are either guilty of corrupt practices or enjoy a persistent reputation of being corrupt. These lists should be forwarded to the Establishment Division in the case of officers of \*\*Grade 17 and

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\* DG, FIA.

\*\* BPS.

above and to the concerned Ministries in case of government servants of \*Grade 16 and below. Secretaries to the Government and heads of departments may also report, in respect of the Ministries and Departments under them, such cases of government servants in \*Grade 17 and above to the Establishment Division.

3. The cases thus referred to the Establishment Division will be looked into by a Committee consisting of Establishment Secretary, Interior Secretary and Secretary of the Ministry concerned. The Committee will be responsible for making recommendations to the Prime Minister as to the action that may be taken against the corrupt officials concerned. In respect of Government servants of \*Grade 16 and below Ministries may take final action.

4. In big departments such as Railways, Telephones and Telegraphs\*\* and Pakistan Public Works Department, where corruption is rampant in a big way, separate Committees should be set up. These Committees should finalize action in respect of officers in \*Grade 16 and below. For \*Grade 17 and above they should make recommendations to the Committee referred in para 3, who after scrutiny will submit cases to Prime Minister. There should be a separate Committee for corporations.

5. These departments should also have their own separate anti-corruption cells, which they may organize in consultation with the Interior Division and I.G., \*\*\*S.P.E.

6. The Committees referred to in paras 3 and 4 should also deal with cases of inefficient government servants. @ [As you, no doubt, know senior government servants of Grades\* 21 and 22 can now be retired at any time, if they are inefficient or have outlived their utility]. Other government servants can also be retired on completion of 25 years of service. It has been decided with the Prime Minister's approval that 2 to 3 years before a government servant is due to complete 25 years service, a special entry should be made by the reporting officer in his ACR indicating whether his continued retention in service is justified. Such cases as are reported unfit for further retention for 3 consecutive years should come up before the respective Committee for necessary scrutiny and action.

[Authority.- Estt. Division's D.O. No.1/7/74-CV, dated 22-8-1974].

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\* BPS.

\*\* T&T Department was converted into Pakistan Telecommunication Corporation Ltd. (PTCL). PTCL has been privatized as Pakistan Telecommunication Company Ltd. (PTCL). In the public sector, the telecommunication needs of the government are catered for by the National Telecommunication Corporation (NTC). There are posts of Telephone Operators in government organizations.

\*\*\* DG, FIA.

@ Note. See Section 13 of Civil Servants Act, 1973.

### **38.2 Co-operation with Investigating Officers of the Federal Investigating Agency**

The New Federal Investigation Agency has been constituted by the Government of Pakistan for the investigation of cases of bribery and corruption involving persons serving in connection with the affairs of the Centre\*. The cases of corruption usually relate to the functions of the public servants concerned and involve the examination of official record for coming to a conclusion whether an offence has been committed or not. Instances have come to notice that in some cases when the Investigating Officers of the Special Police Establishment\*\* approached the departments for papers relevant to the cases under investigation, the officers concerned delayed handing over of papers on one pretext or the other and in some cases, even refused to hand over the documents. They were perhaps not aware that under section 94 of the Criminal Procedure Code, an Investigating Officer is empowered to demand the production of any paper connected with the offence, the investigation of which is being conducted by him and omission to comply is punishable under section 175 of the Pakistan Penal Code. Even otherwise, it is the duty of each public servant to assist the anti-corruption agencies in their arduous task of eradicating corruption. The responsibility of the Heads of Departments in this matter has also been emphasized in this Ministry's Office Memorandum No. 1/8/67-SP (P), dated the 20th September, 1967. Delay in the investigation of corruption cases is detrimental to the prosecution and goes in favour of the accused who gets a chance to tamper with the record and win over the witnesses before the police can examine them. It is, therefore, requested that suitable instructions may be issued to all concerned impressing upon them the need for prompt handing over of the requisite record to the Investigating Officers and the desirability of extending full co-operation to them in the investigation of corruption cases.

[Authority.- Interior Division's O.M. No.1/8/68-SP(P), dated 24-7-1968].

### **38.3 Handing-Over of Record and Extending Co-operation for Investigation**

It has been again reported by the Inspector General, Special Police Establishment\*\*, that most of the investigations are delayed as the relevant record of the case is not readily made available by the department concerned to the investigating officers.

2. It is, therefore, requested that fresh instructions may kindly be issued to all concerned impressing upon them the need for prompt handling over

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\* Federal.

\*\* DG,FIA .

of the requisite record to the investigating officers and the desirability of extending full co-operation to them in the investigation of corruption cases.

[*Authority.*- Interior Division's O.M.No.1/8/68-SP(P), dated 27-2-1971].

#### **38.4 Instructions Regarding Investigations by the Federal Investigation Agency into Cases of Bribery and Corruption**

With the coming into force of the F.I.A. Act No. VIII of 1975, the Special Police Establishment stands converted into the Federal Investigation Agency. Instructions regarding investigations by the Federal Investigation Agency into the conduct of cases of bribery and corruption have, therefore, been drawn upon the lines of the former instructions regarding investigations by the Special Police Establishment with necessary modifications, and a copy thereof is forwarded herewith (**Annex**) for information and guidance.

[*Authority.*- Interior Division's O.M. No. 1/21/74-SP (P), dated 5-3-1975].

#### **SI. No. 39**

#### **The Federal Investigation Agency, Act 1974 (Act VIII of 1975)**

[Dated: 13-1-1975]

An Act to provide for the constitution of a Federal Investigation Agency.

Whereas it is expedient to provide for the constitution of a Federal Investigation Agency for the investigation of certain offences committed in connection with matters concerning the Federal Government, and for matters connected therewith;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**— (1) This Act may be called the Federal Investigation Agency Act, 1974.

(2) It extends to the whole of Pakistan and also applies to all citizens of Pakistan and public servants, wherever they may be.

(3) It shall come into force at once.

2. **Definition.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) "Agency" means the Federal Investigation Agency constituted under section 3;

- (b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (c) "Director-General" means the Director-General of the Agency;
- (d) "Provincial Police" means the Police constituted by a Provincial Government under the Police Act, 1861 (V of 1861);
- (e) "Public servant" means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes an employee of any corporation or other body or organization set up, controlled or administered by or under the authority of the Federal Government;
- (f) "Special Police" means the Pakistan Special Police Establishment constituted under the Pakistan Special Police Establishment Ordinance, 1948 (VIII of 1948);
- (g) "Specified persons" means the persons who were appointed to posts in or under a Provincial Police in pursuance of Article 3 of the Special Police and Provincial Police (Amalgamation) Order, 1962 (P.O. No.1 of 1962); and
- (h) "rule" means rules made under this Act.

3. **Constitution of the Agency.**— (1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute an Agency to be called the Federal Investigation Agency for inquiry into, and investigation of, the offences specified in the Schedule, including an attempt or conspiracy to commit, and abetment of, any such offence.

(2) The Agency shall consist of a Director-General to be appointed by the Federal Government and such number of other officers as the Federal Government may, from time to time, appoint to be members of the Agency.

4. **Superintendence and administration of the Agency.**—(1) The Superintendence of the Agency shall vest in the Federal Government.

(2) The administration of the Agency shall vest in the Director General who shall exercise in respect of the Agency such of the powers of an Inspector General of Police under the Police Act, 1861 (V of 1861), as may be prescribed by rules.

5. **Powers of the members of the Agency.**— (1) Subject to any order which the Federal Government may make in this behalf, the members of the Agency shall, for the purpose of an inquiry or investigation under this Act, have throughout Pakistan such powers, including powers relating to search, arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of a Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force.

(2) Subject to rules, if any, a member of the Agency not below the rank of a Sub-Inspector may, for the purposes of any inquiry or investigation under this Act, exercise any of the powers of an officer incharge of a Police-station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be an officer-in-charge of a police-station discharging his functions as such within the limits of his station.

(3) Without prejudice to the generality of the provisions of sub-section (1) and sub-section (2), any member of the Agency not below the rank of a Sub-Inspector authorized by the Director- General in this behalf may arrest without warrant any person who has committed, or against whom a reasonable suspicion exists that he has committed, any of the offences referred to in sub-section (1) of section 3.

(4) For the purpose of the exercise by the members of the Agency of the powers of an officer-in-charge of a police-station, "Police-station" includes any place declared, generally or specially, by the Federal Government to be a police-station within the meaning of the Code.

(5) If, in the opinion of a member of the Agency conducting an investigation, any property which is the subject matter of the investigation is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such member may, by order in writing, direct the owner or any person who is, for the time being, in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous permission of that member and such order shall be subject to any order made by the court having jurisdiction in the matter.

(6) Any contravention of an order made under sub-section (5) shall be punishable with rigorous imprisonment for a time which may extend to one year, or with fine, or with both.

6. **Power to amend the Schedule.**— The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

7. **Delegations of powers.**— The Director General may by order in writing, direct that all or any of his powers under this Act or the rules shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by any member of the Agency so specified.

8. **Indemnity.**— No suit, prosecution or other legal proceeding shall lie against the Federal Government, any member of the Agency or any other person exercising any power or performing any function under this Act or the rules for anything which is in good faith done or intended to be done under this Act or the rules.

9. **Power to make rules.**— (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the terms and conditions of service of the Director-General and other members of the Agency and the qualifications for recruitment to various posts;
- (b) the powers and functions of the members of the Agency in relation to the conduct of inquiries and investigations;
- (c) the nature and extent of the assistance which the Agency may provide to Provincial investigating agencies;
- (d) the powers of the Inspector General of Police under the Police Act, 1861 (V of 1861), which shall be exercisable by the Director-General; and
- (e) the manner in which rewards may be given to the members of the Agency or of the public for rendering commendable services.

10. **Repeal.**— (1) The Pakistan Special Police Establishment Ordinance, 1948 (VIII of 1948), and the Special Police and Provincial Police (Amalgamation) Order, 1962 (P. O. No. I of 1962), hereinafter referred to respectively as the said Ordinance and the said Order, are hereby repealed.

(2) Upon the repeal of the said Ordinance, -

- (a) all persons who were members of the Special Police immediately before such repeal, including the specified persons, shall stand transferred to the Agency and shall, subject to sub-section (5), be entitled to the same terms and conditions to which they were entitled immediately before such repeal; and
- (b) any inquiry or investigation pending with the Special Police immediately before such repeal shall continue to be conducted by the Agency.

(3) Notwithstanding the repeal of the said Order, but subject to sub-section (4), every specified person shall continue to be appointed in or under the Provincial Police in or under which he was holding a post immediately before the commencement of this Act.

(4) On the recommendation of the Director-General, and with the concurrence of the Provincial Government concerned, the Federal Government may direct that such of the Specified persons referred to in sub-section (3) as



may within thirty days of the commencement of this Act express their willingness to serve in or under the Agency shall be appointed to posts in or under the Agency.

(5) A specified person referred to in clause (a) of sub-section(2), and a person in respect of whom a direction is issued under sub-section (4) shall, upon the repeal of the said Ordinance or, as the case may be, the issue of such direction, cease to hold a post in or under the Provincial Police concerned and shall be entitled to the same terms and conditions of service to which he was entitled immediately before such repeal or the issue of such direction.

#### THE SCHEDULE

- \*[(1) Offences punishable under section 161, 165A, 168, 169, 217, 218, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 353, 366B, 402A, 402B, 402C, 403, 404, \*\*[406], 409, \*\*[420, 468, 471], 477A, 489A, 489B, 489C, 489D, 489E, of the Pakistan Penal Code (Act XLV of 1860)
- (2) Offences punishable under the Explosive Substances Act, 1908 (VI of 1908).
- (3) Offences punishable under the Official Secret Act, 1923 (XIX of 1923).
- (4) Offences punishable under the Engineers Act, 1946 (XXXI of 1946).
- (5) Offences punishable under the Prevention of Corruption Act, 1947 (II of 1947).
- (6) Offences punishable under the Foreign Exchange Regulation Act, 1947 (VII of 1947).
- (7) Offences punishable under the Imports and Exports (Control) Act, 1950 (XXXIX of 1950)
- (8) Offences punishable under the Banking Companies Ordinance, 1962 (LVII of 1962).
- (9) Offences punishable under the Pakistan Arms Ordinance, 1965 (W.P. Ordinance XX of 1965).
- (10) Offences punishable under Section 156 of the Customs Act, 1969 (IV of 1969).
- (11) Offences punishable under Foreign Exchange Repatriation Regulation, 1972.

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\* Subs. *vide* Establishment Division Notification No. S.R.O. 826(I)/97, dated 20-9-1997.

\*\* Ins. *vide* Establishment Division Notification No. S.R.O. 237(I)/98, dated 10-4-1998.

- (12) Offences punishable under the Foreign Assets (Declaration) Regulation, 1972.
- (13) Offences punishable under the National Registration Act, 1973.(LVI of 1973)
- (14) Offences punishable under the High Treason (Punishment) Act, 1973 (LXVIII of 1973).
- (15) Offences punishable under the Prevention of Anti-National Activities Act, 1974 (VII of 1974).
- (16) Offences punishable under the Banks (Nationalization) Act, 1974. (XIX of 1974).
- (17) Offences punishable under the Passport Act, 1974 (XX of 1974).
- (18) Offences punishable under the Drugs Act, 1976 (XXXI of 1976).
- (19) Offences punishable under the Emigration Ordinance, 1979 (XVIII of 1979).
- (20) Offences punishable under the Exit from Pakistan (Control) Ordinance, 1981 (XLVI of 1981)].

**(ANNEX)**

Instructions Regarding Investigation of Cases of Bribery and Corruption by the Federal Investigation Agency.

Note.— The expression "Competent Authority" in these instructions means the Anti-Corruption Council at the \*Centre in the case of an officer of \*\*grade 17 and above who is serving in connection with the affairs of the Federal Government, is not removable from his office save by or with the sanction of the Federal Government and, in any other case, the Interior Division.

1. The Federal Investigation Agency may start an investigation either on its own initiative or on receipt of a complaint or information, oral or written.

2. When the identity of the complainant is not known, as will happen when the complainant is anonymous or pseudonymous, the Agency, shall not register a case unless they are able to obtain, by the preliminary enquiry, independent corroboration of the allegations made in the complaint.

3. When the identity of the complainant is known, the Agency shall ascertain from him full facts in support of his allegations and shall, after doing so, proceed in the manner laid down in the succeeding paragraphs.

4. If the preliminary enquiry, referred to in paragraphs 2 and 3 above, shows that there is reason to suspect the commission of an offence which the Agency is empowered to investigate, the Agency shall at once send a brief statement of the case to the competent authority and seek its concurrence to the registration of the case. On receipt of this concurrence, the Ministry or Department under which the government servant concerned is serving shall be informed of the registration of the case:

Provided that a reference to the competent authority shall not be necessary to the case of those government servants who are not governed by section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that the Agency may register a case against any government servant at once, if for reasons to be recorded, it considers that delay in investigation will, or is likely to, result in the disappearance of, or in tampering with, the evidence or in immediate loss to government. When registration is effected without prior reference, under this proviso, a report of the action taken, alongwith reasons thereof, shall be forwarded by the Agency at the earliest opportunity to the competent authority.

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\* Federal Government.

\*\* BPS.

5. Before the registration of a case, all inquiries shall be secret, as far as possible. After a case has been registered, investigation shall proceed with care and discretion and no undue publicity shall be given to it. Special care shall be taken to ensure that no unnecessary damage is caused to the prestige, reputation and dignity of the government servant involved in the case.

6. At the close of investigation into cases for which sanction for prosecution is required under section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898), or under sub-section (5) of section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958). The Agency shall submit to the Anti-Corruption Council, in the case of officers of grade 17 and above, as per instructions noted under (a) below, and to the Interior Division, in the case of other officers as per instructions noted under (b) below, full facts of the case, the opinion of the legal adviser, the draft sanction order, a charge-sheet and a brief statement of allegations to be supplied to the accused government servant.

- (a) In cases registered against officers of \*Grade 17 and above, explanation of the accused officer, giving him 15 days time will be obtained by the Deputy Director of the Agency before submission of the case to the Anti-Corruption Council for decision regarding disposal of the case *viz.* charge-sheet for trial or departmental action or dropping the case. The Anti-Corruption Council will take into consideration the explanation of the accused in taking decision regarding disposal of the case. The Secretary of the Ministry concerned, in which the accused officer serves, if he is not a member of the Anti-Corruption Council, will be co-opted as a member of the Council while deciding the case. If charge-sheet for trial in court is recommended by the Anti-Corruption Council, Interior Division will accord sanction for prosecution, without further reference to the Ministry concerned to obtain explanation of the accused, on the basis of the decision of the Anti-Corruption Council.
- (b) In the case of officers of Grade\* 16 and below, the Interior Division shall communicate the full facts of the case to the Ministry under whom the government servant concerned is employed and they shall supply to the government servant concerned a copy of the charge-sheet and the brief statement of allegations furnished by the Agency and give him an opportunity to submit within 15 days of its receipt a statement in writing to show cause why he should not be prosecuted in a court of law or otherwise proceeded against:

*Provided that the giving of an opportunity to the government servant concerned to submit a statement in writing shall, in no case, be in the nature of a departmental enquiry or proceedings. The intention is that his statement should be on record when taking a final decision before according sanction for prosecution.*

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\* BPS.

7. In all cases, referred to the Anti-Corruption Council, under para 6, the following procedure for obtaining the explanation *etc.*, of the accused officer shall be observed before seeking permission for registration of a case or open enquiry from the Anti-Corruption Council:-

- (1) Explanation of an accused officer shall be obtained before permission for open enquiry is sought by the Federal Investigation Agency, provided there be no difficulty in seizing documents during confidential enquiry and there is no apprehensions for disappearance of material evidence;
- (2) Officers of the Federal Investigation Agency will be able to seize documents during preliminary confidential enquiry as there is no legal bar to it;
- (3) Explanation of the accused officers should be obtained before seeking permission for registration of a case against him. This will be done by the Deputy Director of the Federal Investigation Agency. Questions asked and replies furnished by the officer whose conduct is under enquiry shall invariably be sent to the Secretary of the Ministry concerned under which the accused officer serves, through the Director General, Federal Investigation Agency; and
- (4) In each case, explanation shall be obtained within 15 days.

8. The Ministry concerned to whom reference is made under para 6 (b) shall communicate their recommendations along with the statement of the government servant concerned to the Interior Division within one month of its receipt.

9. If it is decided to prosecute in a court of law a person who is serving in connection with the affairs of the Federal Government or is not removable from his office save by or with the sanction of the Federal Government, the sanction for his prosecution under section 197 of the Code of Criminal Procedure, 1898, or sub-section (5) of section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958) as the case may be, shall be issued forthwith by the Interior Division.

10. If it is decided to take departmental action against the government servant, the necessary action shall be taken by the authority under whom the government servant is serving. The agency shall supply to the Ministry or Department under which the government servant concerned is employed, all materials required for the departmental enquiry and thereafter that Ministry or Department may avail of the services of the whole-time Enquiry Officers of the Interior Division in accordance with the provisions of their Memo. No. 2/7/67-SP (P), dated the 13th March, 1963. The Ministry or Department, as the case may be, shall intimate the result of the enquiry to the Interior Division and to the Federal Investigation Agency.

11. In case where departmental action is taken, the Interior Division may call for records of the departmental proceedings.

12. When sanction for prosecution is issued, the government servant concerned shall be placed under suspension, unless this action has been taken at an earlier stage.

**39.1 Setting up of Anti-Corruption Council  
at the Centre to Deal with Cases of  
Class I Officers**

It has been decided to set-up an Anti-Corruption Council at the \*Centre to deal with cases of corruption against Class I Officers\*\* investigated by the Special Police Establishment. The composition etc., of the Council will be as follows:-

- (1) Composition.- The Council will be composed as follows:-
- |   |           |
|---|-----------|
| (i) Secretary, Cabinet Secretariat<br>(Establishment Division).                         | Member    |
| (ii) Secretary, Ministry of Home<br>and Kashmir Affairs<br>(Home Affairs Division ***). | Member    |
| (iii) Secretary, Ministry of Law  | Member    |
| (iv) Inspector-General, Special<br>Police Establishment.                                | Secretary |

Note.- (a) The senior most of the three permanent members will act as the Chairman of the Council.

(b) The Council will co-opt the Secretary of the Ministry concerned, the case of whose official comes up for decision.

(2) Jurisdiction.-The Council will deal with cases of corruption against:-

- (i) All Class I Officers\*\* of the Central\* Government;
- (ii) Officers of the Provincial Governments or of the corporate bodies and other organizations set-up by the Central\* Government where the authority competent to remove the accused from service is the President;

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\* Federal Government.

\*\* Officers in BPS 17 to 22.

\*\*\* Interior Division.

- (iii) Members of All Pakistan Services\* or of Central Class I\*\* Services or holders of Class I Posts under the \*\*\*Central Government who were at the time of the commission of the offence serving in connection with the affairs of a Province.
- (3) Functions.- The functions of the Council will be as follows:-
- (i) To permit institution of open enquiry by the Special Police Establishment.
  - (ii) To permit registration of a case by the Special Police Establishment, for formal investigation.
  - (iii) To consider the enquiry/investigation report and recommend, as the case may be,
    - (a) prosecution of the accused, or
    - (b) departmental action, or
    - (c) dropping of the case, or
    - (d) further enquiry/investigation.

[ Note.- Recommendations of the Council shall have the same sanctity and shall be given the same weight as the recommendations of the Central\*\*\* Public Service Commission].

[Reference Interior Division's O. M. No. 1/9/67-SP (P), dated 29-6-1968].

### 39.2 Correspondence with the F.I.A

The Federal Investigation Agency (formerly Pakistan Special Police Establishment) is authorized to undertake the investigation of crime under the various laws included in the Schedule to the F.I.A. Act, 1974 (VIII of 1975) **(Annex)** to. As such, all Ministries and Divisions including their subordinate and attached offices, and for that matter an agency or individual, can directly bring to the notice of the Circle and Branch Offices of the F.I.A. (located in various cities), any incidence or alleged incidence of a crime, under the law included in the said Schedule. However, while doing so they are requested to endorse a copy of their communication to the Director General, Federal Investigation Agency, to help facilitate a quick disposal of the reference.

2. References regarding important matters should, however, continue to be addressed to the Interior Division.

[Authority.- Interior Division's O.M. No.8/9/74-Admn.IV., dated 6-3-1975].

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\* All Pakistan Unified Grades (APUG): Secretariat Group, Pakistan Administrative Services (PAS) and Police Service of Pakistan .

\*\* BPS 17-22.

\*\*\* Federal.

**Sl.No. 40****National Accountability \*ORDINANCE NO. XVIII OF 1999**

*An Ordinance to provide for the setting up of a National Accountability Bureau so as to eradicate corruption and corrupt practices and hold accountable all those persons accused of such practices and matters ancillary thereto;*

WHEREAS it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices,<sup>1</sup>[misuse or abuse] of power<sup>2</sup>[or authority], misappropriation of property, taking of kickbacks, commissions and for matters connected and ancillary or incidental thereto;

AND WHEREAS there is an emergent need for the recovery of outstanding amounts from those persons who have committed default in the repayment of amounts to Banks, Financial Institutions,<sup>3</sup>[Governmental agencies] and other agencies;

AND WHEREAS there is a grave and urgent need for the recovery of state money and other assets from those persons who have misappropriated or removed such<sup>4</sup>[money or] assets through corruption, corrupt practices and misuse of power\*<sup>4</sup> or authority;

<sup>5</sup>[AND WHEREAS there is an urgent need to educate the society about the causes and effects of corruption and corrupt practices and to implement policies and procedures for the prevention of corruption in the society;]

<sup>6</sup>[AND WHEREAS there is an increased international awareness that nations should co-operate in combating corruption and seek, obtain or give mutual legal assistance in matters concerning corruption and for matters connected, ancillary or incidental thereto;]

AND WHEREAS it is necessary that a National Accountability Bureau be set up so as to achieve the above aims;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, as amended;

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\* The NAB Ordinance, 1999 and all rules, notifications and orders made or issued hereunder have been adapted and applied in the Northern Areas. See SRO-467(1)/2000, dt. 28-6-2000.

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) ordinance. 2002(133 of 2002), s.2, for "misuse/abuse".

<sup>2</sup>Ins. *ibid.*,

<sup>3</sup>Subs.*ibid.*, for "government."

<sup>4</sup>The word and oblique "and/" omitted *ibid.*,

<sup>5</sup>New paragraph ins. *ibid.*,

<sup>6</sup>New paragraph ins. by the National Accountability Bureau (Amdt.) Ordinance. 2001 (35 of 2001), s.2.



AND WHEREAS the President is satisfied that circumstances exist which<sup>1</sup> [render] it necessary to take immediate action;

<sup>2</sup> Short Title NOW THEREFORE, in pursuance of the aforesaid Proclamation and Provisional Constitutional Order as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

Commencement **1.** This Ordinance may be called the National Accountability<sup>3</sup>\*Ordinance, 1999 (No. XVIII of 1999).

Ordinance to Override other laws **2.** This Ordinance shall come into force at once and shall be deemed to have come into force from the 1st day of January 1985.

Application **3.**<sup>4</sup>[The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.]

Definitions: **4.** It extends to the whole of Pakistan and shall apply to all persons in Pakistan,<sup>5</sup>[all citizens of Pakistan] and persons who are or have been in the service of Pakistan wherever they may be, including areas which are part of Federally and Provincially Administered Tribal Areas.

**5.-(a) "Accused"** shall include a person in respect of whom there are reasonable grounds to believe,<sup>6</sup>[that he] is or has been involved in the commission of any offence<sup>7</sup>[triable] under this Ordinance<sup>8</sup>\*or is subject of an investigation<sup>9</sup>[or] inquiry by the National Accountability Bureau, or<sup>10</sup>[any other agency authorised by the National Accountability Bureau in this regard under this Ordinance.]

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance. 2002 ( 133 of 2002). S.2, for "renders".

<sup>2</sup>Subs. *ibid.*, s.3, for "Title".

<sup>3</sup>The word "Bureau", omitted *ibid.*

<sup>4</sup>Subs. and shall be deemed always to have been so subs, by the National Accountability Bureau (Amdt.) Ordinance, 1999 (19 of 1999), s.2, for the original section 3,

<sup>5</sup>Ins. by Ord. No. 133 of 2002, s, 4,

<sup>6</sup> Subs. *ibid.*, s5, for " ,".

<sup>7</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), S.2,

<sup>8</sup>The word and oblique "and/" omitted by ords. No. 1336 of 2002, s.5,

<sup>9</sup>Subs. *ibid.*, for "i"

<sup>10</sup>Subs. *ibid.*, for "Concerned Agency".

(b) **"Appropriate Government"** means in relation to any person serving in connection with the affairs of the Federation, including any person employed by a corporation, body, financial institution, bank, authority undertaking or any other organization set up, controlled or administered by or under the authority of the Federal Government, <sup>1</sup>[the Federal Government and in other cases,] the Provincial Government <sup>2</sup>[or the local government] concerned.

(c) **"Assets"** means any property owned, controlled by or belonging to any accused, whether directly or indirectly, or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan <sup>3</sup>\* which <sup>4</sup>[he] cannot reasonably account <sup>2</sup>[for], or for which <sup>4</sup>[he] cannot prove payment of full and lawful consideration.

(d) **"Associates"** means—

(i) any <sup>5</sup>[person] who is or has been managing the affairs <sup>6</sup>[of] or keeping accounts <sup>7</sup>[for] the accused or who enjoys or has enjoyed any benefit from the assets.

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(ii) any association of persons, body of individuals, partnership <sup>8</sup>[firm] or private limited <sup>10</sup>[company] within the meaning of Companies Ordinance 1984, of which <sup>11</sup>[the accused] is or has been a member, partner or director or which <sup>12</sup>[has] been promoted, floated, established or run by the <sup>13</sup>[accused, whether singly or jointly, with other persons.]

<sup>14</sup>[(iii) a trustee of any trust declared by the accused, or of which the accused is also a trustee or a beneficiary; and]

<sup>1</sup> subs. by the National Accountability Bureau (Admt.) Ordinance, 2002 (133 of 2002), s.5 for "or".

<sup>2</sup>Ins. *ibid.*,

<sup>3</sup>The comma and word for ", for" omitted *ibid.*,

<sup>4</sup>Subs. *ibid.*, for "they"

<sup>5</sup>Subs. *ibid.*, for "individual".

<sup>6</sup>Subs. *ibid.*, "for".

<sup>7</sup>Subs. *ibid.*, "of".

<sup>8</sup>The words "referred to above" omitted *ibid.*,

<sup>9</sup>Subs. *ibid.*, for "firms".

<sup>10</sup>Subs. *ibid.*, for "Companies".

<sup>11</sup>Subs. *ibid.*, "such a person".

<sup>12</sup>Subs. *ibid.*, for "have",

<sup>13</sup>Subs. *ibid.*, for "same group of Persons".

<sup>14</sup>Subs. *ibid.*, for clause (iii).

- <sup>1</sup>[(iv) a *benamidar*].
- <sup>2</sup>[(da) "*benamidar*" means any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused;]
- (e) "Chairman National Accountability Bureau" means a person who is appointed as such by the President <sup>3</sup>\*\*\* of Pakistan as mentioned in section 6 (b) hereafter;
- (f) "Code" means the Code of Criminal Procedure, 1898;
- <sup>4</sup>[(fa) "Conciliation Committee" means the Conciliation Committee constituted under section 25A;]
- <sup>5</sup>[(g) "**Court**" means an Accountability Court which shall consist of a Judge who shall be appointed by the President of Pakistan, in consultation with the Chief Justice of the High Court <sup>6</sup>[of the Province] concerned, <sup>7</sup>\*\*\* on such terms and conditions as may be determined by the President;]
- <sup>8</sup>[(h) "**Judge**" means a Judge of a Court who shall be a serving District and Sessions Judge qualified to be appointed as Judge of the High Court and includes a Judge, whether serving or retired District and Sessions Judge, who was appointed Judge of a Court before the commencement of the National Accountability Bureau (Amendment) Ordinance, 2001;]
- <sup>9</sup>[(j) "**Deputy Chairman National Accountability Bureau**" means the person appointed as Deputy Chairman of the National Accountability Bureau by the President;]
- (k) "**National Accountability Bureau**" means the Bureau set up and notified under this Ordinance, (hereinafter <sup>10</sup>[referred to] as NAB);

<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s.5, for "clause (iv)".

<sup>2</sup>New clause (da) ins. *ibid.*,

<sup>3</sup>The words "of the Islamic Republic of Pakistan" omitted *ibid.*,

<sup>4</sup>New clause (fa) ins. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s.2.

<sup>5</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001)s.3, for clause (g) which was previously amended by Ord. No. 24 of 2000, s.2, for original cl. (g).

<sup>6</sup>Ins by Ord. No. 133 of 2002, s.5.

<sup>7</sup>Certain words omitted *ibid.*,

<sup>8</sup>Subs. by Ord. No. 35 of 2001, S.3, for clause (h).

<sup>9</sup>Subs. by Ord. No. 133 of 2002, s.5, for clause (j), which was previously amended by Ord. No. 24 of 2000, s. 2, for "Chief Executive".

<sup>10</sup>Subs. *ibid.*, "known".

- (l) **"Freezing"** includes attachment, sealing, <sup>1</sup>[prohibiting], holding, controlling <sup>2\*</sup> or managing any property either through a Receiver or otherwise as may be directed by the <sup>3\*</sup> Court or Chairman NAB, and in case it is deemed necessary the disposal thereof, by sale through auction or negotiation subject to confirmation by the Court or by Chairman <sup>4</sup>[NAB] as the case maybe after public notice.
- (m) **"Holder of public office"** means a person who-
- (i) has been President of Pakistan or the Governor of a Province.
  - (ii) is, or has been the Prime Minister, Chairman Senate, Speaker of the National Assembly, Deputy Speaker National Assembly, Federal Minister, Minister of State, Attorney General and other Law Officer appointed under the Central Law Officers Ordinance, 1970 (VII of 1970), Advisor to the Prime Minister, Special Assistant to the Prime Minister, Federal Parliamentary Secretary, Member of Parliament, Auditor General, Political Secretary, <sup>5\*\*</sup> Consultant to the Prime Minister and holds or has held a post or office with the rank or status of a Federal Minister or Minister of State;
  - (iii) is, or has been, the Chief Minister, Speaker Provincial Assembly, Deputy Speaker Provincial Assembly, Provincial Minister, Advisor to the Chief Minister, Special Assistant to the Chief Minister, Provincial Parliamentary Secretary, Member of the Provincial Assembly, Advocate General including Additional Advocate General and Assistant Advocate General, Political Secretary, <sup>5\*\*</sup> Consultant to the Chief Minister and who holds or has held a post or office with the rank or status of a Provincial Minister;
  - (iv) is holding, or has held, an office or post in the service of Pakistan, or any service in connection with the affairs of the Federation, or of a Province, or of a local council constituted

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<sup>1</sup> subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), 5 for "prohibition".

<sup>2</sup>The word and oblique "and/" omitted *ibid.*,

<sup>3</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance , 2000 (4 of 2000), s.2.

<sup>4</sup>Subs. by Ord. No. 133 of 2002, s.5 for "National Accountability Bureau".

<sup>5</sup>The words "Advisor or" omitted *ibid.*,

under any Federal or Provincial law relating to the constitution of local councils <sup>1</sup>[co-operative societies] or in the management of corporations, banks, financial institutions, <sup>2\*\*</sup> firms, concerns, undertakings or any other institution or organization established, controlled or administered by or under the Federal Government or a Provincial Government, other than a person who is a member of any of the armed forces of Pakistan, <sup>3\*\*\*</sup>except a person who is, or has been a member of the said forces and is holding, or has held, a post or office in any public corporation, bank, financial institution, undertaking or other organization established, controlled or administered by or under the Federal Government or a Provincial Government <sup>4</sup>[or notwithstanding anything contained in the Pakistan Army Act, 1952 (XXXIX of 1952), or any other law for the time being in force, a person who is a civilian employee of the Armed Forces of Pakistan;]

- (v) <sup>5\*\*</sup> has been, the Chairman or Vice Chairman of a zila council, a municipal committee, a municipal corporation or a metropolitan corporation constituted under any Federal or Provincial law relating to local councils; and

**"Explanation"** For the purpose of this sub-clause the expressions "Chairman" and "Vice Chairman" shall include "Mayor" and "Deputy Mayor" as the case may be, and the respective councilors therein.

- <sup>6</sup>[(va) is or has been a District Nazim or Naib Nazim, Tehsil Nazim or Naib Nazim or Union Nazim or Naib Nazim;]
- (vi) <sup>7\*\*\*</sup>has served in and retired or resigned from or has been discharged or dismissed from the Armed Forces of Pakistan;

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<sup>1</sup> Ins. by the National Accountability Bureau (Admt.) Ordinance, 2002 (133 of 2002), s.5.

<sup>2</sup>The words "co-operative societies" omitted *ibid.*, which was previously amended by Ord. No. 35 of 2001, s,3.

<sup>3</sup>Omitted by the National Accountability Bureau (Admt.) Ordinance, 2001(35 of 2001),s,3.

<sup>4</sup>Ins. by Ord. No. 133 of 2002, s, 5.

<sup>5</sup>The words "is, or "omitted *ibid.*,

<sup>6</sup>New sub-clause (va) ins, *ibid.*,

<sup>7</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s.2.

- (n) **"Offence"** means the offences of corruption and corrupt practices <sup>1</sup> [and other offences] as defined in this Ordinance and includes <sup>2</sup>[the offences] specified in the Schedule to this Ordinance.
- (o) **"PERSON"** <sup>3</sup>[, unless the context otherwise so requires], includes in the case of a <sup>4</sup>[company or a body corporate], the sponsors, Chairman, Chief Executive, Managing Director, elected Directors, by whatever name called, and guarantors of the company <sup>1</sup>[or body corporate] or any one exercising direction or control of the affairs of such <sup>4</sup>[company or a body corporate]<sup>3\*\*\*</sup>; and in the case of any firm, partnership or sole proprietorship, the partners, proprietor or any person having <sup>1</sup>[any] interest in the said firm, partnership or proprietorship concern or direction or control thereof;
- (p) **"Property"** includes any or all movable and immovable properties situated within or outside Pakistan; <sup>5\*</sup>
- (q) **"Government Property"** means <sup>6</sup>[property] belonging to the Government and includes gifts, donations, financial assistance, grants, aid received or collected in whatever name or for whatever purpose <sup>7</sup>[by a holder of public office during the tenure of office; and]
- <sup>8</sup>(r) **"Willful default"** a person <sup>9</sup>[or a holder of public office] is said to commit an offence of willful default under this Ordinance if he does not pay <sup>3</sup>[, or continues not to pay,] or return or repay the amount <sup>9</sup>[due from him] to any bank, financial institution, cooperative society,<sup>10\*\*</sup> Government department, statutory body or an authority established or controlled by a Government on the date that it became due <sup>9</sup>[as per agreement containing the obligation to pay, return or repay or]

<sup>1</sup> Ins. by the National Accountability Bureau (Admt.) Ordinance, 2002 (133 of 2002), s. 5.

<sup>2</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s.3 for "those offences as".

<sup>3</sup> Ins. and omitted by the National Accountability Bureau (second Amdt.) Ordinance, 2000 (24 of 2000). s.2.

<sup>4</sup> Subs. by Ord. No. 133 of 2002, s.5, for "Corporate body".

<sup>5</sup> The word "and" omitted *ibid.*,

<sup>6</sup> Subs. *ibid.*, s.k, for 'both movable and immovable properties.

<sup>7</sup> Subs. *ibid.*, for "during the tenure of office".

<sup>8</sup> New clause (r) added by the National Accountability Bureau (amdt.) Ordinance 2000 (4 of 2000), s.2.

<sup>9</sup> Ins. by Ord. No. 133 of 2002, s.5.

<sup>10</sup> The words "or a" omitted *ibid.*, s.5.

according to the laws, rules, regulations, instructions, issued or notified by <sup>1</sup>[the State Bank of Pakistan, or the bank,] financial institution, cooperative society, Government Department<sup>2</sup>[,] statutory body or an authority established or controlled by a Government, as the case may be, and a <sup>3</sup>[thirty days notice has been given to <sup>4</sup>[such person or holder of public office.]]:

Provided that it is not willful default under this Ordinance if <sup>5</sup>[such person or holder of public office] was unable to pay, return or repay the amount as aforesaid on account of any willful breach of agreement or obligation or failure to perform statutory duty on the part of any bank, financial institution, cooperative society <sup>2</sup>[,] or a Government department <sup>2</sup>[,] statutory body or an authority established or controlled by Government <sup>6</sup>[.]:

<sup>6</sup>[Provided further that in the case of default concerning a bank or a financial institution a seven days notice has also been given to <sup>4</sup>[such person or holder of public office] by the Governor, State Bank of Pakistan:

Provided further that <sup>7</sup>[the] aforesaid thirty days or seven days notice shall not apply to cases pending trial at the time of promulgation on of the National Accountability Bureau (Amendment) Ordinance, 2001].

Tenure <sup>8</sup> of a Judge <sup>9</sup>**5A.** (1) A Judge of a Court who is a serving District and Sessions Judge shall hold office for a period of three years from the date of his initial appointment as such Judge.

(2) An incumbent Judge who on the 24th April, 2001, is not a serving District and Sessions Judge and has exercised option to serve as a Judge shall continue for a period of three years from the date of his initial appointment as such Judge.

<sup>1</sup> Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s.2.

<sup>2</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (113 of 2002), s.5, for "or a".

<sup>3</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. .3, for "certain words".

<sup>4</sup> Subs by Ord. No. 133 of 2002, s.5, for "the defaulter".

<sup>5</sup> Subs. *ibid.*, for "the accused".

<sup>6</sup> Subs. and added by Ord. No. 35 of 2001, s.3.

<sup>7</sup> Ins. by Ord. No. 133 of 2002, s.3.

<sup>8</sup> The word "etc" omitted *ibid.*, s.6.

<sup>9</sup> New sections 5A and 5B ins. by Ord. No. 35 of 2001. s.4

(3) An incumbent Judge who is a serving District and Sessions Judge and retires while serving as such Judge shall, subject to his option, continue for a period of three years from the date of his initial appointment as such Judge.

(4) A Judge shall not be removed or transferred from his office before the completion of the term <sup>1</sup> [with] his office without consultation of the Chief Justice of the High Court concerned.

**5B.** Where a serving District and Sessions Judge retires Pensionary benefits to serving District and Sessions Judge retiring while serving as Judge of a Court while serving as a Judge of a Court, he shall be entitled to such pension as would have been admissible to him in his service as District and Sessions Judge, had he not been appointed as Judge of a Court, his service as a Judge of a Court being treated as service for the purpose of calculating that pension.

**6. (a)** There shall be constituted a National Accountability National Accountability Bureau Bureau for the whole of Pakistan.

<sup>2</sup>[(b) Chairman, National Accountability Bureau:

(i) There shall be a Chairman NAB to be appointed by the President in consultation with the <sup>3</sup>[Leader of the House and the Leader of the Opposition in the National Assembly] for a <sup>4</sup>[non-extendable] period of <sup>5</sup>[four] years on such terms and conditions as may be determined by the President and shall not be removed except on the grounds of removal of Judge of Supreme Court of Pakistan <sup>6</sup>[:]

<sup>7</sup>[Provided that the present incumbent of the office of Chairman, NAB, shall complete the period of four years from the date of his initial appointment.].

(ii) The Chairman NAB may, in writing under his hand, addressed to the President, resign his office.

<sup>8</sup>[(ba) A person shall not be appointed as Chairman NAB unless he—

<sup>1</sup> Subs. by the National Accountability Bureau (Admt.) Ordinance, 2002 (133 of 2002), s.6, for "of".

<sup>2</sup>Subs. by the National Accountability Bureau (Admt.) Ordinance 2001 (35 of 2001), s.5. for sub-section (b), which was previously amended by various enactments.

<sup>3</sup>Subs. by Ords. No. 133 of 2002, s. 7. for "Chief Justice of Pakistan".

<sup>4</sup> Ins. *ibid.*,

<sup>5</sup>Subs. *ibid.*, for "three".

<sup>6</sup>Subs. *ibid.*, for full stop.

<sup>7</sup>New proviso added *ibid.*,

<sup>8</sup>New sub-section (ba) added *ibid.*,



- (i) is a retired Chief Justice or a Judge of the Supreme Court or a Chief Justice of a High Court, or
- (ii) is a retired officer of the Armed Forces of Pakistan equivalent to the rank of a Lieutenant General; or
- (iii) is a retired Federal Government Officer in BPS 22 or equivalent].

Deputy  
Chairman  
National  
Accountability  
Bureau

(c) **Acting Chairman, National Accountability Bureau:** As and when the Chairman NAB is absent or unable to perform the functions of his office due to any reason whatsoever, the Deputy Chairman <sup>1</sup>[NAB,] will act as the Chairman NAB, and in case the Deputy Chairman <sup>1</sup>[NAB,] is absent or unable to perform the functions of the office, <sup>2</sup>[any officer of the NAB] duly authorized by the Chairman NAB, to act as Chairman NAB, <sup>3</sup>[shall] act as the Chairman NAB.

7. (a) There shall be a Deputy Chairman NAB appointed by the <sup>4</sup>[President] in consultation with the Chairman NAB. The Deputy Chairman <sup>1</sup>[NAB] shall assist the Chairman <sup>1</sup>[NAB] in the performance of his duties and <sup>1</sup>[shall] carry out such functions as may be directed by the Chairman <sup>1</sup>[NAB].

<sup>5</sup>[(aa) A person shall not be appointed as Deputy Chairman NAB unless he—

- (i) is or has been an officer of the Armed Forces of Pakistan equivalent to the rank of a Major General; or
- (ii) is or has been a Federal Government officer in BPS 21 or equivalent;]

<sup>6</sup>[(b) The Deputy Chairman <sup>1</sup>[NAB] shall hold office for a <sup>1</sup>[non-extendable] period of three years and shall not be removed except on the ground of misconduct as defined in sub-rule (4) of rule 2 of the Government Servants (Efficiency & Discipline) Rules, 1973.]

<sup>1</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), ss. 7, 8 and 9.

<sup>2</sup>Subs. *ibid.*, s.7, for "any other person".

<sup>3</sup>Subs. *ibid.*, for "to".

<sup>4</sup>Subs. by the National Accountability Bureau (Admt.) Ordinance, 2000 (4 of 2000), s. 4 for "Chief Executive".

<sup>5</sup>New sub-section (aa) ins. by Ord. No. 133 of 2002, s.8.

<sup>6</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), for sub-section (b).

Prosecutor  
General  
Accountability

8. <sup>1</sup>[(a) (i) The President of Pakistan, in consultation with the <sup>2</sup>\*\*\*Chairman NAB, may appoint any person, who is qualified to be appointed as a Judge of the Supreme Court, as Prosecutor General Accountability.

(ii) The Prosecutor General Accountability shall hold independent office on whole time basis and shall not hold any other office concurrently.

(iii) The Prosecutor General Accountability shall hold office for a <sup>3</sup>[non-extendable] period of three years.

(iv) The Prosecutor General Accountability shall not be removed from office except on the grounds of removal of a Judge of Supreme Court of Pakistan.

(v) The Prosecutor General Accountability may, by writing under his hand addressed to the President of Pakistan, resign his office.]

(b) The Prosecutor General <sup>3</sup>[Accountability] shall give advice to the Chairman NAB upon such legal matters and perform such other duties of a legal character as may be referred or assigned to him by the Chairman NAB and in the performance of his duties, he shall have the right of audience in all <sup>4</sup>[Courts established under this Ordinance and all other Courts <sup>3</sup>[including the Supreme Court and a High Court] and Tribunals].

<sup>5</sup>[(c) The Prosecutor General Accountability, with the approval of Chairman NAB <sup>6</sup>\*\*\*, may appoint Special Prosecutors to conduct prosecution of cases and to appoint advocates to institute or defend cases, appeals, petitions, applications and all other matters before any court <sup>7</sup>[or tribunal including the High Courts and Supreme Court in matters arising out of or relating to proceedings under this Ordinance.]

<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s.7, for "sub-section (a)".

<sup>2</sup>The words "Chief Justice of Pakistan and" omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002) s. 9.

<sup>3</sup>Ins. *ibid.*, ss. 8 and 9.

<sup>4</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s.5, for certain words.

<sup>5</sup>Subs. by Ord. No. 35 of 2001, s.7, sub-section (c).

<sup>6</sup>The certain words omitted by Ord. No. 133 of 2002, s.9.

<sup>7</sup>Ins. *ibid.*,

<sup>1</sup> (d) In case the Prosecutor General Accountability is absent or unable to perform the functions of his office due to any reason whatsoever, any other Law Officer of the NAB, duly authorised by the Chairman NAB, shall act as the Prosecutor General Accountability.]

9. (a) A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices—

- (i) if he accepts or obtains from any person or offers any gratification directly or indirectly, other than legal remuneration, as a motive or reward such as is specified in section 161 of the Pakistan Penal Code (Act XLV of 1860) for doing or for-bearing to do any official act, or for showing or for-bearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person; or
- (ii) if he accepts or obtains or offers any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with his official functions or <sup>2</sup>[from] any person whom he knows to be interested in or related to the person so concerned; or
- (iii) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use of any other person, any property entrusted to him, or under his control, or willfully allows any other person so to do; or
- (iv) if he by corrupt, dishonest, or illegal means, obtains or seeks to obtain for himself, or for his spouse <sup>3\*</sup> or dependents or any other person, any property, valuable thing, or pecuniary advantage; or
- (v) if he or any of his dependents or benamidar owns, possesses, or has <sup>4</sup>[acquired] right or title in any <sup>5</sup>["assets or holds irrevocable power of attorney in respect of any assets] or

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<sup>1</sup> New Sub-section (d) ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s.9.

<sup>2</sup>Subs. *ibid.*, s.10, for "from".

<sup>3</sup>The word and oblique 'and'" omitted *ibid.*,

<sup>4</sup>Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s.4.

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 10 for "movable or immovable property".

pecuniary resources disproportionate to his known sources of income, which he cannot <sup>1</sup>[reasonably] account for <sup>2</sup>[or maintains a standard of living beyond that which is commensurate with his sources of income]; or

- (vi) <sup>2</sup>[if he misuses his authority so as to gain any benefit or favour for himself or any other person, or <sup>3</sup>[renders or attempts to render] <sup>4</sup>[or willfully fails to exercise his authority to prevent the grant, or rendition of any undue benefit or favour which he could have prevented by exercising his authority];
- (vii) if he has issued any directive, policy, or any SRO (Statutory Regulatory Order) or any other order which grants or <sup>5</sup>[attempts to grant] any <sup>6</sup>[undue] concession or benefit in any taxation matter or law or otherwise so as to benefit himself or any relative or associate or a benamidar <sup>1</sup>[or any other person] <sup>7</sup>
- <sup>8</sup>[(viii) if he commits an offence of willful default, <sup>9</sup>{; or }]
- <sup>10</sup>[(ix) if he commits the offence of cheating as defined in section 415 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and thereby dishonestly induces members of the public at large to deliver any property including money or valuable security to any person; or
- (x) if he commits the offence of criminal breach of trust as defined in section 405 of the Pakistan Penal Code, 1860 (Act XLV of 1860) with regard to any property including money or valuable security entrusted to him by members of the public at large;

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<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 10, for "reasonable".

<sup>2</sup>Ins. *ibid.*,

<sup>3</sup>Subs. *ibid.*, for "to render or attempt to do so".

<sup>4</sup>Added by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 4.

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 10, for "enables".

<sup>6</sup>Ins. by ord. No. 24 of 2000, s.4.

<sup>7</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2000), s. 6. for full stop.

<sup>8</sup>Added, *ibid.*,

<sup>9</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 8, for full stop.

<sup>10</sup>Subs by Ord. No. 133 of 2002, s. 10, for "clause (ix)".

- (xi) if he, in his capacity as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust as provided in section 409 of the Pakistan Penal Code, 1860 (Act XLV of 1860) in respect of property entrusted to him or over which he has dominion; and
- (xii) if he aids, assists, abets, attempts or acts in conspiracy with a person or a holder of public office accused of an offence as provided in clauses (i) to (xi).]; and

(b) All offences under this Ordinance shall be non-boilable and, notwithstanding anything contained in section <sup>1</sup>[426, 491,] 497, 498 and 561 A or any other provision of the Code, or any other law for the time being in force no Court <sup>2\*\*\*</sup> shall have jurisdiction to grant bail to any person accused of any offence under this Ordinance.

<sup>3</sup>[(c) If after completing the investigation of an offence against a holder of public office or any other person, the Chairman NAB is satisfied that no *prima facie* case is made out against him and the case may be closed, the Chairman NAB shall refer the matter to a Court for approval and for the release of the accused, if in custody.]

~~4\*~~ \* \* \* \* \*

Punishment for  
corruption and  
corrupt practices

**10. (a)** <sup>5</sup>[A holder of public office, or any other person who commits the offence of corruption and corrupt practices shall be punishable with <sup>6</sup>[rigorous] imprisonment for a term which may extend to 14 years <sup>7</sup>[and with fine] and such of the assets and <sup>8</sup>[pecuniary resources] of such <sup>9</sup>[holder of public office or person, as are] found to be disproportionate to the known sources of his income or which <sup>10</sup>[are] acquired by money obtained through corruption and corrupt practices whether in his name or in the name of any of his dependents,

<sup>1</sup> Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 6.

<sup>2</sup>Added *ibid.*,

<sup>3</sup>Subs. *ibid.*, for "sub-section (b)".

<sup>4</sup>Subs. *ibid.*, s. 12, for "a person".

<sup>5</sup>The certain words omitted *ibid.*, s. 12.

<sup>6</sup>Subs. *ibid.*, for certain words.

<sup>7</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 7.

<sup>8</sup>Subs. by Ord. No. 133 of 2002, s. 13, for "a person".

<sup>9</sup>The words and comma "movable or immovable" omitted *ibid.*,

<sup>10</sup>Subs. *ibid.*, for "person which is,".

or benamidars shall be <sup>1\*\*\*</sup> forfeited to the appropriate Government <sup>2</sup>[, or the concerned bank or financial institution as the case may be.]

<sup>3</sup>[(b) The offences specified in the Schedule to this Ordinance shall be punishable in the manner specified therein.

(c) The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

Imposition of fine           **11.** Where <sup>4</sup>[an accused] found guilty of an offence is sentenced to pay a fine, <sup>5\* \* \*</sup> the amount of the fine shall in no case be less than the gain derived by the accused or any relative or associate <sup>6</sup>[by the commission of the offence].

Power <sup>7\*\*\*</sup> to freeze property:           **12.** (a) The Chairman NAB or the Court trying <sup>8</sup>[an accused] for any offence as specified under this Ordinance, may, at any time, if there <sup>9\*\*\*</sup> appear reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property, <sup>9\*\*\*</sup> or part thereof, whether in his possession or in the possession of any relative, associate or person on his behalf.

(b) If the property ordered to be frozen under sub-section (a) is a debt or other movable property, the freezing may be made:

- (i) by seizure; or
- (ii) by appointment of receiver; or
- (iii) by prohibiting the delivery of such property to the accused or to anyone on his behalf; or
- (iv) by all or any of such or other methods as the Court or the Chairman NAB as the case may be, deem fit.

(c) If the property ordered to be frozen is immovable, the freezing shall, in the case of land paying revenue, be made through the Collector of the district in which the land is situated, and in all other cases—

- (i) by taking possession; or

<sup>1</sup> The words "liable to be" omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 11.

<sup>2</sup> Added *ibid.*,

<sup>3</sup> Subs. *ibid.*, for 'sub-section (b).'

<sup>4</sup> Subs. *ibid.*, s. 12, for "a person".

<sup>5</sup> The certain words omitted *ibid.*, s. 12.

<sup>6</sup> Subs. *ibid.*, for certain words.

<sup>7</sup> Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000(4 of 2000), s. 7.

<sup>8</sup> Subs. by Ord. No. 133 of 2002, s. 13, for "a person".

<sup>9</sup> The words and comma "movable or immovable", omitted *ibid.*,

- (ii) by appointment of receiver; or
- (iii) by prohibiting the payment of rent or delivery of property to the accused or to any other person on his behalf; or
- (iv) by all or any of such methods as the Chairman NAB or the Court may deem fit:

Provided that any order of seizure, freezing, attachment or any prohibitory order mentioned above by the Chairman NAB, shall remain in force for a period not exceeding <sup>1</sup> [fifteen] days unless confirmed by the <sup>2\*</sup> Court, where the Reference under this Ordinance shall be sent by <sup>3</sup>[the Chairman] NAB:

Provided further that notwithstanding <sup>4</sup>[anything to the contrary contained herein,] that the order of <sup>3</sup>[Chairman] NAB or the Court shall be effective from the time of passing thereof or proclamation thereof in a newspaper, widely circulated and dispatch at the last known address of the accused <sup>5</sup>[either by registered post A.D. or courier service or <sup>6\*</sup> \* \* \* electronic media as the <sup>7</sup>[Court] may deem proper having regard to the facts and circumstances of the case.]

(d) If the property ordered to be frozen consists of livestock or is of a perishable nature, the Chairman NAB, or the Court may, if it deems proper and expedient, order the immediate sale thereof and the proceeds of the sale may be deposited with the Chairman NAB or the Court, or as either may direct as appropriate.

(e) The powers, duties, and liabilities of a receiver, if any, appointed under this section shall be the same as those of a receiver appointed under Order-XL of the Code of Civil Procedure, 1908 (Act V of 1908).

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<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s.9, for "30".

<sup>2</sup>The word "Accountability" omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 13.

<sup>3</sup>Ins. *ibid.*,

<sup>4</sup>Subs. *ibid.*, for "that".

<sup>5</sup>Added by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s.5.

<sup>6</sup>The words "any other mode of" omitted by Ord. No. 133 of 2002.

<sup>7</sup>Subs. *ibid.*, for "court".

<sup>1</sup>[(f) The order of freezing mentioned in sub-sections 'a' to 'e' shall remain operative until the final disposal of the case by the Court, and in the event of the acquittal of the accused, shall continue to remain operative for a period of ten days after receipt of certified copy of the order of acquittal <sup>2</sup>[or release] by NAB, whereafter it shall be subject to an order by the court in which an appeal, if any, is filed.

Claim or  
objection  
against  
freezing.

**13.** (a) Notwithstanding the provisions of any law for the time being in force, the <sup>3\*</sup> Court shall have exclusive jurisdiction to entertain and adjudicate upon all claims or objections against the freezing of any property under section 12 above. Such claims or objections shall be made before the <sup>3\*</sup> Court within 14 days from the date of the order freezing such property.

(b) The Court may for sufficient cause extend the time for filing such claims or objections for a period not exceeding additional 14 days.

<sup>4</sup>[(c) The accused or any other aggrieved party, whose claim or objection against freezing of property has been dismissed by the Court, may, within ten days file an appeal against such order before the High Court].

Presumption  
against  
accused  
accepting  
illegal  
gratification.

**14.** (a) Where in any trial of <sup>5</sup>[an offence under clauses (i), (ii), (iii) and (iv) of sub-section (a) of section 9] it is proved that an accused person has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person any gratification, other than legal remuneration, or any valuable thing, or any pecuniary advantage from a person or any agent of a person, for any favour shown or promised to be shown by the accused, it shall be presumed, unless the contrary is proved, that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification or that valuable thing or pecuniary advantage for, himself or some other person, as the case may be, as a motive or a reward such as is specified in section 161 to 163 of the Pakistan Penal Code, 1860 (Act XLV of 1860), or, as the case may be, without consideration, or for a consideration which he, believed to be inadequate.

(b) Where in any trial of an offence punishable under-section 165A of the Pakistan Penal Code, 1860 (Act XLV of 1860) it is proved that any gratification, other than legal remuneration or any valuable thing has been given,

<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 9. for sub-section (f).

<sup>2</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 13.

<sup>3</sup>The word "Accountability" omitted *ibid.*, s. 14.

<sup>4</sup>Subs. by Ord. No. 35 of 2001, s. 10, for sub-section (c), which was previously amended by Ord. No. 4 of 2000, s.8

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 15, for certain words.



or offered to be given, or attempted to be given, by any accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give, or attempted, to give, that gratification, or that valuable thing, as the case may be, as a motive or a reward such as is specified in section 161 to 163 of the said Code; or, as the case may, be without consideration or for a consideration which he believed to be inadequate.

(c) In any trial of an offence punishable under <sup>1</sup>[“clause (v) of sub-section (a) of section 9 of”] this Ordinance, the fact that the accused person or any other person on his behalf, is in possession, for which the accused person cannot satisfactorily account, of <sup>2</sup>[assets] or pecuniary resources disproportionate to his known source of income, or that such person has, at or about the time of the commission of the, offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account the Court shall presume, unless the contrary is proved, that the accused person is guilty of the offence of corruption and <sup>3\*</sup> corrupt practices and his conviction <sup>4</sup>[therefore] shall not be invalid by reason only that it is based solely on such a presumption.

<sup>5</sup>[ (d) <sup>6</sup>[In any trial] of an offence under <sup>7</sup>[clauses (vi) and (vii) of section 9], the burden of proof that he used his authority, or issued any directive, or authorised the issuance of any policy or statutory rule or order (SRO), or made any grant or allowed any concession, in the public interest, fairly, justly, and for the advancement of the purpose of the enactment under which the authority was used, directive or policy or rule or order was issued or grant was made or concession was allowed shall lie on <sup>8</sup>[the accused], and in the absence of such proof the accused shall be guilty of the offence, and his conviction shall not be invalid by the reason that it is based solely on such presumption:]

<sup>9</sup>[Provided that the prosecution shall first make out a reasonable case against the accused charged under clause (vi) or clause (vii) of sub-section (a) of section 9.]

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<sup>1</sup> Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 15.

<sup>2</sup>Subs. *ibid.*, for “Property”.

<sup>3</sup>The oblique and word “or” omitted *ibid.*

<sup>4</sup>Subs. *ibid.*, for “therefore”.

<sup>5</sup>New sub-section (d) added by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s.9.

<sup>6</sup>Subs. by Ord. No. 133 of 2002, s.14, for “where a person is accused”.

<sup>7</sup>Subs. *ibid.*, for certain words.

<sup>8</sup>Subs *ibid.*, for “him”

<sup>9</sup>Subs. and added by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 11.

Disqualification to contest elections<sup>1</sup>  
[or to hold public office.]

**15.** <sup>2</sup>[(a) <sup>1</sup>Where an accused person is convicted of <sup>3</sup>[an offence under section 9 of this Ordinance] he shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he is released after serving the sentence, for seeking or from being elected, chosen, appointed or nominated as a member or representative of any public body or any statutory or local authority or in service of Pakistan or of any Province:

Provided that any accused person who has availed the benefit of <sup>4</sup>[sub-section (b) of section] 25 shall also be deemed to have been convicted for an offence under this Ordinance, and shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he has discharged his liabilities relating to the matter or transaction in issue, for seeking or from being elected, chosen, appointed or nominated as a member or representative of any public body or any statutory or local authority or in service of Pakistan or of any Province.]

Trial of Offences

(b) Any person convicted of an offence <sup>5</sup>[under section 9 of this Ordinance] shall not be allowed to apply for or be granted or allowed any financial facilities in the form of any loan or advances <sup>6</sup>[or other financial accommodation by] any bank or financial institution <sup>7</sup>[owned or controlled by the Government] for a period of 10 years from the date of conviction.

**16.** <sup>8</sup>[(a) Notwithstanding anything contained in any other law for the time being in force an accused shall be prosecuted for an offence under this Ordinance in the Court and the case shall be heard from day to day and shall be disposed of within thirty days.]

<sup>9</sup>[(b) The Court shall sit at such place or places as the <sup>10</sup>[Federal] Government may, by order, specify in this behalf.]

<sup>11</sup>[(c) Where more Courts than one have been established at a place, the Chief Justice of the High court of the Province concerned shall designate a Judge of any such Court to be an Administrative Judge and a case triable under this Ordinance shall be filed before the <sup>12</sup>[Court] of the Administrative Judge who

<sup>1</sup> Added by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 10.

<sup>2</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 Ord. No. (35 of 2001), s. 12, for sub-section (a).

<sup>3</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 16 for certain words.

<sup>4</sup>Subs. *ibid.*, s. 16, for "section".

<sup>5</sup>Subs. *ibid.* for certain words.

<sup>6</sup>Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 6, for "from".

<sup>7</sup>Subs. *ibid.*, for "in the public sector".

<sup>8</sup>Subs. *ibid.*, s. 17 for "sub-section (a)" which was previously amended by Ord. No. 4 of 2000, s. 11

<sup>9</sup>Subs. by Ord. No. 4 of 2000 s. 11 for the original sub-section (b).

<sup>10</sup>Ins. by Ord. No. 4 of 2002, s. 17.

<sup>11</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 13, for sub-section (c).

<sup>12</sup> Sub. By ord. No. 133 of 2002, s. 17, for "Court".

may either try the case himself or, assign it for trial by any other court established at that place at any time prior to the framing of the charge.]

<sup>1</sup> [(cc) In respect of a case assigned to a Court under sub section (c), all orders made or proceedings taken before the assignment shall be deemed to have been made or taken by the court to which the case has been assigned]

(d) Notwithstanding anything contained in this section, if in respect of any case relating to an offence triable under this Ordinance, the Chairman NAB, having regard to the facts and circumstances of the case may file a reference before any <sup>2\*</sup> Court established anywhere in Pakistan, and such Court shall have the jurisdiction to try the same:]

Transfer of  
Cases

<sup>3</sup>**16A.** (a) <sup>1</sup>Notwithstanding anything contained in any other law for the time being in force, the Chairman NAB may apply to any court of law or tribunal that any case involving <sup>4</sup>[any] offence under this Ordinance pending before such court or tribunal shall be transferred to a Court established under this Ordinance, then such other Court or Tribunal shall transfer the said case to any Court established under this Ordinance and it shall <sup>5</sup>[be deemed to be a reference under section 18 of the Ordinance, and it shall] not be necessary for the Court to recall any witness or again to record any evidence that may have been recorded.

<sup>6</sup>(b) <sup>2</sup>In respect of any case pending before a Court, <sup>5</sup>[if] Prosecutor General Accountability or any Special Prosecutor authorised by him in this behalf, having regard to the facts and circumstances of the case and in the interest of justice and for the protection and safety of witnesses, considers it necessary that such case is transferred for trial, he may apply, for the transfer of the case from any such Court in one Province to a Court in another Province or from one <sup>7</sup>[Court] in a Province to another Court in the same Province;

- (i) to the Supreme Court of Pakistan in case the transfer is intended from a Court in a Province to a Court in another Province; and
- (ii) to the High Court of the Province in case the transfer is intended from one Court in a Province to another Court in the same Province;

<sup>1</sup> New sub-section (cc0. ins. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001) s. 13.

<sup>2</sup>The word "Accountability". Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002) s.17.

<sup>3</sup>New section 16A added by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 12.

<sup>4</sup>Subs. by Ord. No. 133 of 2002, s. 18. for 'a Schedule'.

<sup>5</sup>Ins. *ibid*.

<sup>6</sup>Subs. by Ord. No. 35 of 2001, s. 14 for sub-section (b).

<sup>7</sup>Subs. by Ord. No. 133 of 2002, s. 18. for "court"

and the Supreme Court or the High Court, as the case may be, if it is in the interest of justice, transfer the case from one <sup>1</sup>[court] to another <sup>1</sup>[court] and the case so transferred shall be tried under this Ordinance without recalling any witness whose evidence may have been recorded.

(c) The accused may also make an application to the Supreme Court for the transfer of a case from a Court in one Province to a Court in another Province and to the High Court for transfer of a case from one Court in a Province to another Court in the same Province and the Supreme Court or the High Court, as the case may be, if it is in the interest of justice, transfer the case from one Court to another Court, and the case so transferred shall be tried under this Ordinance without recalling any witness whose evidence may have been recorded.]

Contempt of Court. <sup>2</sup>**16-B.** The Court shall have the power to punish for contempt of court with imprisonment for a term which may extend to six months and with fine which may extend to one million rupees any person who -

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order or direction of the Court;
- (b) scandalizes the Court or otherwise does anything which tends to bring the Court or a person constituting the Court into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court; or
- (d) does anything, which, by any other law, constitutes contempt of court.

<sup>4</sup> [Provision of the code to apply;

<sup>3</sup>\* \* \* \* \*

**17.** (a) Notwithstanding anything contained in any other law for the time being in force, unless there is anything inconsistent with the provisions to this Ordinance, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1989), shall *mutatis mutandis*, apply to the proceedings under this <sup>5</sup>[Ordinance.]

(b) Subject to sub section (a), the provisions of Chapter XXIIA of the Code shall apply to trials under this Ordinance.

<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002) s. 18 for "court".

<sup>2</sup>New section 16B ins. by the National Accountability Bureau (Second Amdt.) Ordinance 2000 (24 of 2000), s.7.

<sup>3</sup>Explanacion omitted by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s.15.

<sup>4</sup>Subs. by Ord. No. 133 of 2002, s. 19. for 'Provision'.

<sup>5</sup>Subs. *ibid*: for "Order".

(c) Notwithstanding anything contained in sub-section (a) or sub-section (b) or in any law for the time being in force, the <sup>1\*</sup> Court may, for reasons to be recorded, dispense with any provision of the Code and follow such procedure as it may deem fit in the circumstances of the case.

<sup>2</sup>[(d) Notwithstanding anything in section 234 of the Code, a person accused of more offences than one of the same kind committed during the space of any number of years, from the first to the last of such offences, may be charged with and tried at one trial for any number of such offences.]

Cognizance  
of offences      **18.** (a) The <sup>1\*</sup> Court shall not take cognizance of any offence under this Ordinance except on a reference made by <sup>3</sup>[the Chairman NAB or an officer of the NAB duly authorized by him.]

(b) A reference under this Ordinance shall be initiated by the <sup>4\*</sup> National Accountability Bureau on—

- (i) a reference received from the <sup>5\*\*\*</sup> appropriate government; or
- (ii) receipt of a complaint; or
- (iii) <sup>6</sup>[its] own accord.

<sup>7</sup>[(c)] Where the Chairman NAB, or an officer of the NAB duly authorized by him, is of the opinion that it is, or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry or investigation.]

(d) The responsibility for inquiry into and investigation of an offence alleged to have been committed under this Ordinance shall rest on the NAB to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman <sup>8</sup>[NAB] <sup>9</sup>[or by an officer of the NAB duly authorized by him].

<sup>1</sup> The word "Accountability" omitted by the National Accountability Bureau (Amdt.) Ordinance 2002 (133 of 2002), ss. 19 and 20.

<sup>2</sup>New sub-section (d) ins. *ibid.*

<sup>3</sup>Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s.8. for certain words.

<sup>4</sup>Omitted *ibid.*,

<sup>5</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000(4 of 2000), s. 13.

<sup>6</sup>Subs. by Ord. No. 24 of 2000, s. 8 for "his".

<sup>7</sup>Subs. *ibid.*, for the original sub-section (c).

<sup>8</sup>Ins. by Ord. No. 133 of 2002. s. 20.

<sup>9</sup>Subs. by Ord. No. 24 of 2000, s. 8 for "or/and Deputy Chairman".

(e) The Chairman NAB and such members, officers <sup>1\*</sup> or servants of the NAB shall have and exercise, for the purposes of an inquiry <sup>1\*</sup> or investigation the power to arrest any person, and all the powers of an officer-in-charge of a Police Station under the Code, and for that purpose may cause the attendance of any person, and when and if the assistance of any agency, police officer or any other official or agency, as the case may be, is sought by the NAB such official or agency shall render such assistance provided that no person shall be arrested without the permission of the Chairman <sup>2</sup>[NAB] or any officer <sup>2</sup>[of NAB] duly authorized by the Chairman NAB:

(f) Any Inquiry <sup>3</sup>[or] Investigation under this Ordinance shall be completed expeditiously <sup>4\*\*\*</sup> as may be practical and feasible.

(g) The <sup>5\*</sup>Chairman NAB, <sup>6</sup>[or <sup>7\*</sup> an officer of the NAB duly authorized by him, shall appraise the material and the evidence placed before him during the inquiry and the investigation, and if he decides that it would be proper and just to proceed further <sup>8</sup>[and there is sufficient material to justify filing of a reference], he shall refer the matter to <sup>9</sup>[a] Court.

(h) If a complaint is inquired into and investigated by the NAB and it is concluded that the complaint received was *prima facie frivolous* or has been filed with intent to malign or defame any person, the Chairman <sup>2</sup>[NAB] or Deputy Chairman NAB or <sup>10</sup>[an officer of the NAB duly authorised by the Chairman NAB], may refer the matter to the court, and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

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<sup>1</sup> The word "and oblique and /" omitted by the National Accountability Bureau (Amdt.) Ordinance 2002 (133 of 2002) s. 20.

<sup>2</sup>Ins. *ibid.*,

<sup>3</sup>Subs *ibid.*, for "and"

<sup>4</sup>Omitted by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 8.

<sup>5</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000(4 of 2000), s. 13.

<sup>6</sup>Ins. by Ord. No. 24 of 2000, s.8.

<sup>7</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, Ordinance, 2001 (35 of 2001), s.16.

<sup>8</sup>Ins. s. 16.

<sup>9</sup>Subs. by Ord. No. 133 of 2002, s. 20, for "an Accountability".

<sup>10</sup>Subs. *ibid.*, for "the prescribed law officer".

- Power to call for information
- 19.:** The Chairman NAB or <sup>1</sup> [an officer of the NAB duly authorised by him] may, during the course of an inquiry <sup>2</sup>[or investigation] <sup>3</sup>[of an offence under this Ordinance]:-
- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Ordinance or any rule or order made thereunder.
  - (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry <sup>2</sup>[or investigation];
  - (c) examine any person acquainted with the facts and circumstances of the case; <sup>4\*</sup>
  - <sup>5</sup>[(d) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person whosoever, including copies of entries made in a bank's or a financial institution's books such as ledgers, day books, cash books and all other books including record of information and transactions saved in electronic or digital form, and the keepers of such books or records shall be obliged to certify the copies in accordance with law <sup>6</sup>]; and]
  - <sup>7</sup>[(e) where there is reasonable suspicion that any person is involved in or is privy to an offence under this Ordinance, the Chairman NAB may, with the prior approval in writing of the High Court concerned, direct that surveillance of that person may be carried out through such means as may be necessary in the facts and circumstances of the case and the Chairman NAB, may in this regard seek the aid and assistance of any <sup>8</sup>[Governmental] agency and the information so collected may be used as evidence in the trial under this Ordinance:

Provided that the copies obtained or information received or evidence collected under clauses (d) and (e) shall be <sup>9</sup>[kept] confidential and shall not be used for any purpose other than for legal proceedings under this Ordinance.

**20.** (a) Notwithstanding anything contained in any law for the time being in force, it shall be the duty of all banks and financial institutions to take

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 21, for "any authorized officer".

<sup>2</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 14.

<sup>3</sup>Subs. by Ord. No. 133 of 2002, s.21, for certain words.

<sup>4</sup>The words "and" omitted *ibid.*,

<sup>5</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 17. for clause (d).

<sup>6</sup>Subs. by Ord. No. 133 of 2002, s. 21, for full stop.

<sup>7</sup>New clause (e) added by Ord. No. 35 of 2001, s. 17.

<sup>8</sup>Subs. by Ord. No. 133 of 2002, s. 21, for "Government".

<sup>9</sup>Ins. *ibid.*,

Reporting of suspicious financial transaction. prompt and immediate notice of all unusual or large transactions <sup>1</sup> [in an account], which have no apparently genuine economic or lawful purpose and upon bonafide professional judgment of the Bank <sup>2</sup>[or financial institution] that such transactions could constitute or be related to <sup>3</sup>[an offence under this Ordinance], the manager or director of such <sup>4</sup>[Bank or] financial institution shall report all such transactions to the Chairman NAB forthwith by the quickest possible mode of communication to be confirmed in writing.

(b) Whosoever fails to supply the information in accordance with subsection (a) shall be punishable with rigorous imprisonment, which may extend to 5 years, <sup>5</sup>[and] with fine. <sup>6</sup>\*\*\*

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International cooperation request for mutual legal assistance. **21.** -: The Chairman NAB or any officer authorized by the Federal Government may request a Foreign State to do <sup>8</sup>[any or all of] the following acts in accordance with the law of such State:--

- (a) have evidence taken, or documents or other articles produced;
- (b) obtain and execute search warrants or other lawful instruments authorizing search for things relevant to investigation or proceedings in Pakistan believed to be located in that State, and if found, seize them;
- (c) freeze assets, by whatever processes are lawfully available in that State, to the extent to which the assets are believed on reasonable grounds to be situated in that State;
- (d) confiscate articles and forfeit assets to the extent to which the articles or assets, as the case may be, are believed to be located in that State;
- (e) transfer to Pakistan any such evidence, documents, things articles, assets or proceeds realized from the disposal of such articles or assets <sup>9</sup>\*
- (f) transfer in custody to Pakistan a person detained in <sup>10</sup>[that] state who consents to assist Pakistan in the relevant investigation or proceedings<sup>11</sup>; <sup>12</sup>.

<sup>1</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s.18, for "with context to the".

<sup>2</sup> Subs. *ibid.* for "Suspicion".

<sup>3</sup> Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 22, for certain words.

<sup>4</sup> Ins. by Ord. No. 35 of 2001, s. 18.

<sup>5</sup> Subs. by Ord. No. 133 of 2002, s. 22, for "or"

<sup>6</sup> The Comma and words "or with both" omitted *ibid.*,

<sup>7</sup> Sub-section (c) omitted *ibid.*,

<sup>8</sup> Ins. *ibid.*, s. 23.

<sup>9</sup> Omitted by Ord. No. 35 of 2001, s. 19.

<sup>10</sup> Subs. by Ord. No. 133 of 2002, s. 23, for the foreign".

<sup>11</sup> Subs. by Ord. No. 35 of 2001, s. 19.

<sup>12</sup> The word "and" omitted by Ord. No. 133 of 2002, s. 23.



<sup>1</sup>[(g) notwithstanding anything contained in the **Qanun-e-Shahadat** Order 1984 (P.O. 10 of 1984) or any other law for the time being in force all evidence, documents or any other material transferred to Pakistan by a Foreign Government shall be receivable as evidence in legal proceedings under this Ordinance <sup>2</sup>]; and]

Jurisdiction <sup>3</sup>[(h) notwithstanding anything to the contrary contained hereinabove, the Chairman NAB may, on such terms and conditions as he deems fit, employ any person or organization, whether in Pakistan or abroad, for detecting, tracing or identifying assets acquired by an accused in connection with an offence under this Ordinance, and secreted or hoarded abroad, or for recovery of and repatriation to Pakistan of such assets.

Transfer of property void **22.** (a) The Chairman NAB may <sup>4</sup>[inquire into and] investigate any suspected offence, which appears to him on reasonable grounds to involve <sup>5</sup>[an offence under] this Ordinance, and has been referred to him, or of his own accord.

(b) The Chairman NAB may, if he thinks fit, conduct any such investigation in conjunction with any other agency or any other person <sup>6\*</sup> who is, in the opinion of the Chairman NAB, a proper Agency or person to be concerned in it.

**23.** (a) Notwithstanding anything contained in any other law for the time being in force after the Chairman NAB has initiated <sup>7</sup>[an inquiry or] investigation into <sup>8</sup>[any offence] under this Ordinance, alleged to have been committed by an accused person, <sup>7</sup>[accused] person or any relative or associate of <sup>7</sup>[accused] person or any other person on his behalf, shall not transfer by any means whatsoever, <sup>7</sup>[or] create a charge on any <sup>9\*\*\*</sup> property owned by him or in his possession, while the inquiry, investigation or proceedings are pending before the NAB or the <sup>10\*</sup> Court; and any transfer of any right; title or interest or creation of a charge on such property shall be void.

(b) Any person who transfers, or creates a charge on property in contravention of sub-section (a) shall be punishable with rigorous imprisonment

<sup>1</sup> New clause (g) added by the National Accountability Bureau (Amdt.) Ordinance 2001 (35 of 2001), s. 20.

<sup>2</sup>Ins. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 9.

<sup>3</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 26.

<sup>4</sup>Ins. by the National Accountability Bureau (Amdt.) Ordinance 2000 94 of 2000), s. 15.

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 24, for certain words.

<sup>6</sup>The word and oblique "which/" omitted *ibid.*,

<sup>7</sup>Ins. *ibid.*, ss. 25 and 26.

<sup>8</sup>Subs. *ibid.*, for " the offences".

<sup>9</sup>The words "movable or immovable" omitted *ibid.*,

<sup>10</sup>The word "accountability" omitted *ibid.*,

for a term, which may extend to three years and shall also be liable to fine not exceeding the value of the property involved <sup>1</sup> [.]

<sup>2</sup>[ARREST] <sup>1</sup>[Provided that such transfer of any right, title or interest or creation of a charge on such property shall not be void if made with the approval of the Court, subject to such terms and conditions as the Court may deem fit.]

**24. (a)** The Chairman NAB shall have the power, at any stage of the <sup>3</sup>[inquiry or] investigation under this Ordinance, to direct that the accused, if not already arrested, shall be arrested.

(b) If the Chairman, NAB <sup>4</sup>[, or an officer of the NAB duly authorized by him], decides to refer the case to a Court, such reference shall contain the substance of the <sup>5</sup>[offence or offences as the case may be,] alleged to have been committed by the accused and a copy of such reference shall be forwarded to the Registrar of the <sup>4\*</sup>Court to which the case has been sent to try the accused, and another copy shall be delivered to the accused.

(c) The provision of sub-section (a) shall also apply to cases, which have already been referred to the Court.

<sup>6</sup>(d) Notwithstanding anything contained in the Code, where the holder of a public office or any other person accused of an offence is arrested by NAB under this Ordinance, NAB shall, as soon as may be, inform him of the grounds and substance on the basis of which he has been arrested and produce him before, the <sup>7</sup>[Court] <sup>8\*\*\*</sup> within a period of twenty-four hours of arrest excluding the time necessary for the journey from the place of arrest to the <sup>7</sup>[Court] and such person shall, having regard to the facts and circumstances of the case, be liable to be detained in the custody of NAB for the purpose of inquiry and investigation for a period not exceeding ninety days <sup>9</sup>[and the Court may remand an accused person to custody not exceeding fifteen days at a time and for every subsequent remand the Court shall record reasons in writing copy of which shall be sent to the High Court.]

<sup>1</sup> Subs. and added by the National Accountability Bureau (Amdt.) Ordinance 2001 (35 of 2001), s. 20.

<sup>2</sup> Ins. by the National Accountability (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 9.

<sup>3</sup> Ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s.26.

<sup>4</sup> Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s.16.

<sup>5</sup> Subs. by Ord. No. 133 of 2002, s. 26, for "offence/offences".

<sup>6</sup> Subs by Ord. No. 4 of 2000, s. 16, for the original sub section (d).

<sup>7</sup> Subs. by Ord. No. 133 of 2002, s.26, for 'court'.

<sup>8</sup> The words "established under this ordinance" omitted *ibid.*,

<sup>9</sup> Subs by Ord. No. 35 of 2001, s.21.

<sup>1</sup> [(e) All persons presently in custody shall immediately upon coming into force of this sub-section, unless previously produced before <sup>2</sup>[a] Court be produced before such Court as provided in sub-section (d) and the Order authorizing retention of custody by NAB shall be deemed to relate to the date of arrest; and]

Voluntary return  
and plea bargain <sup>3</sup>[(f) The Chairman NAB may declare and notify any place as <sup>4</sup>[a police station or] a sub-jail at his discretion.]

<sup>5</sup>[25. (a) Notwithstanding anything contained in section 15 or in any other law for the time being in force, where a holder of public office or any other person, prior to the authorization of investigation against him, voluntarily comes forward and offers to return the assets or gains acquired or made by him in the course, or as the consequence, of any offence under this Ordinance, the Chairman NAB may accept such offer and after determination of the amount due from such person and its deposit with the NAB discharge such person from all his liability in respect of the matter or transaction in issue:

Provided that the matter is not *sub judice* in any court of law.

(b) Where at any time after the authorization of investigation, before or after the commencement of the trial or during the pendency of an appeal, the accused offers to return to the NAB the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Ordinance, the Chairman, NAB, may, in his discretion, after taking into consideration the facts and circumstances of the case, accept the offer on such terms and conditions as he may consider necessary, and if the accused agrees to return to the NAB the amount determined by the Chairman, NAB, the Chairman, NAB, shall refer the case for the approval of the Court, or as the case may be, the Appellate Court and for the release of the accused.

(c) The amount deposited by the accused with the NAB shall be transferred to the Federal Government or, as the case may be, a Provincial Government or the concerned bank or financial institution, company, body corporate, co-operative society, statutory body, or authority concerned within one month from the date of such deposit]

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<sup>1</sup> New sub-section (e) added by the National Accountability Bureau (Amdt.) Ordinance 2001 (35 of 2001) s.21.

<sup>2</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 26, for "an Accountability".

<sup>3</sup>Sub-section (e) renumbered as sub-section (f) by the National Accountability Bureau (Amdt.) Ordinance 2000 (4 of 2000) s.16.

<sup>4</sup>Ins. *ibid*.

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 27, for "section 25", which was previously amended by various enactments.

Payment of loans, etc. <sup>1</sup> [25-A. <sup>2</sup>(a) Where <sup>3</sup>[an accused person has been arrested or is in the custody of NAB or apprehends such arrest or custody for the investigation of the charge against him of committing an offence of willful default on account of non-payment of dues to a bank or financial institution or Co-operative Society, he may at any stage before or after such arrest or before, during or after such custody or investigation apply to the Governor, State Bank of Pakistan for reconciliation of his liability through the Conciliation Committee and the Governor may, if he deems fit, refer the matter to the Conciliation Committee.

(aa) The Governor, State Bank of Pakistan shall constitute one or more Conciliation Committees for the purposes of this Ordinance.

<sup>4</sup>(b) The Conciliation Committee shall consist of a nominee of the Governor, State Bank of Pakistan, being a senior officer of the State Bank well qualified in the profession of banking who shall be the Chairman of the Committee, two nominees of the NAB to be nominated by the Chairman NAB, two Chartered Accountants to be nominated by the Governor, State Bank of Pakistan, one Chartered Accountant to be nominated by the Council of the Institute of Chartered Accountants of Pakistan, Karachi, such nomination on to be obtained by the Governor, State Bank of Pakistan, a Chartered Accountant to be nominated by the <sup>5</sup>[accused] and a Chartered Accountant to be nominated by the lender bank or financial institution.

*Explanation.* - Where the <sup>6</sup>[lender] is a consortium or group of banks or financial institutions, the lender means the lead bank or financial institution.

(bb) The Chairman of the Conciliation Committee shall convene the meetings and conduct proceedings of the <sup>7</sup>[Conciliation] Committee in the manner he deems fit.

<sup>8</sup>(c) The Conciliation Committee, after examination of the record of the lending bank or financial institution and the <sup>9</sup>[accused] and after hearing the parties through their Chartered<sup>10</sup>[Accountants], shall determine the amount outstanding against the <sup>9</sup>[accused] calculated in accordance with law, rules, regulations and circulars of the State Bank of Pakistan and further determine the manner and the schedule of repayment having regard to the facts of each case. The <sup>9</sup>[accused], if he so desires, shall be heard at commencement and before the conclusion of proceedings:

<sup>1</sup>New section 25A ins. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 18.

<sup>2</sup>Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 11, for sub-section (a) which was previously amended by Ord. No. 4 of 2000, s. 18.3

<sup>3</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 28 for "a person".

<sup>4</sup>Subs. by Ord. No. 24 of 2000, s. 11, for sub-section (b).

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 28, for "borrower".

<sup>6</sup>Subs. *ibid.*, for "Leader".

<sup>7</sup>Ins. *ibid.*, s. 28.

<sup>8</sup>Subs. by Ord. No. 24 of 2000, s. 11, for sub-section (c).

<sup>9</sup>Subs. by Ord. No. 133 of 2002, s. 28, for "borrower".

<sup>10</sup>Subs. *ibid.*, for "Accountant".

Provided that the borrower shall have the right to have access to, and instruct, the Chartered Accountant representing him before the Conciliation Committee even if the borrower is in<sup>1\*</sup> custody, during the proceedings of the Conciliation Committee.]

(d) The Conciliation Committee shall conclude the reference within thirty days and its recommendations shall be recorded by its Chairman and shall contain the views of all members of the<sup>2</sup>[Conciliation] Committee. The recommendation of the Conciliation Committee shall be submitted to the<sup>3</sup>[Governor, State Bank of Pakistan.]

<sup>4</sup>[(e) The Governor, State Bank of Pakistan shall consider the recommendations submitted to him under sub-section (d) and may accept the recommendations or may, for reasons to be recorded, pass such other appropriate order thereon as he deems fit. The acceptance of the recommendations of the<sup>2</sup>[Conciliation] Committee or passing any other order as aforesaid shall constitute the decision of the Governor, State Bank of Pakistan.]

<sup>5</sup>[(f) Where the<sup>6</sup>[accused] undertakes to repay the amount as determined by the Conciliation Committee, the Chairman NAB, with the approval of the Court, may release the accused.]

<sup>7</sup>[(g) The decision of the Governor State Bank of Pakistan shall be communicated to the Chairman NAB, which shall be binding on him, except for valid reasons to be recorded in writing subject to approval of the Court, to be accorded within a period of seven days.]

<sup>8</sup>[(h) In the event of failure either of the Conciliation Committee to conclude the reference within thirty days of the commencement of the conciliation proceedings or the failure of the<sup>6</sup>[accused] to accept and implement the decision of the Governor, State Bank of Pakistan regarding the payment and matters relating thereto, such failure to accept or implement the decision shall be referred to the<sup>9\*</sup> Court subject to the provisions of Section 31D and the Court may proceed with the case thereafter:

Provided that the period of thirty days may be extended by the Governor,

<sup>1</sup> The word "the" omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 28.

<sup>2</sup>Ins. *ibid.*,

<sup>3</sup>Subs. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 11, for the "Chairman NAB".

<sup>4</sup>Subs. *ibid.*, for sub-section (e).

<sup>5</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 23 for sub-section (f), which was previously amended by Ord. No. 24 of 2000, s. 11.

<sup>6</sup>Subs. by Ord. No. 133 of 2002, s. 28. for "borrower".

<sup>7</sup>Subs. by Ord. No. 35 of 2001, for sub-section (g).

<sup>8</sup>Subs. by Ords. No. 24 of 2000, s. 11, for sub-section (h).

<sup>9</sup>The word "Accountability" Omitted by Ord. No. 133 of 2002, s. 28.

State Bank of Pakistan by such further period or periods as he may find necessary having regard to the facts and circumstances of the case and for reasons to be recorded.]

Tender of  
pardon:<sup>1\*\*\*</sup>

**26.** (a) <sup>1</sup>Notwithstanding anything contained in the Code, at any stage of <sup>2</sup>[inquiry, investigation or trial], the Chairman <sup>3</sup>[NAB] may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to any offence, tender a full or conditional pardon to such a person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the said offence including the names of the persons involved therein whether as principals or abettors or otherwise.

(b) Every person accepting a tender of pardon under sub-section (a) shall be examined<sup>4</sup>[by a Magistrate and shall also be examined] as a witness in the subsequent trial.

(c) Subject to sub-section (d), the person to whom pardon has been granted under this section shall not —

- (i) in the case of a full pardon be tried for the offence in respect of which the pardon was granted; and
- (ii) in the case of conditional pardon be awarded a punishment or penalty higher or other than that specified in the grant of pardon notwithstanding the punishment or penalty authorized by law.

(d) Where the Chairman NAB certifies that in his opinion, any person who has accepted such tender has, either by willfully concealing anything essential or by giving false evidence through willful or reckless mis-statement, not complied with the condition on which the tender <sup>5</sup>[of pardon]was made, such a person may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the said matter including the offence of giving false evidence, which he knows or ought to know is false.

(e) Any statement made before <sup>6</sup>[a Magistrate] by a person who has accepted a tender of pardon may be given in evidence against him at <sup>7</sup>[the] trial.

<sup>1</sup> Certain words omitted by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 29.

<sup>2</sup>Subs. *ibid.*, "investigation or inquiry".

<sup>3</sup>Ins. *ibid.*,

<sup>4</sup>Ins. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 12.

<sup>5</sup>Ins. by Ord. No. 133 of 2002, s. 29.

<sup>6</sup>Subs. by Ord. No. 24 of 2000, s. 12, for certain words.

<sup>7</sup>Subs. *ibid.*, "such".

Power to seek assistance

**27.:** The Chairman NAB, <sup>1</sup>[or an officer of the NAB duly authorized by him,] shall have the power to seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or <sup>2</sup>[inquiry or investigation] pending before the NAB, <sup>3</sup>[or disposal of any property surrendered to or seized by the NAB,] from any department of the Federal Government, Provincial Government, local authority, bank, financial Institution, person or any authority and institution or department in the public sector or the private sector as he may deem it fit and proper to demand or require, provided that in any case in which a question of secrecy is involved or is raised at any time, the <sup>4</sup>[Chairman NAB's] decision shall be final.

Appointment of officer and staff in the National Accountability Bureau

<sup>5</sup>**28** <sup>6</sup>(a) The Chairman NAB, or an officer of the NAB duly authorised by him, may appoint such officers and staff as he may consider necessary for the efficient performance of <sup>7</sup>[the functions of the NAB] and exercise of powers under this Ordinance.]

<sup>8</sup>\* \* \* \* \*

(c) The officers and members of staff <sup>9</sup>[of the NAB] shall be entitled to such salary, allowances and other terms and conditions of services as the Chairman NAB may, with the approval of the <sup>10</sup>[President], determine.

(d) Subject to sub-section (e) the provisions of the Civil Servants Act, 1973 (LXXI of 1973), shall not apply to the persons appointed in <sup>11</sup>[or employed by the] NAB.

(e) Nothing contained in sub-section (d) shall apply to a person who is a civil servant within the meaning of law relating to appointments as civil <sup>12</sup>[servants] of the Federation or a Province and is deputed to or posted in NAB.

<sup>13</sup>(f) The Chairman NAB, may appoint advisers, consultants and experts, on payment of such fee or remuneration as he may determine, to assist him in performing the functions of the NAB and the discharge of his duties under this Ordinance.

<sup>1</sup> Ins. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 13.

<sup>2</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002) s. 30, for "proceeding".

<sup>3</sup>Ins. *ibid.*, ss 30 and 31.

<sup>4</sup>Subs. *ibid.*, for "Chairman's".

<sup>5</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 19 for the Original section 28

<sup>6</sup>Subs. by Ord. No. 24 of 2002, s. 14, for sub-section (a), which was previously amended by Ord. No. 4 of 2000, s. 19.

<sup>7</sup>Subs. by the Ord. No. 133 of 2002, s. 31, for "his functions".

<sup>8</sup>Subs-section (b) omitted *ibid.*,

<sup>9</sup>Subs-*ibid.*, for "Chief Executive".

<sup>10</sup>Subs. *ibid.*, for "servant".

<sup>11</sup>New sections (f) and 9(g) added *ibid.*,

Accused to be  
competent  
witness

(g) Notwithstanding anything to contrary contained herein, or in any law for the time being in force, the Chairman NAB, shall not be required to consult the Federal Public Service Commission for making appointments and on matters relating to qualifications of persons for such appointments and methods of their recruitment and the qualifications for appointments and methods of recruitment shall be such as he may by rules prescribe.

**29.**<sup>1</sup>[An accused] shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him;

Provided that the accused shall not be compelled to be a witness against himself:

Provided further that, where an accused<sup>2</sup> appears as a witness of his own choice and refuses to answer any question, the Court may draw such adverse inference from such refusal as it may think proper.

False evidence  
etc.

**30.** (a) Notwithstanding anything<sup>3</sup>[to the contrary] contained in<sup>4</sup>[this Ordinance] or any other law<sup>5</sup>[for the time being] in force, on pronouncement of judgment, the<sup>6\*</sup> Court shall have the jurisdiction and power to take cognizance of an offense committed in the course of the investigating or trial of a case by any officer, any witness, including an expert, who has tendered false evidence in the case, whether he deposed in court or not, or any other person, under section 176 to 182 of Chapter X, or section 191 to 204, or 211 to 223, or 225-A of Chapter XI, of the Pakistan Penal Code 1860 (Act XLV of 1860 ), or under any other law relating to false evidence and offences against public justice, and to summarily try him and award punishment provided for the offence under the law.

(b) For the purposes of trial under sub-section (a), the Court may, as nearly as may be, follow the procedure specified in Chapter XXII of the Code.

(c) The proceedings under sub-section (a) may be initiated by the<sup>7\*</sup>Court on its own accord at any time after the decision of the case or, in the event that there is an appeal, after the decision thereof, or on an application made by the<sup>8\*</sup> [prosecution]<sup>9</sup>[or the accused tried by the Court, within thirty days.

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance 2002 (133 of 2002), s. 32, for certain words.

<sup>2</sup>The word "person" omitted *ibid.*,

<sup>3</sup>Ins *ibid.*, ss. 33 and 34.

<sup>4</sup>Subs. *ibid.*, for the "preceding provisions".

<sup>5</sup>Subs. *ibid.*, for "already".

<sup>6</sup>The word 'Accountability' omitted *ibid.*,

<sup>7</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 20.

<sup>8</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 24, for "Prosecutor".

<sup>9</sup>Subs. by Ord. No. 133 of 2002, s. 33, for "of the person accused of an offence".



<sup>1</sup>[Prohibition to hamper investigation]

**31.** (a) <sup>1</sup>Notwithstanding anything contained in any other law for the time being in force, if any person concerned with the inquiry <sup>2</sup>[,] investigation and prosecution of a case consciously and deliberately and with malice <sup>3\*</sup> compromises, hampers, misleads, jeopardizes or defeats an <sup>4</sup>[inquiry or] investigation of a case under process before NAB or any concerned agency or authority or the <sup>5</sup>[Court or any other Court] he shall be <sup>6</sup>[guilty of an offence under this Ordinance punishable with rigorous imprisonment for a term which may extend to ten years].

Absconding to avoid service of warrants.-

(b) No person will be proceeded <sup>7</sup>[against] under this section except with the sanction of a committee <sup>8</sup>[comprising] the Chairman NAB, Deputy Chairman NAB and the Prosecutor General Accountability.

<sup>9</sup>[**31-A.** <sup>10</sup>(a)] Whoever absconds in order to avoid being served with any process issued by any Court or any other authority or officer under this Ordinance or in any manner prevents, avoids or evades the service on himself of such process or conceals himself to screen himself from the proceedings or punishment under this Ordinance shall be guilty of an offence <sup>11</sup>[under this Ordinance] punishable with imprisonment which may extend to three years notwithstanding the provisions of section 87 and 88 of <sup>12</sup>[Code], or any other law for the time being in force.

<sup>13</sup>(b) Notwithstanding the provisions of section 18 it shall not be necessary to file a reference under this section in cases where a reference is pending before the Court. ]

Withdrawal from prosecution

<sup>14</sup>[**31-B** The Prosecutor General Accountability may, with the consent of the Court, withdraw from the prosecution of any <sup>11</sup>[accused] Person generally or in respect of any one or more of the offences for which he is tried and upon such withdrawal:

<sup>1</sup> Amended by the National Accountability Bureau (Amdt.) Ordinance 2000 (4 of 2000), s.21

<sup>2</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance 2002 (133 of 2002), s. 34. for "and".

<sup>3</sup>The word "aforethought" omitted *ibid.*,

<sup>4</sup>Subs. *ibid.*, ss. 33 and 34.

<sup>5</sup>Subs. *ibid.*, for "any court or an court" which was previously amended by Ord. No. 4 of 2000, s.21.

<sup>6</sup>Subs. *ibid.*, for certain words.

<sup>7</sup>Subs. *ibid.*, for "with".

<sup>8</sup>Subs. *ibid.*, for "composing".

<sup>9</sup>New section 31A, 31B and 31C, ins. by Ord. No. 4 of 2000, s. 22.

<sup>10</sup>Relettered as sub-section (a) by Ord. No. 133 of 2002, s. 35.

<sup>11</sup>Ins. *ibid.*, ss. 35 and 36

<sup>12</sup>Subs. *ibid.*, for "Code of Criminal Procedure, 1898".

<sup>13</sup>New sub-section (b) added *ibid.*,

<sup>14</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 25, or section 31B.

- (i) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences; and
- (ii) if it is made after a charge has been framed, he shall be acquitted in respect of such offence or offences.]

<sup>1</sup>[Court to take cognizance of offence with +prior approval of the State Bank.-

Inquiry, investigation or proceedings in respect of imprudent bank loans, etc.

Protection of witnesses.

Appeal <sup>4</sup>[and revision

**31-C** No Court established under this Ordinance shall take cognizance of an offence against an officer or an employee of a bank or financial institution for writing off, waving, restructuring or refinancing any financial facility, interest or mark-up without prior approval of the State Bank of Pakistan.

<sup>2</sup>[**31D.** Notwithstanding anything contained in this Ordinance or any other law for the time being in force, no inquiry, investigation or proceedings in respect of imprudent loans, defaulted loans or rescheduled loans shall be initiated or conducted by the National Accountability Bureau against any person, company or financial institution without reference from Governor, State Bank of Pakistan.

Provided that cases pending before any Accountability Court before coming into force of the National Accountability Bureau (Second Amendment) Ordinance, 2000, shall continue to be prosecuted and conducted without reference from the Governor, State Bank of Pakistan.]

<sup>3</sup>[**31E** The Chairman NAB or the Court may in the facts and circumstances of a case take such measures as may be considered necessary for the safety, security and protection of witnesses and their families.]

**32** (a) Any <sup>5</sup>[person convicted or the Prosecutor General Accountability, if so directed by <sup>6</sup>[the Chairman] NAB,] aggrieved by the final judgment and order of the Court under this Ordinance may, within ten days of the final Judgment and order of the <sup>7</sup>\* Court prefer an appeal to the High Court of the Province where the Court is situated <sup>8</sup>[:]

<sup>8</sup>[Provided that no appeal shall lie against any interlocutory order of the Court].

<sup>1</sup>Ins. by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 15.

<sup>2</sup>New section 31D ins. *ibid.*, s. 16.

<sup>3</sup>New section 31E, ins. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 26.

<sup>4</sup>added by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 37.

<sup>5</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 23, for "Party to the Proceedings".

<sup>6</sup>Ins. by Ord. No. 133 of 2002, s. 37.

<sup>7</sup>The word "Accountability" omitted *ibid.*,

<sup>8</sup>Subs. and ins. by Ord. No. 35 of 2001, s. 27.

(b) All Appeals against the final Judgement <sup>1\*\*\*</sup> filed before the High Court will be heard by a Bench of not less than two judges constituted by the Chief Justice of High Court and shall be finally disposed of within thirty days of the filing of the appeal.

<sup>2</sup>[(c) No revision shall lie against any interlocutory order of the Court]:

Provided that where a person makes an application for revision under this sub-section, he shall, in support of such application, furnish copies of the reference, documents and order of the Court and the High Court shall dispose of such application within thirty days without calling for the record of the Court;

Transfer of pending proceedings

Provided further that such application shall be made within ten days of the decision of the Court, which shall provide a copy of such decision within three days thereof.

<sup>3</sup>\* \* \* \* \*

Payment of bonuses etc:

<sup>4</sup>[33. Any and all proceedings pending before a <sup>5</sup>[court] under the Ehtesab Act, 1997 (IX of 1997), shall stand transferred to <sup>6</sup>[a] Court as soon as it is constituted under this Ordinance within the same Province, and it shall not be necessary to recall any witness or again to record any evidence that may have been recorded].

<sup>7</sup>[33A. There may be paid bonuses or ex-gratia <sup>8</sup>[payments] to the officers and staff of the <sup>9</sup>[NAB], other Government servants, public servants and rewards to members of public for rendering commendable services in detection, investigation and prosecution of <sup>10</sup>[any offence under this Ordinance] as may be prescribed by rules]

<sup>1</sup> Omitted by the National Accountability Bureau (Second Amdt.) Ordinance, 2000 (24 of 2000), s. 15.

<sup>2</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 37, for "sub-section (c)" which was previously amended by various enactments.

<sup>3</sup>Omitted by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 27.

<sup>4</sup>Subs. and shall be deemed always to have been so subs. by the National Accountability Bureau (Amdt.) Ordinance, 1999 (19 of 1999, s.2, for the original section 33.

<sup>5</sup>Subs. by Ord. No. 133 of 2002, s. 38, for "Court".

<sup>6</sup>Subs. *ibid.*, for "an Accountability".

<sup>7</sup>New section 33A ins. by Ord. No. 35 of 2001, s. 28.

<sup>8</sup>Subs. by Ord. No. 133 of 2002, s. 39, for "payment".

<sup>9</sup>Subs. *ibid.*, for "National Accountability Bureau".

<sup>10</sup>Subs. *ibid.*, for certain words.

Reporting of  
public contracts

<sup>1</sup> **[33B.** All Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial and local governments, statutory corporations or authorities established by the Federal Government or Provincial Government and holders of public office shall furnish to NAB a copy of any contract, entered into by such Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial Government or local government, statutory corporations or authorities established by the Federal Government or Provincial Government or such holder of public office on its behalf, as the case may be, of the minimum monetary value of fifty million rupees or more, within such time as is reasonably practicable from the date of signing such contract.

Measures for the  
prevention of  
corruption and  
corrupt practices

**33C.** The Chairman NAB, shall from time to time as he deems fit, constitute committees comprising officers of the NAB or other persons or organizations from the private or public sectors to—

(a) educate and advise public authorities, holders of public office and the community at large on measures to combat corruption and corrupt practices;

(b) develop, arrange, supervise, participate in or conduct educational programmes or media campaigns, and generally to disseminate information on the detrimental effects of corruption and corrupt practices and the importance of maintaining the integrity of public administration;

(c) examine the laws in force, and also rules and regulations relating to the practice and procedure of various ministries, departments of the Federal Government or Provincial Government, statutory or other public corporations or bodies, and the conduct of holders of public office and to recommend amendments in such laws, rules or regulations, as the case may be, in order to eliminate corruption and corrupt practices;

(d) instruct, advise and assist any statutory or other public corporation or bodies or upon request, any organization in the private and public sector on measures for the reduction and elimination of corruption and corrupt practices; and

(e) monitor the implementation of the instructions and advice as aforesaid and to assess and evaluate the success or otherwise of such instructions and advice on the reduction and elimination of corruption and corrupt practices.

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<sup>1</sup>New section 33B, 33D and 33E ins. by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 40.

NAB to submit an annual report	<b>33D.</b> The Chairman NAB shall as soon as possible after the end of every calendar year but before the last day of March next following, submit to the President a report of its affairs for that year which report shall be a public document and on its publication copies thereof shall be provided to the public at a reasonable cost.
Recovery of amount of fines, etc., as arrears of land revenue	<b>33E..</b> Any fine or other sum due under this Ordinance, or as determined to be due by a Court, shall be recoverable as arrears of land revenue.]
Power to make rules	<sup>1</sup> <b>[34.</b> The Chairman NAB may, with the approval of the President, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.]
Delegation of Powers	<sup>2</sup> <b>[34A.</b> The Chairman NAB may, by an order in writing, delegate any of his powers to and authorise performance of any of his functions by, an officer of the NAB as he may deem fit and proper, subject to such conditions, if any, as may be specified in the order, for carrying out the purposes of this Ordinance.]
Repeal	<b>35.:</b> (a)The Ehtesab Act 1997 (Act IX of 1997) shall stand repealed from the date of promulgation of this Ordinance, provided that notwithstanding the repeal of the said Act, any proceedings pending under Ordinance CXI of 1996, Ordinance No. XX of 1997 and the Ehtesab act, 1997, before any Court established under the said Act, of 1997 <sup>3*</sup> or any of the aforesaid Ordinances amending the same, shall <sup>4</sup> [continue under this Ordinance as transferred under <sup>5***</sup> section 33 to <sup>6</sup> [a] Court.
Indemnity	<sup>7</sup> [(b) Any case or proceeding pending under the aforesaid Ordinances and the Act of 1997 immediately before the commencement of this Ordinance and transferred to any <sup>8</sup> [Court] <sup>9***</sup> shall be proceeded with and all subsequent proceedings shall be completed in accordance with, and under the provisions of, this Ordinance.]

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2002(133 of 2002), s. 41, for section 34, which was previously amended by Ord. No. 4 of 2000, s.24, for certain words.

<sup>2</sup>New section 34A ins. by the National Accountability Bureau (Amdt.) Ordinance 2001 (35 of 2001), s. 29.

<sup>3</sup>The word "and/" omitted by Ord. No. 133 of 2002, s. 42.

<sup>4</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2000 (4 of 2000), s. 25, for certain words, which was previously ins. by Ord. No. 19 of 1999. s.4.

<sup>5</sup>Omitted by Ord. No. 35 of 2001, s. 30.

<sup>6</sup>Subs. by Ord. No. 133 of 2002, s. 42, for "an Accountability".

<sup>7</sup>Subs. by Ord. No. 4 of 2000, s. 25, for the original sub-section (b).

<sup>8</sup>Subs. by Ord. No. 133 of 2002, s. 42, for "court".

<sup>9</sup>The words "established under this Ordinance" omitted *ibid.*,

**36.** No suit, prosecution, or any other proceedings shall lie against the Federal Government, Provincial Government, Chairman NAB, or any other member of the NAB or any person exercising any power or performing any function under this Ordinance or the Rules made hereunder for any act or thing which has been done in good faith or intended to be done under this Ordinance or the rules thereof.

Removal of  
Difficulties Order <sup>1</sup>[**37.** If any difficulty arises in giving effect to any provision of this Ordinance, the<sup>2</sup>[Chairman NAB] <sup>3</sup>[with the approval of the President], may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing such difficulty.]

<sup>4</sup>[**“THE SCHEDULE**]

[See section 10(b)]

<b>S.No.</b>	<b>Offences</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1.	Any person who aids, abets or through any willful act or omissions instrumental in the commission of the offence of willful default or with wrongful intent for illegal gratification by misuse of power, authority, influence, nepotism, favouritism writes off, waives, restructures or refinances illegally, improperly or without sufficient justification the principal amount of loan on any financial facility, interest or markup on any loan or financial facility provided to any person by any bank or financial institution, a	Rigorous imprisonment for a term which may extend to fourteen years and fine.

<sup>1</sup>Subs. by the National Accountability Bureau (Amdt.) Ordinance, 2001 (35 of 2001), s. 31. for section 37.

<sup>2</sup>Subs by the National Accountability Bureau (Amdt.) Ordinance, 2002 (133 of 2002), s. 43 for “President”.

<sup>3</sup>Subs. *ibid.*, for certain words.

<sup>4</sup>Subs. *ibid.*, for “the Schedule” which was previously amended by various enactment.

cooperative society, a Government department or an authority established or controlled by the Government shall have committed or be deemed to have committed the offence of corruption or corrupt practices.

2. Refuses to answer questions, or to provide information to any member of the NAB or any other agency when required to do so.

Rigorous imprisonment for a term which may extend to five years

3. Giving false information or fabricating false evidence during inquiry into or investigation of an offence by the NAB or any agency authorised by the NAB in this regard when given by-

Rigorous imprisonment for a term, which may extend to five years.

(a) a complainant, witness or an accused person or any inquiry officer; and

Rigorous imprisonment for a term which may extend to ten years.

(b) the investigator of the National Accountability Bureau or concerned agency.

4. Misuse of authority or power in committing any offence specified above, by any person holding a public office including any offence under sections 161 to 165A of the Pakistan Penal Code (Act XLV of 1860).

Rigorous imprisonment for a term which may extend to fourteen years

5. Deceitfully, fraudulently or dishonestly causing loss to a bank, a financial institution, a co-operative society, a Government

Rigorous imprisonment for a term which may extend to fourteen years.”.

department, a statutory body or an authority established or controlled by the Federal Government, a Provincial Government, or a local government.

- 6<sup>5</sup>. Omitted vide SRO (I)2008 dated 24th Oct 2008
7. Omitted vide SRO (I)2008 dated 24th Oct 2008
8. Omitted vide SRO (I)2008 dated 24th Oct 2008
9. Omitted vide SRO (I)2008 dated 24th Oct 2008
10. Omitted vide SRO (I)2008 dated 24th Oct 2008
11. Omitted vide SRO (I)2008 dated 24th Oct 2008
12. Omitted vide SRO (I)2008 dated 24th Oct 2008
13. Omitted vide SRO (I)2008 dated 24th Oct 2008
14. Omitted vide SRO (I)2008 dated 24th Oct 2008

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<sup>5</sup> S.# 6 to 14 included in the Schedule vide Law Division's notification SRO (I)/2003 dated 20-11-2003 (F.# 1(3)-Admin-V).



### III. REMOVAL FROM SERVICE

#### **Sl. No. 41**

#### **Repeal of Removal from Service (Special Powers) Ordinance, 2000**

The removal from service (Special Powers) ordinance, 2000 has been repealed vide Section 2 (1) of the Act No. III of 2010 (**Annexure**). It received the assent of President on 5<sup>th</sup> March, 2010.

2. Under sub-section (2) of Section 2 of the Act *ibid*, all proceedings pending under the repealed Ordinance immediately before the commencement of Act No. III of 2010 against any person whether in government service or corporation service shall continue under the repealed Ordinance.

3. Under sub-section (3) of Section 2 of the Act *ibid*, all fresh disciplinary proceedings from 5<sup>th</sup> March, 2010 onwards relating to persons in government service, to whom the Civil Servants Act, 1973 (LXXI of 1973) and the Government Servants (Efficiency & Discipline) Rules, 1973, apply, shall be governed under the aforesaid Act and the rules made thereunder and persons in corporation service shall be governed under the law applicable to them and rules and by-laws made thereunder.

4. Ministries/Divisions are requested to kindly bring the above instructions to the notice of all concerned for information and compliance.

[Authority:-Establishment Division's O.M. No.3/10/2010-R.II dated 17-03-2010].



**Act No. III of 2010**

An Act to repeal the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000)

WHEREAS it is expedient to repeal the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Removal from Service (Special Powers) (Repeal) Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Repeal.—(1) The Removal from Service (Special Powers) Ordinance, 2000(XVII of 2000) is hereby repealed, hereinafter referred to as the repealed Ordinance.

3. All proceedings pending under the repealed Ordinance of the rules made thereunder immediately before the commencement of this Act against any person whether in government service corporation service shall continue under the repealed ordinance or the rules made thereunder.

4. Subject to sub-section (2), on the repeal of the said Ordinance, all disciplinary matters relating to persons in government service, to whom the Civil Servants Act, 1973 (LXXI of 1973) and the Government Servants (Efficiency and Discipline) Rules, 1973, apply, shall be governed under the aforesaid Act and the rules made thereunder and persons in corporation service shall be governed under the law applicable to them and rules and by-laws made thereunder.

KARAMAT HUSSAIN NIAZI,  
Secretary

**41.1 Guidelines for Review of Cases of  
Civil Servants Under Section 13(1)(i)  
of the Civil Servants Act, 1973**

Section 13 of the Civil Servants Act, 1973, as amended *vide* Civil Servants (Amendments) Ordinance, 2000\* lays down as under:—  
“[Retirement from Service]”

- (1) A civil servant shall retire from service—
  - (i) On such date after he has completed \*\*[twenty] years of service for pension or other retirement benefits as the competent authority may, in public interest, direct; or
  - (ii) Where no direction is given under clause (i), on the completion of the sixtieth year of his age.
- (2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

[Explanation: In this Section, “competent authority” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973].

2. The guidelines approved by the Chief Executive for review of cases under Section 13(1)(i) of the Civil Servants Act, 1973 are given in the succeeding paragraphs.

3. When it comes to the notice of the competent authority that a civil servant has, *prima facie*, ceased to be efficient and that action is warranted against him under Section 13(1)(i) of the Civil Servants Act, 1973, it shall cause the case to be referred to a Review Committee stating the facts of the case alongwith supporting documentary evidence, if any, service record of the person in the form attached as **Annex**, and such other record as may be considered relevant to a case for the purpose of making a recommendation about his suitability for further retention in service.

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\* Subs. *vide* Civil Servants (Amendment) Ordinance No. XX of 2000, dated 1-6-2001.

\*\* Subs. *vide* Ordinance No. XXXIV of 2001, promulgated on 4-8-2001

4. The Review Committee for officers in BPS-20 and above may comprise the following:—

- |       |  |                              |
|-------|--|------------------------------|
| (i)   | Cabinet Secretary  | Chairperson (by name)        |
| (ii)  | Establishment Secretary  | Member ( <i>ex-officio</i> ) |
| (iii) | Secretary of Ministry/ Division concerned                                | Member ( <i>ex-officio</i> ) |
| (iv)  | Head of Department/Office (Incharge of the service, group, cadre, etc.). | Member ( <i>Co-opted</i> )   |
| (v)   | Additional Secretary/Joint Secretary Establishment Division.             | Secretary                    |

5. The Secretary of the administrative Ministry/Division concerned has been authorized to constitute Review Committees for officers in BPS-19 and below subject to the proviso that each Review Committee should include a representative of Establishment Division as a Member of the Committee.

6. The Review Committees should examine the cases referred to them, and the Committees may recommend retirement in the following cases:—

- (a) Where two or more penalties under the Government Servants (Efficiency and Discipline) Rules, 1973, have been imposed on a civil servant.
- (b) Where overall grading of the ACRs\* is Average, and/or where adverse remarks in regard to acceptance of responsibility, integrity, reliability, output of work and behaviour with the public were recorded in the ACRs\* (duly conveyed to the concerned civil servant and his representation against it finalized, as per rules).
- (c) Where a civil servant is twice recommended for supersession by the Selection Board/DPC and the recommendation of the Selection Board/DPC is approved by the competent authority\*\*.
- (d) Where other specific and cogent grounds, including the following, may warrant retirement of a civil servant:—
  - (i) persistent reputation of being corrupt;
  - (ii) possessing pecuniary resources and/or property etc. disproportionate to his known sources of income; and
  - (iii) frequent unauthorized absence from duty.

---

\* Now Performance Evaluation Reports.

\*\* See Revision of Promotion Policy, October, 2007 .

7. Where the Review Committee recommends retirement of a civil servant, specific reasons for doing so should be given. The recommendation of the Committee should be submitted for the approval of the competent authority. If the competent authority agrees with the recommendation of the Committee, a show cause notice shall be issued to the civil servant under sub-section (2) of Section 13 of the Civil Servants Act, 1973. After receipt of reply to the show cause notice the competent authority shall take the final decision.

8. The above instructions may also be brought to the notice of all Attached Departments and Subordinate Offices.

[*Authority*.– Estt. Div.'s O.M. No.3/8/2000-R.2, dated 27-7-2000].

**PROFORMA FOR REVIEW OF SERVICE RECORD OF CIVIL  
SERVANTS ON COMPLETION OF \*[20] YEARS QUALIFYING  
SERVICE FOR PENSION**

1. Name .....
2. Date of Birth.....
3. Educational qualifications.....
4. Name of the Post/Department.....
5. Name of the Cadre/Group or Service.....
6. Date of joining government service.....
7. Details of pre-service and in service training.....
8. Date of promotion to the present post. ....
9. Date of completion of \*[20] years service qualifying for pension.....
  - (1) Details of Service Record. ....
  - (a) Synopsis of PER

Year	Overall Assessment	Assessment made in the PER about		
		Quantity and output of work	Integrity	Fitness for promotion
		(a)	(b)	(c)
1	2	3		

(b) Pen picture recorded in the PERs during last five years.

(c) Particulars of penalties imposed under the Government Servants (Efficiency and Discipline) Rules, 1973:—

Name of Penalty	Grounds of Penalty	No. and date of penalty Imposing order.
.....	.....	.....

(d) Particulars of adverse remarks in regard to acceptance of responsibility, integrity, reliability, output of work and behaviour with the public recorded in the PERs (duly conveyed to the civil servant concerned and his representation against it finalized, as per rules).

---

\* Subs. vide Ordinance No. XXXIV of 2001, promulgated on 4-8-2001.

- (e) Particulars of supersessions in which Selection Board/ Departmental Promotion Committee twice recommended supersession of a civil servant and the recommendation of the Selection Board/DPC was approved by the competent authority.

Signature.....

Name.....

Designation of the  
Officer authenticating  
the information.

**Sl. No. 42**

**Queries about Review Exercise**

Queries have been raised by different quarters whether review exercise for retirement of civil servants is also applicable to the employees of autonomous bodies or not and whether the provisions of the Civil Servants Act, 1973 and amendments therein are also applicable to them or not. The position is clarified as under:—

- (i) Supreme Court in their judgement in Civil Appeals Nos.154 and 155 of 1988 held that organizations established through Resolutions were not bodies corporate but government departments and their employees were held to be civil servants. In the light of the aforesaid decision of the Supreme Court, Civil Servants Act, 1973 and the rules made thereunder are applicable to the employees of organizations established through Resolutions.
  - (ii) In case of autonomous bodies which are bodies corporate and are administered or controlled by Federal Government, and have their own service rules/regulations, it is necessary to make enabling provision in their service rules/regulations on the lines of section 13(1)(i) of Civil Servants Act, 1973.
2. Ministries/Divisions are advised to take necessary action for making enabling provision in the Service Rules/ Regulations of Bodies Corporate which are under their administrative control.

[Authority.— Establishment Division's O.M.No.8/31/2000-R.3, dated 11-10-2000].



#### **42.1 Clarification Regarding Option of Seeking Premature Retirement**

The amended section 13(1)(i) of the Civil Servants Act, 1973 lays down that–

“(1) a civil servant shall retire from service–

(i) On such date after he has completed twenty years of service qualifying for pension and other retirement benefits as the competent authority may, in public interest, direct.

2. However, queries have been received in the Establishment Division soliciting advice on the point as to whether, or not, a civil servant can seek voluntary retirement on completion of twenty years of service qualifying for pension and other retiring benefits under section 13(1)(i) of the Civil Servants Act, 1973.

3. As such, it is clarified that there is no provision in the Civil Servants Act, 1973 under which a civil servant can seek voluntary retirement on completion of twenty years of service qualifying for pension and other retirement benefits. However, all government servants have the right to seek retirement – if they so desire – on the completion of twenty five years service qualifying for pension and other retirement benefits (under CSR 465-B). This right is, however, subject to the provisions of the Essential Services Maintenance Act 1952 and is not available to a civil servant against whom the departmental inquiry/proceedings are pending.

4. All the Ministries/Divisions are requested to bring the above clarification to the notice of the Attached Departments and Subordinate Offices under their administrative control.

[Authority.– Estt. Div.'s O.M.No.3/8/2000/R.2, dated 22-10-2001].

#### **SI. No. 43**

#### **\*Delegation of Powers: Federal Secretariat : Service/Group/Cadre, Departments, Subordinate Offices and Corporation Service**

In exercise of the powers conferred by section 2(a) of the Removal from Service (Special Powers) Ordinance, 2000, Chief Executive has authorized the officers shown in column (3) of the following tables to exercise the powers of the competent authority under section 3 of the said Ordinance in respect of class of persons shown in column (2) of the tables.

---

\* Removal from Service (Special Powers) Ordinance,2000 has been repealed vide Section 2(1) of the Act No.III of 2010 which received the assent of the President on 05-03-2010. After repeal, all the cases be dealt in the light of (E&D)Rules,1973.

TABLE No. I

**For persons employed in the Federal Secretariat or serving in a post, or belonging to a service, group or cadre, administratively controlled by a Ministry or Division.**

S.No.	Class of Persons	Officer authorized to exercise the powers of competent authority
1.	Holders of posts in BPS-20 and above.	*Prime Minister.
2.	Holders of posts in BPS 16 - 19.	Secretary of the Ministry/ Division concerned.
3.	Holders of posts in BPS-1 – 15.	An officer not below the appointing authority to be notified by the Secretary of the Ministry/Division concerned.

\*\*[*Explanation.*– For the purpose of this notification, “Secretary of the Ministry or Division” concerned means the Secretary of the Ministry or Division which administratively controls the post, service, group or cadre to which a government servant belongs].

\*\*[TABLE No. II

**For persons employed in an Attached Department or a Subordinate Office of the Federal Government**

S. No.	Class of Persons	Officer authorized to exercise the powers of competent authority
1.	Holders of posts in BS-20 and above.	Prime Minister.
2.	Holders of posts in BS-17 – 19.	Secretary of the Ministry/Division concerned.
3.	Holders of posts in BS-16.	Head of Department or Head of Subordinate Office.
4.	Holders of posts in BS 1 – 15.	An officer not below the appointing authority to be authorized by the Head of Department or Head of Subordinate Office].

\* Subs. *vide* Ordinance No.1 of 2003

\*\* Added *vide* Establishment Division Notification S.R.O No.411(I)/2000, dated 17-6-2000.

**\*TABLE No. III****For Persons in Corporation Service**

S. No.	Class of Persons	Officer authorized to exercise the powers of competent authority
1.	Holders of posts in BS-20 and above and equivalent.	Prime Minister.
2.	Holders of posts in BS-16 – 19 and equivalent.	Managing Director/Chief Executive Officer of the Organization by whatever name called.
3.	Holders of posts in BS 1 – 15 and equivalent.	An officer not below the appointing authority to be authorized by the Prime Minister Officer of the Organization.

\*[2. The Prime Minister has also authorized the Secretary of the Ministry or Division concerned to exercise under section 4 of the aforesaid Ordinance the powers to place a BPS-20 and above and equivalent officer under suspension for such period as he may consider appropriate].

[Authority: Estt. Div.'s Notification S.R.O No.281(I)/2000, dated 27-5-2002].

#### **43.1 Delegation of Powers: Auditor General of Pakistan**

In exercise of the powers conferred by clause (a) of section 2 of the \*\*Removal from Service (Special Powers) Ordinance, 2000 (XVII. of 2000) , read with section 4 thereof, the Chief Executive of Pakistan is pleased to authorize the Auditor-General of Pakistan to exercise the powers of competent authority:–

- (a) under section 3 of the said Ordinance in respect of departmental and interdepartmental officers of the Accounts Group \*\*\* in Basic Pay Scale 17 to 19; and
- (b) under section 4 of the said Ordinance the powers to place a BPS-20 and above officer of the \*\*\*Accounts Groups under suspension for such period as he may consider appropriate.

[Authority: Estt. Div.'s Notification SRO No. 563(1)/2000, dated 15-8-2000].

\* Subs. vide Establishment Division's Notification S.R.O.No.411(I)/2000, dated 17-6-2002 [F.No.3/13/2000-R.2] [Note: BS implies Basic Pay Scale (BPS)]

\*\* Removal from Service (Special Powers) Ordinance,2000 has been repealed vide Section 2(1) of the Act No.III of 2010 which received the assent of the President on 05-03-2010. After repeal, all the cases be dealt in the light of (E&D)Rules,1973.

\*\*\* [Note: Accounts Group is now Pakistan Audit and Accounts Service]

### 43.2 Delegation of Powers: Intelligence Bureau

In exercise of the powers conferred by clause (a) of section 2 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the \*Chief Executive of Pakistan is pleased to authorize the officers of the Intelligence Bureau specified in column (4) of the table below to be the competent authority in respect of the employees of the said Bureau serving in basic pay scales specified in column (3) of that table, and working in offices specified in column (2) thereof:

**TABLE**

Sl. No.	Name of office	Basic Pay scale of employees	Officers authorized to exercise the powers of competent authority
1.	I.B.HQ/Prov.HQs & NR, HQ, all of their Field Units IB Academy and ICT Office.	BPS 16-19	Director General, IB.
2.	I.B. HQ, Islamabad.	BPS 1-15	DDG(A) or an officer of BPS-20 nominated by the DG IB.
3.	I.B. Academy.	BPS 1-15	Commandant (BPS-20), IB, Academy
4.	ICT Office including CI Field, Islamabad.	BPS 1-15	DDG, ICT office or an officer of BPS-20 nominated by the DG, IB.
5.	NR, HQ, Rwp/Prov. HQs **NWFP, Punjab, Sindh, Balochistan, and all of their Field Units.	BPS 1-15	JDG/DDG incharge or the respective Prov. HQs/ Northern Region HQ.

[Authority: Estt. Div.'s Notification No. S.R.O. 568(I)/2000 dated 16-8-2000].

#### **Sl. No. 44**

#### **Implications of Release of a Government Servant under Section 25 of Ordinance No. XVIII of 1999 for Disciplinary Proceedings**

Section 25 of NAB Ordinance (Ordinance No. XVIII of 1999) lays down, *inter alia* as under:-

“25. (a) Where at any time whether before or after the commencement of trial the holder of a public notice or any other person accused of any offence under this Ordinance, returns to the NAB, the assets or gains acquired through corruption or corrupt practices,-

\* Now Prime Minister.

\*\* Now K.P.K.

- (i) if the trial has not commenced, the Chairman NAB may release the accused; and
- (ii) if the Court has taken cognizance of the offence or the trial has commenced, the Chairman NAB may, with the approval of the Court, release the accused.

2. A question had arisen whether release of a government servant under section 25 should be construed as an order of conviction, and thereby automatically disqualify him for holding the office which he was holding prior to initiation of proceedings against him under the said Ordinance. The matter has been examined in consultation with the Law and Justice Division and correct legal position is clarified below:-

- (a) The voluntary return of gains and release of the accused for return of money are matters unconnected with the terms and conditions of service of civil servants. Neither any presumption can be drawn against him nor he can be considered disqualified only on such facts unless the civil servant concerned is subjected to disciplinary proceedings as per provisions of the law and the rules.
- (b) Though the release of a government servant under section 25 of the said Ordinance does not automatically disqualify him for holding his office but it makes him liable to face disciplinary proceedings in regard to charges of corruption mentioned in section 25 of Ordinance No. XVIII of 1999 but this liability should be without prejudice to the right of a government servant to:
  - (i) be informed in writing about the action proposed to be taken against him and the grounds of the action; and
  - (ii) be given a reasonable opportunity of showing cause against the action proposed to be taken against him.

3. It follows from the above stated position that the Ministry/Division/Department concerned is required to initiate disciplinary proceedings in accordance with the law, if a government servant is released under section 25 of the NAB Ordinance.

4. The above clarification is being circulated for information and guidance of all Ministries/Divisions/Departments.

[Authority: Estt. Div.'s OM No. 3/65/2000-R.2, dated 3<sup>rd</sup> November 2000]

**44.1 Review of Cases of Civil Servants Under Section 13 (1)(i) of the Civil Servants Act, 1973 - Completion of 25 Years Service**

With reference to the provisions of section 13 of the Civil Servants Act, 1973 as amended to-date read with guidelines on 27-7-2000, the cases of retirement of those federal government servants who have completed 25 years of service and who fall within the purview of the above referred section, may kindly be finalized at the earliest. It is requested that the following procedure may kindly be observed, so that such cases are processed expeditiously:-

- (a) To start immediately, preparing the cases of officers in BPS-20 and above officers for consideration by the Review Committee constituted under the Chairmanship of Cabinet Secretary.
- (b) To constitute Review Committee for officers in BPS-19 and below administratively controlled by the respective Ministry/Division and to refer requisite cases to the said Committee for consideration.
- (c) To recommend to Establishment Division cases of \*APUG/OMG officers for consideration of Review Committee constituted by the Establishment Division.
- (d) The aforementioned exercise should be carried out, within a period of six weeks positively. A progress report on such cases may kindly be sent to the Establishment Division;

2. All Ministries/Divisions and the Provincial Governments (for \*APUG/OMG officers) are to immediately initiate the process of review of such cases, so that the inefficient/corrupt officers/officials may be weeded out and the rule of good governance may be enforced in line with the policy of the government.

[Authority: Estt. Div.'s OM No. 12/1/2000-D.II, dated 8<sup>th</sup> August, 2000]

**44.2 Review of Cases of Civil Servants (\*APUG Officers) Under Section 13 (1)(i) of the Civil Servants Act, 1973 – Review Committee in Establishment Division**

In pursuance of the para 5 of guidelines for review of cases of Civil Servants under Section 13(1)(i) of the Civil Servants Act, 1973, the competent authority has constituted the following Review Committees in the Establishment

---

\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

Division:-

To review the cases of \*APUG Officers:-

- |       |                              |                  |
|-------|------------------------------|------------------|
| (i)   | Joint Secretary (Discipline) | Chairman         |
| (ii)  | Joint Secretary (CP)         | Member           |
| (iii) | Deputy Secretary (CP-2)      | Member           |
| (iv)  | Section Officer (D.I)        | Member/Secretary |

2. The Committees will submit their reports/findings to Establishment Secretary.

[Authority: Estab. Div.'s OM No. 12/1/2000-D.2, dated 11<sup>th</sup> August, 2000]

**44.3 Review of Cases of Civil Servants  
(\*APUG Officers) Under Section 13 (1) (i)  
of the Civil Servants Act,1973 -  
Review Committee for OMG Officers**

The Review Committee No. II meant for reviewing cases of OMG officers is re-constituted as under:-

- |       |                             |                  |
|-------|-----------------------------|------------------|
| (i)   | Joint Secretary (Admn)      | Chairman         |
| (ii)  | Deputy Secretary (R-2)      | Member           |
| (iii) | Deputy Secretary (OMG/Admn) | Member/Secretary |

2. The above committees shall review the cases of employees of BPS 1 to BPS 19 of the Establishment Division in addition to the cases of officers of OMG.

[Authority: Estab. Div.'s OM No. 12/1/2000-D.2, dated 24<sup>th</sup> August, 2000]

**44.4 Review of Cases of Civil Servants (\*APUG Officers)  
Under Section 13 (1) (i) of the Civil Servants Act,1973–  
Review Committee of Ministries/ Divisions/Departments**

Reference Establishment Division's Office Memorandum of even number dated 8<sup>th</sup> August, 2000 on the above subject. The competent authority has been pleased to nominate the following officers of the Establishment Division are

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\* All Pakistan Services (Change in Nomenclature)Rules,1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

mentioned in the Review Committees of various Ministries/Divisions/Attached Departments:-

- (i) *For BPS 17 to 19: Joint Secretary (D&L)\*. In case of non-availability of Joint Secretary (D&L). Deputy Secretary (D) will represent Establishment Division.*
- (ii) *For BPS 1 to 16: Deputy Secretary/Section Officers of Discipline Wing of Establishment Division will represent Establishment Division.*

2. Ministries/Divisions are to ensure that date, time and venue of Review Committee's meeting should be intimated to the Establishment Division at least five days prior to the meeting.

[*Authority: Estt. Div.'s OM No. 12/1/2000-D.II, dated 6<sup>th</sup> September, 2000).*]

**Sl. No. 45**

**Employment/Re-employment of Persons Penalized Under the Government Servants (Efficiency & Discipline) Rules, 1973 and the \*\*Removal from Service (Special Powers) Ordinance, 2000**

Reference the Estab. Div.'s OM No. 22/4/71-F.1, dated 3-4-1973 under which Ministries/Divisions/Departments were required to consult the list circulated by the Establishment Division, of persons dismissed from government service for consultation before making fresh appointments. As the number of Ministries/Divisions/Departments and government servants both have increased tremendously since the issuance of above referred instructions neither the information required for preparation of lists from the Ministries/Divisions is received nor has it now been possible to prepare and circulate lists, keeping in view the voluminous data. Further, to reduce the workload and in the public interest, powers to initiate and finalize disciplinary proceedings in cases of employees from BPS-1 to BPS 19 and equivalent stand delegated to the respective authorities.

2. It has now been decided that, in case of a person having served somewhere under the government before his candidature for fresh appointment or re-employment, Ministries/Divisions/Departments shall consult the parent organization of the person to be appointed/re-employed to find out whether he was penalized under the Government Servants (Efficiency & Discipline) Rules, 1973 or the \*\*Removal from Service (Special Powers) Ordinance, 2000 or had

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\* Discipline and Litigation.

\*\*Removal from Service (Special Powers) Ordinance,2000 has been ceased to exit.



retired from service voluntarily. If a person is found to have been dismissed from service or retired on his request, he shall not be appointed/re-employed. In case of other penalties, the appointing authority may decide whether a penalized candidate may or may not be appointed/re-employed.

[*Authority:* Estab. Div.'s O.M. No. 12/1/2006-D.2, dated 29<sup>th</sup> March, 2006]

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CHAPTER 9

**APPEALS, PETITIONS AND  
REPRESENTATIONS**  
(957 - 958)

## CHAPTER 9

**APPEALS, PETITIONS AND REPRESENTATIONS**

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## APPEALS, PETITIONS AND REPRESENTATIONS

### **Sl. No. 1**

#### **Civil Servants (Appeal) Rules, 1977**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

1. (1) These rules may be called the Civil Servants (Appeal) Rules, 1977.

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context,—

<sup>\*</sup>[(a) Appellate authority means.—

(1) in cases relating to discipline.—

(i) where the order is made by the authorised officer, the officer designated as authority under the Government Servants (Efficiency and Discipline) Rules, 1973.

(ii) <sup>\*\*</sup>[where the order is made by the officer, designated as authority under the rules specified in paragraph (1), the officer or authority next above the authority; and].

(iii) where the order is made by the Prime Minister, the President; and

(2) in other cases, the officer or authority next above the authority against whose order the appeal is preferred and where the order is made by the Prime Minister, the President; and]

(b) <sup>\*</sup>[ ]

(c) "penalty" means a penalty provided for in the Government Servants (Efficiency and Discipline) Rules, 1973.

3. Every civil servant shall be entitled to appeal, to the appellate authority from an order passed by an authority <sup>\*\*\*</sup>[or an authorized officer] imposing upon him any penalty:

Provided that, where the penalty is imposed by an order of the President, the civil servant shall have no right to appeal but he may apply for review of the order.

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<sup>\*</sup> Subs. and omitted *vide* Establishment Division Notification S.R.O.No.178(1)/99, dated 24-3-1999.

<sup>\*\*</sup> Subs. *vide* Establishment Division Notification SRO No.335(1)/2000, dated 14-6-2000.

<sup>\*\*\*</sup> Amended *vide* Establishment Division Notification No.3/7/79-DI, dated 28-1-1981.

4. (1) A civil servant shall be entitled to appeal to the appellate authority from an 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 rules 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 rules governing pensions; or
- (d) terminates his employment or gives notice of such termination otherwise than—
  - (i) on his reaching the age of superannuation, or
  - (ii) in accordance with the provisions of the Civil Servants Act, 1973 (LXXI of 1973):

Provided that a person appointed by the President shall have no right to appeal from an order passed by the President, but he may apply for review of the order:

Provided further that no appeal or review shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

(2) A member of an "All-Pakistan Unified Grades serving under a Provincial Government may appeal, from the order of the Provincial Government, to the President.

(3) A civil servant appointed by the President may appeal to the President from an order passed by an authority subordinate to the President.

5. (1) Every person preferring an appeal should do so separately and in his own name.

(2) Every appeal preferred under these rules shall contain all material statements and arguments relied upon by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself.

(3) Every appeal shall be submitted through the Head of the office to which the appellant belongs or belonged, and through the authority from whose order the appeal is preferred.

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\* BPS.

\*\* All Pakistan Services (Change in Nomenclature) Rules, 1973, notified vide SRO 1307(I)/73 dated 14-09-1973, have been repealed vide SRO 89(I)/2014 dated 14-02-2014, whereby all notifications and instructions issued on the subject from time to time were *mutatis mutandis* amended.

(4) Every appeal shall be submitted within a period of thirty days of the communication of the order appealed against.

6. (1) In the case of an appeal under rule 3, 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
- (c) Whether the penalty is excessive adequate, or inadequate, and, after such consideration shall confirm, set aside or modify the previous order, \*[and the appellant shall be informed of the reasons for passing such order].

(2) In the case of an appeal under rule 4, the appellate authority shall pass such order as, having regard to all circumstances of the case, appears to it just and equitable. \*[and the appellant shall be informed of the reasons for passing such order].

(3) The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

7. (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:—

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the provisions of sub-rule (1), (2) or (3) of the rule 5; or
- (c) it is not preferred within the time specified in sub-rule (4) of rule 5 and no reasonable cause is shown for the delay; or
- (d) it is addressed to an authority to which no appeal lies under these rules; or

\*\*[(e) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case]:

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\* Added *vide* Establishment Division Notification S.R.O. No.582 (1)/93, dated 26-6-1993.

\*\* Added *vide* Establishment Division Notification No. 5/1/81-R.I., dated 26-12-1981.

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it:

Provided further that an appeal withheld on account only of failure to comply with the provisions of sub-rule (2) or (3) of rule 5 or clause (d) may be resubmitted within one month of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted in a form which complies with those provisions or is addressed to the proper appellate authority, as the case may be, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by an authority competent to do so.

8. (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority with an expression of opinion by the authority from whose order the appeal is preferred.

(2) Every appeal by a civil servant serving under a Provincial Government or a local authority, which is not withheld under these rules shall be forwarded by the Provincial Government or the local authority to the Federal Government with an expression of its opinion.

(3) A list of appeals withheld under rule 7, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(4) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

9. (1) Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before they came into force.

(2) All appeals pending immediately before the coming into force of these rules shall be deemed to be appealed under these rules.

10. The Civil Services (Classification, Control and Appeal) Rules, 1930, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done thereunder.

[*Authority.*—Establishment Division's Notification S.R.O. No. 54(1)/77, dated 17-1-1977].



### 1.1 Guidelines for Submission of Appeals/Representations to the Chief Executive/President

It has been observed that Ministries/Divisions/Departments generally do not forward to the Establishment Division complete/ comprehensive references on the appeals/representations filed by the aggrieved civil servants before the Chief Executive/\*President, for orders in the capacity of the appellate authority. It results in back-referencing and inordinate delay in processing/finalization of such cases.

2. In order to facilitate objective analysis and speedy disposal, the appeals/representations preferred by the civil servants under the Civil Servants (Appeal) Rules, 1977, or section 9 of the \*\*Removal from Service (Special Powers) Ordinance, 2000, as the case may be, should invariably be submitted in the form of self contained Summary supported by copies of the following essential documents as annexures:—

- (i) charge sheet;
- (ii) reply of the accused to the charge sheet;
- (iii) inquiry report;
- (iv) Show Cause Notice;
- (v) reply of the accused to the Show Cause Notice;
- (vi) recommendations/order of the 'Authorized Officer' or the 'Authority', as the case may be, regarding the imposition of penalty upon the accused;
- (vii) notification of the penalty;
- (viii) appeal/representation (in original) alongwith its enclosures; and
- (ix) detailed parawise comments of the Ministry/Division/ Department concerned on the appeal/representation, in juxtaposition as per prescribed format, *annexed* herewith.

2. All Ministries/Divisions/Departments and Provincial Governments are requested to bring these guidelines to the notice of all concerned for guidance/compliance.

[*Authority.*—Establishment Division's O.M.No.5/4/94/Rev/D.3 dated 19-9-2001].

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\* Add/Substitute 'Prime Minister', as the case may be.

\*\* Removal from Service (Special Powers) Ordinance,2000 has been repealed.

**(Annex)**

(Prescribed Format)

PARAWISE COMMENTS ON THE APPEAL SUBMITTED  
 BY.....  
 (NAME, DESIGNATION, OFFICE, BPS), AGAINST MINOR/MAJOR PENALTY OF  
 .....

Sl. No.	Contention of the Accused (Relevant paras in Appeal to be Reproduced)	Comments of the Ministry/Division/ Department	Comments to be Offered by Establishment Division

### 1.2 Forwarding of Advance Copies of the Appeals/Representations/ Petitions etc.

Civil servants are not to send advance copies of their appeals/ representations/petitions etc. direct to the higher authorities without going through proper channel which is a clear violation of the government instructions on the subject.

2. Ministries/Divisions/Departments are, therefore, to instruct their staff to refrain from sending advance copies of their appeals/petitions/ representations direct to the higher authorities.

[Authority: Estab. Div.'s O.M. No. 4/3/95-D-3, dated 26<sup>th</sup> July, 2002]

### 1.3 Submission and Transmission of Petitions (on Service Matters) to the President

The following instructions for the submission, receipt and transmission of petitions to the President are published for general information in supersession of all previous orders on the subject:-

#### PART I.- PRELIMINARY

1. **Definitions.**- In these instructions:-

- (1) "Provincial Government" includes the authorities mentioned in the Schedule to these instructions; and

(2) "Petition" includes memorials, letters and applications of the nature of petitions.

2. Scope of instructions:-

- (1) Save as hereinafter provided, these instructions shall apply, so far as may be, to all petitions addressed to the President by persons who are, or have been, members of an All Pakistan Service or of a civil service of the \*Centre or who hold, or have held, a civil post in connection with the affairs of the \*Centre or a civil post where appointment is made by or with the approval of the President, in respect of matters arising out of such employment or in respect of termination of such employment.
- (2) Notwithstanding anything contained in clause (1), the instructions shall not apply to persons who are, or have been, civilian employees in the Defence Services, nor shall they affect any rules or orders made by competent authority in respect of representations submitted by recognized associations of Government servants.

PART II.- FORMS AND MANNER OF SUBMISSION OF PETITIONS

3. **Form of Petition.—**

- (1) A petition may be either in typescript or in print.
- (2) Every petition shall be authenticated by the signature of petitioner, and submitted by the petitioner in his own behalf.
- (3) Every petition, and the document accompanying it, shall be in English or accompanied by a translation into English.

4. **Contents of Petition.—** Every petition shall —

- (1) contain all material statements and arguments relied upon by the petitioner;
- (2) be complete in itself;
- (3) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in that case passed by a subordinate authority; and
- (4) end with a specific prayer.

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\* Federation; Federal Government.

5. **Method of submission.**— (1) Every petition shall be submitted through—

- (a) the Provincial Government mentioned in the Schedule in respect of the petitioner; or
- (b) if no Provincial Government is mentioned in the Schedule in respect of the petitioner, the Provincial Government of the Province in which the petitioner is or has last been residing or employed, and shall be accompanied by a letter requesting the Provincial Government to transmit the petition to the President.

(2) If there is no Provincial Government within the meaning of clause (1), the petition shall be submitted to the President direct.

6. (1) Every petition shall be submitted through the superiors under whom the petitioner is serving, or if he has left the service, under whom he last served before leaving.

(2) The superiors, on receipt of any petition submitted through them in accordance with clause (1), shall forward the petition through the proper official channel to the authority provided in paragraph 5.

### PART III.- WITHHOLDING OF PETITIONS BY THE PROVINCIAL GOVERNMENTS

7. **Circumstances in which Petitions may be withheld.**— The Provincial government may, at discretion, withhold a petition when:-

- (1) the petitioner has not complied in full with the provisions of Part II of these instructions;
- (2) the petition is illegible or unintelligible or contained language which is, in the opinion of the Provincial Government, disloyal, disrespectful or improper;
- (3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petitioner, in the opinion of the Provincial Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject;
- (4) the petition is a representation against a decision which is declared to be final by any law or statutory rule;
- (5) the petition is:-
  - (a) an application for employment in Government service not made in pursuance of any rule or announcement regarding applications for such employment; or

- (b) a request for exemption from the provisions of any law or rule prescribing qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment;
- (6) the petition relates to a subject on which the Provincial Government is competent to pass orders, and no application for redress has been made to the Provincial Government by the petitioner;
- (7) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given;
- (8) the petition is a representation against a failure to exercise a discretion vested in the Provincial Government:

Provided that no petition which is a representation against such failure and is submitted by an officer appointed by the President or by an Officer appointed substantively to a listed post<sup>\*</sup>, shall be withheld;

- (9) the petition is a representation against the discharge of a person—
  - (a) appointed on probation, during such probation;
  - (b) appointed, otherwise than under contract, to hold a temporary appointment, or the expiration of the period of such appointment; or
  - (c) engaged under contract, in accordance with the terms of such contract;
- (10) the petition is a representation against the reduction to a lower post of a person promoted to a post on probation, during such probation;
- (11) the petition is a representation against an order —
  - (a) from which the petitioner has exercised, or possesses a right of appeal under —
    - (i) rules or orders regulating his conditions of service; or
    - (ii) the terms of his contract of service;

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<sup>\*</sup> Listed Posts: Posts not exceeding 25% of the superior posts allocated to the provinces were treated as 'Listed Posts' which officers of the then Civil Service were eligible to hold. For details, see Chapter V, O & M Establishment Manual Vol. I, O & M Wing Establishment Division (1968), pp 173-236; Index, page 521.

- (b) passed by any authority in the exercise of appellate or revisional powers conferred by any rule or order regulating his conditions of service or by any term of his contract of service such as is referred to in sub-clause (a); or
  - (c) from which, not being an order of punishment passed by the President or an officer appointed by the President, an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (a);
- (12) the petition is a representation relating to:-
- (a) the application of —
    - (i) rules or orders made by the President; or
    - (ii) the terms of the contract of service of the petitioner; or
  - (b) an order of the Provincial Government refusing to grant or to recommend—
    - (i) a special pension;
    - (ii) a compassionate pension; or
    - (iii) any pecuniary or other concession to which the petitioner is not entitled under any law or statutory rule:

Provided that no petition which is a representation relating to the application of the rules, orders or terms of the contract of service referred to in sub-clause (a) or to an order referred to in sub-clause (b), and is submitted by an officer appointed by the President or by an officer appointed substantively to a listed post, shall be withheld;
- (13) the petition is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (a) of clause (11) with regard to the prospective claim of the petitioner to pension;
- (14) the petition is a representation against the withholding of the petition by an authority competent to do so; \* [ ]
- (15) the petition is submitted by a member of an All-Pakistan Service serving in connection with the affairs of a Province, against the orders of the Provincial Governor in matters relating to transfer, promotion *etc.*, on which he is competent to pass orders \*[:or]

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\* 'Or' Omitted and added *vide* Estt. Division's Notification No. 12/3/57-F1, dated 5-11-1970.

\*[(16) after examination, in consultation with the \*\*[ ] the Law Division and/or the Ministry of Finance, where necessary, it is unanimously agreed between the Ministry/Division etc., in Provincial Governments and the Establishment Secretary that prayer is not covered by the existing rules/ instructions];

\*\*[(17) the petition is a representation relating to the expunction of adverse remarks in the Confidential Report of the person concerned].

8. **Petitioner to be informed when petition is withheld.**— The Provincial Government shall, when it withholds a petition under paragraph 7, inform the petitioner of the withholding and the reason therefor.

\*9. **List of petitions withheld.**— (1) The Provincial Government shall send a quarterly return to the President in the months of January, April, July and October each year, specifying all petitions from officers serving under, or under the rule making control of the authority or an authority subordinate thereto withheld under paragraph 7 and the reasons for withholding them.

(2) The President may call for any petition specified in the quarterly return mentioned in clause (1), together with full facts of and all the papers relevant to the case to which the petition relates.

#### PART IV.- TRANSMISSION OF PETITIONS BY THE PROVINCIAL GOVERNMENT

10. **Procedure for Transmission.**— The Provincial Government shall transmit, within two months of receipt, all petitions not withheld under paragraph 7, together with a concise statement of facts material thereto, to the Cabinet Secretariat (Establishment Division), Government of Pakistan. The Provincial Governments shall also express its opinion on the petition while transmitting it, unless there are special reasons to the contrary. If, in any case, the Provincial Government is unable to transmit the petition with the specified period, a report to that effect, with reasons for the delay and an estimate of any further time required, shall be forthwith submitted to the Cabinet Secretariat (Establishment Division), Government of Pakistan.

11. **Submission to the President.**— When a petition is transmitted in accordance with paragraph 10 the Cabinet Secretariat (Establishment Division), Government of Pakistan, shall submit the petition and other papers received therewith, together with an expression of its own opinion on the petition, to the President for orders.

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\* Added *vide* Estt. Division's Notification No.12/3/57-F1, dated 5-11-1970.

\*\* "CPSC" (FPSC) Omitted and added *vide* Estt. Division's Notification No.12/3/57-F1, dated 11-2-1974.

12. Notwithstanding anything contained in paragraph 11, if Provincial Government, while transmitting a petition in accordance with paragraph 10, recommends its acceptance and the Secretariat (Establishment Division), Government of Pakistan, agrees that the petition should be accepted, that Secretariat shall return the petition to the Provincial Government for issue of an order in accordance with its own and the Provincial Government's agreed opinion.

### **SCHEDULE**

#### LIST OF AUTHORITIES INCLUDED IN THE TERM "PROVINCIAL GOVERNMENT"

1. The Provincial Governments.
2. Secretaries of Ministries/Divisions under the Government of Pakistan or Joint Secretary where there is no Secretary.
3. Heads of departments of the status of Secretary to the Government of Pakistan, in respect of the non-gazetted staff working under their administrative control.

[*Authority*.- Estt. Division's Notification No. S.R.O. 1313 (K)/67, dated 27-7-1967].  
Estt. Division's Endorsement No. 12/3/57-F.I., dated 27-7-1967].

#### **Sl. No. 2**

#### **Determination of the 'Appellate Authority' in Terms of Civil Servants (Appeal) Rules, 1977**

It has been observed that Ministries/Divisions/Departments do not generally follow the prescribed procedure regarding submission of appeals/petitions to the Establishment Division, for obtaining orders of the Prime Minister or the President, as the case may be in terms of Civil Servants (Appeal) Rules, 1977 read with rule 15-A of Rules of Business, 1973. In a number of cases, the appeals/petitions processed by the respective Ministries/ Divisions *etc* have been found to have not been addressed to the proper appellate authority. In such a case, to avoid delay, the receiving authority should withhold the appeal and simultaneously inform the appellant to re-submit the same duly addressed to the proper appellate authority to be indicated, as required under rule 7 of the said rules. The case relating to an appeal should invariably be submitted to the Establishment Division in the form of a Summary titled as "Summary for the Prime Minister" seeking orders of the President where the President is an appellate authority, alongwith the appeal (in original) with parawise comments to be given in juxta-position in the form of a statement as indicated therein (*Annex*).

2. In this connection, it may be pointed out that an appeal from a civil servant in BPS 17 and above against imposition of any minor penalty, as prescribed in rule 4(i) (b) of Government Servants (E&D) Rules, 1973, by an



authorised officer or a major penalty by the authority *i.e.* the Prime Minister under rule 4(1)(a) shall lie to the President, in his capacity as the appellate authority, and shall be processed in accordance with rule 15-A of the Rules of Business, 1973.

3. All Ministries/Divisions/Provincial Governments are requested to bring the said position to the notice of all concerned for their information and guidance.

[Authority.- Estt. Division's O.M.No.5/4/94-Rev./D.3, dated 17-3-1997].

### (Annex)

#### Statement

Parawise Comments on the Appeal Submitted By.....

(Name, Designation, Office, BPS), .....Against Minor/Major Penalty

of.....

Sl. No.	Contention of the Accused (Relevant in Appeal to be Reproduced)	Comments of the Ministry/Division/ Department	Comments to be Offered No. by Establishment Division
1	2	3	4

#### 2.1 Petitions not to be Transmitted to the President

Instances have come to notice in which petitions which do not either conform to the provisions of Part II of the Petition Instructions or which do not lie under rule 7, and should be withheld, are often transmitted to the Establishment Division for submission to the President. In such cases, the Ministry/Division concerned is advised to withhold the petition and inform the petitioner accordingly. This creates an anomalous position in that the discretion to withhold a petition rests with the Provincial Government as defined in the Petition Instructions and once a petition has been transmitted to the Establishment Division that discretion has been exercised and it should be submitted for the orders of the President which may not be justified in the circumstances of the case.

2. All Ministries/Divisions are, therefore, requested to exercise greatest care to see whether, in any case, a petition to the President is or not and only such petitions should be transmitted to the Establishment Division as strictly conform to the provision of Petition Instructions and should not be withheld under rule 7, *ibid*.

[*Authority*.- Estt. Division's O.M. No.1/5/64-D.II, dated 7-8-1974].

## **2.2 General Instructions Regarding- Appeals/Petitions/ Representations on Service Matters Submitted by the Civil Servants**

It has been observed that the civil servants have been sending their appeals/petitions/representations without regard to the prescribed channel of communication to authorities other than the authorities designated in various rules for this purpose. Such appeals/ representations, on the one hand, create avoidable work load for the authorities to whom these are addressed and, on the other, delay the redressal of the grievances of officials concerned. This course of action is also a violation of the Government Servants (Conduct) Rules, 1964 . In order to ensure speedy redressal of their grievances and to maintain the sanctity of the rules, it is imperative that the civil servants address their appeals/ representations *etc.* to the authorities designated in the rules with due regard to the prescribed channels of communication.

2. Instructions issued from time to time, indicating authorities for submission of appeals/representations/petitions and their mode of submission *etc.*, are given below —

- (a) *APPEAL (Civil Servants/Appeals) Rules, 1977.*— A civil servant is entitled to appeal to the appropriate appellate authority. In terms of Civil Servants (Appeal) Rules, 1977, through proper channel within a period of thirty days of the communication of the order passed by an authority or an authorised officer imposing upon him any of penalty under Government Servants (E&D) Rules, 1973 or otherwise as provided in rule 4 of the Appeal Rules. In case the penalty is imposed by an order of the President, the civil servant has no right to appeal but he may apply, through proper channel, for review of the order;
- (b) *REPRESENTATION (Section 22 of the Civil Servants Act, 1973).*— Where no provision for appeal or review exists under the rules, in respect of any order or class of orders, a civil servant aggrieved by any such order, may within thirty days of communication to him of such order, make a representation against it, through proper channel, to the authority next above the authority which made the order provided that no such representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or \*grade.

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\* BPS.

(c) *PETITION, (Petition Instructions)* .— A civil servant may also submit a petition which includes memorials, letters, and application of the nature of the petitions to the President in accordance with the instructions contained in Notification No. SRO. 1313(k)/67, dated 27.7.1967.

(d) GENERAL INSTRUCTIONS.

3. In addition to the above laws and rules/instructions, the following general guidelines are issued for compliance by all civil servants:-

- (i) All civil servants should refrain from sending advance copies of their appeals/petitions/ representations, direct to higher authorities and that appeals/petitions/representations should be addressed only to the prescribed authority and submitted through proper channel;
- (ii) The appeal/petition/representation should be in their own behalf only and that joint representation by government servants shall not be entertainable under the rules;
- (iii) The civil servants should discourage their wives/wards and relations to address the petitions/ applications in respect of service matter on their behalf;
- (iv) The civil servants should refrain from using intemperate and in-appropriate language in their petitions/representations *etc.* as use of such language constitutes misconduct and order<sup>\*</sup> them liable to disciplinary action against them;
- (v) The Civil Servants Act, 1973 as well as Civil Servants (Appeal) Rules, 1977 and the instructions issued on the subject from time to time envisage only one appeal/petit-ion/representation *etc.* from a civil servant in respect of particular order by which he is aggrieved. Once an appeal or representation *etc.* is rejected by the competent authority, the civil servant can go to Federal Service Tribunal but he has no right under these rules to submit further appeal/petition/representation/application or a service of it to the appellate authorities; and
- (vi) Each representation appeal petition *etc.* should be accompanied by a prescribed proforma (*Annex*) duly completed by the civil servant, making the representation/appeal/petition. This will enable the competent authority to properly attend to and finalize the matter quickly. In cases where the competent authority has already rejected the first appeal/petition/representation on the subject case, the second or subsequent appeal/petition/ representation need not necessarily be replied to;

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\* Render.

3. All Ministries/Divisions/Departments *etc.* are requested to circulate these instructions to all concerned for their guidance/ strict compliance.

4. The Secretary/Head of the Departments are also requested to devise an appropriate mechanism to ensure and monitor expeditious disposal of representations/appeals/petitions of civil servants to eliminate the root-cause of each appeal. This will also enable the officials to devote their assignments besides effecting economy in public expense on account of available litigations.

[Authority.- Estt. Division's letter No.5/4/94-Rev.D.3, dated 21-6-1997].

**(Annex)**

**PROFORMA**

1. Name of the Ministry/Department/Office.
2. Name of the applicant.
3. Designation and grade\* of the applicant.
4. Number and date of the order against which aggrieved.
5. Brief subject matter of the order giving to the applicant's grievances.
6. Date on which the first appeal/application for review or representation was filed.
7. Particulars of the authority to which the first appeal, application for review or representation mentioned in column 6 was addressed.
8. Whether any reply to the appeal, review application or representation mentioned in column 6 has been received. If so, on what date?
9. Number of appeals, review applications, or representations submitted subsequent to the one mentioned in column 6 and the date on which these were submitted.
 

<ol style="list-style-type: none"> <li>(i) Appeal</li> <li>(ii) Application for review</li> <li>(iii) Representation</li> </ol>	}	In red ink
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10. Authority to which the appeals, review applications or representations mentioned in column 9 were submitted.
11. Whether any reply to appeal, application for review or representation mentioned in column 9 was received. If so, indicate the date or dates.
12. Date of present appeal/review/application/representation.

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\* BPS.

### **2.3 Bar Against Making Joint Representations**

According to the existing instructions a petition, memorial or a representation should be submitted by a government servant in his own behalf only. An implication of these instructions is that joint representations cannot be made to the government. It has been observed that some government servants have submitted representations in contravention of the spirit of these instructions in that they have individually signed copies of petitions containing the same text. Government is of the view that although these petitions are signed and sent separately, they are, in effect, tantamount to joint representations. No action can, therefore, be taken on such representations.

2. The correct procedure is that, if any category of government servants have a grievance of a common nature, they should bring the matter to the notice of the head of the department concerned so that he may take such action, as may be necessary in the circumstances of the case.

3. Ministries/Divisions are requested to advise officers and members of the staff under their control to keep these instructions in mind while making representations in respect of a common grievance. As joint representations are not permitted, a breach of these instructions will amount to an act of indiscipline.

[*Authority.- Estt. Division's O.M.No.3/1/67-D.II, dated 18-2-1967.*]

### **2.4 Appeals/Petitions/Representations by the Civil Servants Addressed to the Prime Minister**

The Prime Minister's Secretariat have pointed out that disciplinary action has been initiated and explanations have been called for in respect of officials whose applications were forwarded by that Secretariat to different Ministries and agencies for consideration and redressal. While this may well be within the existing rules, it is not in harmony with demands of a democratic order as it infringes upon the privilege of Prime Minister's Secretariat to forward grievances and requests to the quarters concerned for action and redressal under the directives of the Prime Minister as, indeed, it takes away, from the civil servants an opportunity of access to the Chief Executive of the country through the quickest means possible.

2. It is, therefore, advised that steps may please be taken whereby officials whose cases are referred for redressal by Prime Minister's Secretariat are not victimized and harassed on that account.

[*Authority.- Estt. Division's O.M.No.6/3/89-D.3, dated 12-10-1989.*]

## **2.5 Disposal of Appeals/Petitions of Section Officers**

The Ministries/Divisions are requested that they should themselves examine the appeals/petitions of Section Officers posted therein and should try to redress their grievances promptly. It will be appreciated if, in future, only those appeals/petitions are referred to the Establishment Division which merit consideration by Establishment Division.

[Authority.- Estt. Division's O.M. No. 1/6/85-OMG1 dated 6-10-1985].

### **Sl. No. 3**

#### **Defence of Cases Before Service Tribunals and Law Courts by Ministries/Divisions**

The following guidelines and instructions are to be observed by the Ministries/Divisions/Attached Departments in regard to Appeals/Writ Petitions/Suits preferred by the aggrieved civil servants before Service Tribunals, High Courts and civil law courts against final orders affecting the terms and conditions of service, including cases where penalty has been awarded under the Government Servants (Efficiency and Discipline) Rules, 1973:-

- (i) After the promulgation of the Service Tribunals Act, 1973, the jurisdiction in all matters pertaining to the terms and conditions of the Civil Servants, including orders passed under Government Servants (Efficiency and Discipline) Rules 1973 rest with the Tribunal and to that extent, the jurisdiction of the High Courts and the Civil Courts has been ousted. In cases where Writ Petitions/Civil Suits are filed, they should be contested on the point of jurisdiction.
- (ii) In Appeals/Writ Petitions/Civil Suits against orders passed by the Ministries/Divisions, the responsibility of defending such cases is of the Ministry/Division/Attached Department concerned. However, in view of the fact that Establishment Division is made proforma party in most of the cases, the cases are referred routinely to Establishment Division which results in loss of time. It is clarified that where the final orders have been passed by the Ministry/Division other than the Establishment Division no reference should be made to the Establishment Division unless there is a specific point of reference, in which case the issue should be clearly specified and necessary papers supplied as annex in a self contained reference. It would not be possible for the Establishment Division to respond to general queries or a general request for advice in such cases.
- (iii) In cases where the Ministries/Divisions are the principal respondent, arrangement for submission of parawise comments well in time and

appointment of counsels to defend the case should be made in consultation with the Law Division. The Federal Service Tribunal is presently not happy about the delays in filing parawise comments and the proper defence of the cases before them by the Ministries/ Divisions.

- (iv) In defending the appeals before the Service Tribunals, the question of limitation should be carefully examined, and the appeals contested on this ground where appeals are time barred.
- (v) The Ministries/Divisions are also required to examine those cases which are decided against the government by the Service Tribunal in their capacity as the main respondent, with a view to filing an appeal before the Supreme Court in consultation with the Law Division directly. Such cases need not to be referred to this Division for examination.

[*Authority*.- Estt. Division's O.M. No. 14/5/80-Lit.Misc., dated 7-3-1982].

Note.- For detailed instructions regarding the conduct of cases of the Federal Government in courts (including service appeals before the Service Tribunal), see *Appendix 'F'* of the Secretariat Instructions (2004 Edition Pages 119-129).

### **3.1 Consideration of Cases of Government Servants Who Have Filed Civil Suits**

In some cases government servants file civil suits in courts of law against government for the redress of their grievances. It has been noticed that the Ministries/Divisions *etc.* do not deal with such cases on the plea that the government servants have filed suits and the matter is 'subjudice'.

2. A civil suit or a civil petition by a government servant does not preclude redress for the aggrieved government servant. It has, therefore, been decided that the Ministries/Divisions should not refrain from considering the cases of government servants who have filed civil suits against government for redress of their grievances. Cases of such government servants should continue to be considered by the Ministries/Divisions and the grievances of the government servants removed if the merits of their cases so warrant.

[*Authority*.- Estt. Division's O.M. No. 2/24/72-D.I dated 28-10-1972].

[Note:— For details regarding terms admissible to government servants reinstated under Martial Law Order No.23 please see Section-C of Chapter-I of the Estacode (Edition 1989) reproduced below as ***Annex***].

**(Annex)**

[Extracts from Estacode, 1989].

## SECTION C

TERMS ADMISSIBLE TO GOVERNMENT SERVANTS  
REINSTATED UNDER MARTIAL LAW ORDER NO. 23

*Sl. No. 16:* Reinstatement of Government servants(–) Martial Law Order No. 23 – This Martial Law Order shall come into force at once and shall have effect notwithstanding anything contained in the Laws (Continuance in Force) Order, 1977 (CMLA Order No. I of 1977), or in any Martial Law Order or Martial Law Regulation or in any other law for the time being in force.

2. In this Martial Law Order, unless there is anything repugnant in the subject or context—

- (a) “competent authority” means the Chief Martial Law Administrator and where, in relation to any person or class of persons the Chief Martial Law Administrator authorizes a Martial Law Administrator of a Zone to exercise the powers of ‘competent authority’ under this Martial Law Order, includes such Martial Law Administrator,
- (b) “person who was in Government service” includes every person who was, on or after the first day of January, 1972, a member of an All-Pakistan Service or of a Civil Service of the Federation or who held a civil post in connection with the affairs of the Federation and every person who was a member of a Civil Service of a Province or who held a civil post in connection with the affairs of a Province, but does not include a Judge of the Supreme Court or of a High Court,
- (c) “person who was in Corporation Service” means every person who was, on or after the first day of January, 1972, in the employment of a Corporation or other institution set up or established by the Federal Government or a Provincial Government or by or under any law for the time being in force and includes the Chairman and the Managing Director of, and the holder of any other office in, such Corporation or Institution,
- (d) “compulsorily removed” means dismissed or removed or prematurely retired from service and includes premature retirement ordered on completion of twenty-five years service but does not include termination of service on giving notice as provided in the terms and conditions of service of the affected person.

3. (1) Any person who was in Government service and was compulsorily removed from such service between the first day of January, 1972, and the fifth day of July, 1977, and every person who was in Corporation Service



and was removed from service under the Removal from Service (Special Provisions) Regulation, 1972, may submit a review petition to the competent authority.

(2) A person referred to in sub-paragraph (1) whose appeal or petition against compulsory removal from service is, on the date of coming into force of this Martial Law Order, pending in a Court or with a Service Tribunal, may submit a review petition under that sub-paragraph only after he has withdrawn his appeal or petition from the Court or Service Tribunal, as the case may be.

(3) A petition under sub-paragraph (1) shall be accompanied by a copy of the order of compulsory removal from service passed against the petitioner and the grounds on which he seeks review of that order.

(4) All petitions under this Order shall reach the Secretary, Cabinet Secretariat, Pakistan Secretariat No. 1, Rawalpindi, or the Chief Secretary of a Province in case the Martial Law Administrator in that Province has been authorised by the Chief Martial Law Administrator to exercise the powers of competent authority, on or before the date to be notified in this behalf.

(5) A petition submitted by any person referred to in sub-paragraph (1) at any time after the fourteenth day of August, 1977, but before the commencement of this Order shall be deemed to be a review petition submitted under this Order.

4. A competent authority may set up such number of Review Boards consisting of such members as it may deem fit.

5. A Review Board, on receipt of a review petition forwarded to it by the competent authority, shall review the said petition and, after giving an opportunity to the petitioner of being heard, and making such further enquiry as it may deem appropriate, submit its report together with its recommendations to the competent authority who may pass such order as he may deem appropriate:

Provided that any order passed on a petition, including an order of reinstatement, shall not entitle the petitioner to any damages, compensation or arrears of emoluments or other benefits for the period he remained out of service.

6. A Review Board shall determine its own procedure and shall, in the performance of its functions, be guided by such directions as the competent authority may issue from time to time.

7. All Heads of Departments and Offices, and other authorities who possess any records or information in respect of persons who submit petitions under this Order shall, on receipt of request from the Review Board, provide it with all such record and information and render all other possible assistance in the disposal of petitions as may be required of them.

[*Authority.*—Martial Law Order No. 23, Published in the Gazette of Pakistan, Extraordinary, Part I, dated 22nd October, 1977].

**Government orders instructions regarding terms admissible to Government servants reinstated under MLO No. 23**

*Sl. No. 17:* Creation of supernumerary posts, fixation of pay, grant of leave TA etc.—The issues arising out of the reinstatement of Government Servants/Corporation employees under Martial Law Order No. 23 have been considered in consultation with the Ministry of Finance. The following decisions have been taken by the Government—

- (a) *Creation of vacancies.*— Pending posting of reinstated persons to regular posts, supernumerary posts of OSDs may be created provided that all efforts to absorb them in equivalent posts fail.
- (b) *Fixation of pay on reinstatement.*—The pay of reinstated persons as on the date of reinstatement may be fixed in the corresponding Revised National Pay Scale of the post held on the eve of dismissal/removal/retirement at the stage which would have been reached if they had continued to remain in service and held the same post. The period of absence may be treated as Extraordinary Leave which, in the special circumstances of the situation, would count towards increment for fixation of pay.
- (c) *Leave.*— The reinstated persons may be allowed to carry forward the leave at their credit on the date of dismissal/ removal/retirement. No leave will be earned for the period of absence. In the case of those persons who have already availed themselves of leave preparatory to retirement, the period of LPR may be regularized by the grant of such leave as might be due and admissible under the normal rules on the date of retirement. Any over payment involved as a result of above adjustment may be recovered from the persons concerned in 3 equal monthly installments.
- (d) *Seniority in \*Grade.*— The reinstated persons may be allowed normal seniority in the grade in which they were serving at the time of retirement. In other words, they would be placed in the same position in that \*grade, which they would have enjoyed had there been no retirement,
- (e) *Promotion and Seniority in Higher \*Grade.*—The persons reinstated in service may be considered for promotion on the basis of their seniority in the \*grade held by them in accordance with the normal rules. On promotion to higher \*grade, they may be allowed pay and seniority from the date of their regular appointment to posts in the higher \*grade. There will be no automatic promotion on the principle of 'next below' rule.

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\* BPS.

- (f) *T.A. on Retirement.*— Options should be given to the persons either to retain the amount of T.A. on retirement already paid to them or to refund the amount already drawn and retain their title for payment of T.A. on final retirement according to rules. In the former case, T.A. on final retirement shall not be admissible. In the latter case, the reinstated persons will be entitled to T.A. on retirement as admissible under normal rules.
- (g) *TA. on Joining After Reinstatement.*— The reinstated persons may be granted T.A. as on transfer from the station of their residence to the station of their posting to join the post to which they may be appointed.
- (h) *G.P. Fund.*— The reinstated persons who have not, so far, drawn the amount of G.P. Fund shall not be paid that amount after reinstatement.

Those who have already drawn the amount of G.P. Fund standing to their credit may be allowed to retain it and start subscribing to G.P. Fund afresh,

[*Authority.*—O.M. No. 3/3/78—R. II. dated 5th July, 1978].

*Sl. No. 18 :* Confidential reports which should be taken into account for determining suitability for promotion.—A question has been raised as to the 4 \*Annual Confidential Reports which should be taken into account in determining the suitability of those government servants who were retired and were subsequently reinstated under MLO-23 and who would have become eligible to move-over to the next higher \*\*grade, in terms of Ministry of Finance O.M. No. F. (2) NG-Tmp. 1/72, dated the 27th December, 1972 and F. 1(36) MG-Imp. 1/73 dt. 18th August, 1973 on completion of the prescribed service at the maximum of the scale during the period intervening between their date of retirement and reinstatement. The point has been considered in consultation with the Ministry of Finance and it has been held that for purposes of move-over to higher National Pay Scale, such a Civil Servant reinstated under MLO-23, would be required to complete the prescribed period as from the date (prior to reinstatement) on which he reached the maximum without taking into account the intervening period between the date of retirement and reinstatement and that the 4 \*Annual Confidential Reports relating to the years following that date would be taken into account without taking into account the intervening period between the date of retirement and the date of reinstatement. The shortfall in the required number of \*ACRs is to be made good by \*ACRs for the required number of years following reinstatement. The benefit of move-over to the next NPS should not be allowed to the reinstated Government Servants under MLO-23 during the period they remained out of service.

[*Authority.*—O.M, No. 3/10/79-I. II, dated 14th July, 1979]

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\* Now Performance Evaluation Reports (PERs).

\*\* BPS.

*Sl. No. 19* : The intervening period between the compulsory retirement and reinstatement under MLO 23 of the government servants was treated as extraordinary leave without pay *vide* Establishment Division's O.M. No. 3/3/78-R. II, dated the 5th July, 1978. This decision did not provide the intended relief to those government servants who, although reinstated, could not join their posts because during the intervening period they had already attained the age of superannuation. In certain cases, the service qualifying for pension fell short of 30 years resulting in the loss of pension to the individuals. The President has, therefore, been pleased to decide, as a special case, that the intervening period in such cases, which has been treated as extraordinary leave, shall be computed towards qualifying service for the purpose of pension.

[*Authority*—Finance Division's O.M. No. F. 11(9)-Reg. (6)/79, dated 5th October, 1980.]

*Sl. No. 20* : Allowing benefits of increments which accrued during the intervening period towards pension.—In accordance with the decision contained in Finance Division's O.M. No. 1 I(9)-Reg. (6)/79, dated 5th October, 1980, in the case of officers, who were compulsorily retired, removed or dismissed from service and were later reinstated under MLO-23, but could not join their posts because they had already attained the age of superannuation, the intervening period between the date of compulsory retirement, removal or dismissal and the date of superannuation has already been treated as qualifying service for the purpose of pension. It has further been decided that such officers would be allowed, for the purpose of calculation of pension, the benefit of increments for the intervening period as if they were not retired, removed or dismissed from service, and the average emoluments for their pension should be calculated on the basis of pay so arrived at.

[*Authority*—Finance Division's O.M. No. II(9)-Reg. (6 )J79, dated 3rd September, 1981.]

*Sl No. 21* : No decision was taken in respect of the following issues in the orders earlier issued on the subject of reinstatement of Government servants/corporation employees under MLO No. 23 (Sl. Nos. 17–20):-

- (i) How the intervening period between the date of retirement and the date of reinstatement of the affected employees who actually resumed their duties should be treated for the purpose of pension; and
- (ii) How pension/gratuity and commuted value of pension already drawn by such employees should be adjusted.

2. The intervening period in the case of those who actually resumed their duties has been treated as extraordinary leave as per the Establishment Division orders mentioned above. Keeping in view this position, it has been decided that gratuity and commuted value of pension drawn during the intervening period shall be recovered/adjusted in the following manner:—

- (i) Such of the employees who have been reinstated and have already drawn their pension plus gratuity and the commuted value of pension may be allowed to retain the equivalent of full amount of gross pension *i.e.* the amount which would have been payable before surrender of 1/4th portion thereof and commutation, without further adjustment at the time of final retirement. However, 50% of the balance of the amount of gratuity and commuted value of pension may be recovered from such reinstated employees in monthly installments not *exceeding* 60. The remaining 50% may be adjusted against their dues at the time of their final retirement as illustrated below:

	(Rs.)
(a) Gross pension	160,000
(b) Gratuity equal to 25% of gross pension	40,000
(c) Commutation of 25% of gross pension at (say) 51 years of age	46,443
(d) Pension drawn at the rate of Rs. 500/- p.m. (for 5 years)	30,000
Total ((b) + (c) + (d))	116,443
(e) Amount of gross pension for (say) 5 years at the rate of Rs. 1000/- p.m. [item (a) above]	60,000
(f) Excess amount drawn [difference of items (b) + (c) + (d) and (e)] [116,443-60,000]	56,443
(g) Amount to be recovered in 60 installments (The balance of Rs. 28,222/- to be adjusted on final retirement) or 470/-p.m.	28,222

- (ii) In order to bring at par those who have not drawn pension with those reinstated employees who have drawn pension, subsistence allowance for the intervening period may be sanctioned for the former. Such reinstated employees who were entitled to pension but have not actually drawn it before reinstatement may be paid, in lieu thereof, a subsistence allowance at the rate of 50% of the pay (inclusive of dearness allowance, if any) drawn at the time of retirement, subject to the condition that it would not be more than the amount of gross pension that would have been otherwise admissible on that date.
- (iii) The employees, who were dismissed or removed from service and who were not entitled to any pension and gratuity on account of

such dismissal, may also be treated at par with other reinstated employees and may be paid subsistence allowance as in sub-paragraph (ii) above.

- (iv) The subsistence allowance as in sub-paragraph (ii) above may also be paid to such reinstated employees who on retirement were entitled to the grant of gratuity only on account of their service being between 5 and 10 years subject to the condition that the amount of gratuity already drawn may be adjusted against the amount of subsistence allowance. Any excess amount over and above the amount of subsistence allowance may be recovered in easy installments.
- (v) In the case of reinstated employees who were not entitled to any pension or gratuity on account of their service being less than 5 years, no subsistence allowance will be paid. In their case the past non-qualifying service will, however, be allowed to count towards pension/gratuity that may be admissible to them on final retirement.

[*Authority*:- Finance Division's O.M. No. F, II (9)-Reg. (6)/79, dated 20th Sep., 1981].

*Sl. No. 22:* A reference is invited to the Finance Division's O.M. of even number dated the 20th September, 1981 and it is stated that the decisions contained therein did not provide the intended relief for the intervening period to those government servants who, although reinstated, could not join their posts because, during the intervening period, they had already attained the age of superannuation. The President has, therefore, been pleased to decide that such government servants whose compulsory retirement, removal, etc. was converted into normal retirement from the date of their attaining the age of superannuation, shall also be granted, for the intervening period, a subsistence allowance at the rate of 50% of the pay (inclusive of dearness allowance if any) drawn at the time of retirement, subject to the condition that it would not be more than the amount of gross pension that would have been otherwise admissible on that date. The amount of pension drawn during the intervening period including the gratuity and commuted value of pension, if any, shall be adjusted against the subsistence allowance and any balance still outstanding shall be recovered in cash in lump sum.

[*Authority*:- Finance Division's O.M. No. F-II (9)-Reg. (6)/79, dt. 13-9-82].

### **3.2 Withholding of Appeals Under the Civil Servants (Appeal) Rules, 1977**

Appeals which do not lie under rule 7 of the Civil Servants (Appeal) Rules, 1977 and the same are not to be transmitted to the Prime Minister under rule 8 of these rules with the recommendations of the authority to reject the appeal.

2. As per provisions of rule 8(l) of the Civil Servants (Appeal) Rules, 1977, an appeal which is not withheld under rule 7, is required to be forwarded to the appellate authority with an expression of opinion by the authority in the form of a speaking order foregoing his prerogative to withhold the appeal. Moreover, it would not be fair and proper to submit such cases to the appellate authority for rejection which could have been withheld by the authority. An appeal which is not entertainable, if transmitted to and rejected by the appellate authority, would clearly mean that the appeal has been entertained.

3. All Ministries/Divisions are to exercise greatest care while transmitting appeals to the appellate authority under rule 3 of the Civil Servants (Appeal) Rules, 1977. The appellant should be informed accordingly where appeal is withheld under rule 7 of the Civil Servants (Appeal) Rules, 1977.

[Authority:- Estab. Div.'s OM No. 8/13/2003-D.3, dated 9<sup>th</sup> September, 2004]

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CHAPTER 10

**FEDERAL PUBLIC SERVICE COMMISSION**  
(989 - 990)



## CHAPTER 10

**FEDERAL PUBLIC SERVICE COMMISSION**

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## FEDERAL PUBLIC SERVICE COMMISSION

### **Sl. No. 1**

#### **Constitutional Provisions\***

**Article 242-** (1) \*\* [Majlis-e-Shoora (Parliament)] in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to affairs of a Province, may, by law, provide for the establishment and constitution of a Public Service Commission.

\*\*\* [(1A) The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.]

(2) A Public Service Commission shall perform such functions as may be prescribed by law.

### **Sl. No. 2**

#### **Federal Public Service Commission Ordinance, 1977 (No. XLV of 1977)**

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973 (LXVI of 1973);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No.1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

#### **1. Short title and commencement.—**

- (1) This Ordinance may be called the Federal Public Service Commission Ordinance, 1977.
- (2) It shall come into force at once.

**2. Definitions.—** In this Ordinance, unless there is anything repugnant in the subject or context:-

- (a) "Commission" means the Federal Public Service Commission; and

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\* For the Constitutional provisions in the Constitutions of Islamic Republic of Pakistan 1956 and 1962, see *Annex III & IV*.

\*\* Subs. by P.O. 14 of 1985 w.e.f. 2 March, 1985, Art. 2 and Sch., for 'Parliament'.

\*\*\* Ins. by P.O. 14 of 1985 w.e.f. 2 March, 1985.

- (b) "Member" means a member of the Commission and includes the Chairman thereof.

**3. Composition of Commission, etc.**

- (1) There shall be a Federal Public Service Commission.

- (2) The President shall by regulations determine:-

(a) the number of members of the Commission and their conditions of service; and

(b) the number of members of the staff of the Commission and their conditions of service:

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

- (3) The Chairman and other members of the Commission shall be appointed by the President.

- \* (4). The Commission shall have:

(a) not less than one half of the members who shall be persons having held office in the service of Pakistan in basic pay scale 21 or above post:

Provided that no serving Government servant shall be appointed as a member;

(b) at least one member each from;

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major-General or equivalent of the Armed Forces; and

(iii) women and the private sector possessing such qualifications and experience as the Federal Government may by rules prescribe.

- \*\* (5). No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of the Commission.

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\* Substituted *vide* FPSC (Amendment) Ordinance 2000, dated 17-11-2000.

\*\* Added *vide* Notification No.F.24(1)/77-Pub., dated 22-12-1977.

#### 4. Term of office of members, etc.

\*This Act may be called the Federal Public Service Commission (Amendment) Act, 2006.

**Amendment of Section 4, Ordinance XLV of 1977.—** In the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), in section 4, for sub-section (1), the following shall be substituted and shall be deemed always to have been so substituted namely:-

“(1) A member of the Commission shall hold office for a term of three years from the date on which he enters upon office or till he attains the age of sixty-five years whichever is earlier;

Provided that a member of the Commission who is a retired Judge of the Supreme Court or a High Court shall hold office for a term of three years within five years from the date of his retirement;

Provided further that a member of the Commission shall not be eligible for re-appointment.

(1A) Notwithstanding anything in any contract, agreement or any instrument containing terms and conditions of the service, a member who, on or after the commencement of the Federal Public Service Commission (Amendment) Act, 2006, completes his tenure or attains upper age-limit specified in sub-section (1) shall on such commencement forthwith cease to be member as defined in clause (b) of section 2”.

(2) A member may resign his office by writing under his hand addressed to the President.

#### \*\*4A. Oath of office.

Before entering upon office the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance before the President in case of Chairman and before the Chairman in case of a member.

#### \*\*5. Ineligibility for further employment.

On ceasing to hold office, a member shall not be eligible for further employment in the service of Pakistan.

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\* Inserted *vide* FPSC (Amendment) Act, 2006, *vide* Notification No.F.9(2)/2006-Legis, dated 05-10-2006.

\*\* Ins. and Subs. *vide* FPSC (Amendment) Ordinance 2000, dated 17-11-2000.

**\*5A. Appointment of a serving member as a Chairman.**

A serving member of the Commission shall be eligible for appointment as Chairman for a term not exceeding the unexpired portion of his term as such member.

**6. Removal from office.**

A member shall not be removed from office except in the manner applicable to a Judge of a High Court.

**7. Functions of the Commission.**

(1) The functions of the Commission shall be:—

\*(a) to conduct tests and examinations for recruitment of persons to All-Pakistan Services, the civil services of the Federation and civil posts in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent;”

\*\* (1a) The recruitment to the posts in basic pay scales 11 to 15 made by any authority or person on or after the 28th May 2003, other than through the Commission, shall, notwithstanding any provision of this Ordinance or any other law, rule, notification or any order, decision of judgment of any court or forum, be deemed to be, and always to have been validly made, taken or done and shall not be called in question in any court or forum or any ground whatsoever.”

(b) to advise the President:

(i) on matters relating to, qualifications for and method of recruitment to, services and posts referred to in clause (a);

(ii) on the principles to be followed in making initial appointments to the services and posts referred to in clause (a) and in making appointments by promotion to posts in BPS 18 and above and transfer from one service or occupational group to another; and

(iii) on any other matter which the President may refer to the Commission; \*\*\* and

\*\*\* (c) to hold examinations for promotion for such posts as the Federal Government may, from time to time, by notification in the official Gazette, specify.

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\* Substituted *vide* Act No. X of 2005 dated 6<sup>th</sup> July, 2005.

\*\* Substituted *vide* Act No. X of 2005 dated 6<sup>th</sup> July, 2005 (1a).

\*\*\* Substituted and Added *vide* Ordinance No. XLIX of 2002, dated 03-09-2002.

**Explanation.—**

In this section, “recruitment” means initial appointment other than by promotion or transfer.

(2) Recruitment to the following posts shall be outside the purview of the Commission:-

- (i) in the President’s Secretariat;
- \* (ia) in the Directorate General of Inter Services Intelligence (ISI);
- \*\* (ii) filled by appointing a person on contract for a specified period \*\*\*[\*\*\*].
- (iii) filled on *ad-hoc* basis for a period of six months or less provided that—
  - (1) no *ad-hoc* appointment shall be made before placing a requisition with the Commission for regular appointment; and
  - (2) before filling the post on *ad-hoc* basis, prior approval shall be obtained from the Commission;
- \*\* (iv) filled by re-employing a retired officer, provided that the re-employment is made for a specified period @[\*\*\*] in a post not higher than the post in which the person was employed on regular basis before retirement; and
- (v) filled by the employment or re-employment of persons on the recommendations of the High Powered Selection Board constituted by the President who are, or have been, Officers of the Armed Forces and hold, or have held, such posts therein as are declared by the President to be equivalent to the posts to be so filled.
- @@ (3) (a) A candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of hearing. The decision of the Commission, subject to the result of review petition, shall be final.

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\* Inserted *vide* Act No. XI of 2004 dated 16<sup>th</sup> December, 2004.

\*\* Amended/Deleted *vide* Ordinance No.XLVI of 2007, dated 15.09.2007 (expired w.e.f. 25-03-2010).

\*\*\* “The words not exceeding two years” omitted *vide* F.P.S.C. (Amendment) Ordinance,2009 effective from 15-09-2007 ( SRO 2(I)/2009 dated 26-11-2009).

@ “The words not exceeding two years” omitted *vide* F.P.S.C. (Amendment) Ordinance,2009 effective from 15-09-2007 (SRO 2(I)/2009 dated 26-11-2009).

@@ Added *vide* FPSC (Amendment) Ordinance, 2001 dated 27-03-2001.

- (b) A candidate aggrieved by the decision of the Commission made under paragraph (a) may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall decide the review petition within thirty days under intimation to the petitioner.
- (c) Save as provided in this Ordinance, no order made or proceeding taken under this Ordinance, or rules made thereunder, by the Commission shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or taken in pursuance of any power conferred by, or under, this Ordinance.
- (d) Any candidate aggrieved by a decision of the Commission under paragraph (b) may, within thirty days of the decision, prefer an appeal to the High Court.

**\*7-A Conduct of Business of Commission, etc.**—The Chairman of the Commission may, with the approval of the Federal Government, make rules for regulating the conduct of the business of the Commission; and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee composed of two or more members constituted by the Chairman for the purpose.

**8. Commission to be informed when its advice not accepted.**— Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

**9. Reports of Commission.**—(1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly and the Senate.

(2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission:-

- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons thereof; and
- (b) the matter, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof.

**10. Rules.**—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**11. \*\*Omitted.**

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\* Added *vide* Notification No.F.24(1)/77-Pub., dated 22-12-1977.

\*\*Omitted *vide* Ordinance No. XXVII of 1981, dated 08-07-1981.



## [SCHEDULE]

(See Section 4A)

I, \_\_\_\_\_ do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as a Chairman (or Member) of the Federal Public Service Commission I will discharge my duties, and perform my functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (A'meen).

President]

[Authority.– FPSC's Ordinance No.F.24(1)/77-Pub.,dated 17-12-1977].

**CLARIFICATION**

**Clarification Regarding Amendment In Federal Public Service Commission Ordinance, 1977**

Section-7(2) (ii) & (iv) of the Federal Public Service Commission (FPSC) Ordinance, 1977 was amended vide FPSC (Amendment) Ordinance, 2007 and promulgated on 15-09-2007. Consequently, contract appointments and re-employments beyond two years were taken out of the purview of the Federal Public Service Commission.

2. Supreme Court of Pakistan in its judgment, dated 31<sup>st</sup> July, 2009 had held that the ordinances promulgated by the President before 03-11-2007, which were given permanence by PCO(1)/2007 and also the Ordinances made and promulgated by the President between 03-11-2007 to 15-12-2007 (both days inclusive) which were also like wise given permanence through the same instrument, stood shorn of their purported permanence. The Supreme Court of Pakistan had observed that this Ordinance may be placed before the Parliament and allowed 120 days (period of validity) in terms of Article 89 of the Constitution to commence from 31<sup>st</sup> day of July, 2009 for placement of such Ordinances before the Parliament. FPSC (Amendment) Ordinance, 2007 was re-promulgated on 26<sup>th</sup> November, 2009 as FPSC (Amendment) Ordinance, 2009 (XLVII) of

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\* Added vide Federal Public Service Commission (Amendment) Ordinance No. LVI of 2000, dated 17-11-2000.

2009), since it was difficult to get it passed from the National Assembly/Senate within 120 days. The aforesaid Ordinance was placed before the National Assembly, however, it could not be passed till date.

3. Since, the FPSC (Amendment) Ordinance, 2009 is still under process, the existing provision of Section 7(2) (ii) & (vi) as reflected at pages, 1230-1231 of ESTACODE (Edition-2007, Vol-II) have become ineffective and position prior to 15-09-2007 stand restored w.e.f 25-03-2010 on expiry of aforesaid Ordinance in terms of Article-89 of the Constitution of Pakistan. Consequently, contract appointment-employment beyond two years made after 25-03-2010 now requires concurrence of Federal Public Service Commission.

[Authority:- Establishment Division's U.O.No.3/2/2003-T.V dated 02-05-2012].

### **Sl. No. 3**

#### **Federal Public Service Commission (Composition and Condition of Service) Regulations, 1978**

In exercise of the powers conferred by sub-section (2) of Section-3 of the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), the President is pleased to make the following regulations:-

#### **PART-I PRELIMINARY**

1. **Short title.**— These regulations may be called the Federal Public Service Commission (Composition and Condition of Service) Regulations, 1978.

2. **Definitions.**— In these regulations, unless there in anything repugnant in the subject or context.—

- (a) "Commission" means the Federal Public Service Commission and
- (b) "Member" means a Member of the Commission and, unless there is anything repugnant in the subject or context, includes the Chairman thereof.

#### **PART-II MEMBERS**

\*3. **Composition.**—The Commission shall consist of a Chairman and not more than eleven Members.

Provided that if, at any time, by reason of an increase in the business of the Commission, or for any other reason, it becomes necessary to increase temporarily the number of Members, the President may appoint such number of additional members as appears to him to be necessary.

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\* Substituted *vide* Estt. Div.'s SRO 427/2000, dated 24<sup>th</sup> June, 2000.

\*4. Pay, allowances and perquisites of the Chairman and Members.— The pay, allowances and perquisites of the Chairman and Members shall from the 1<sup>st</sup> day of January, 2013, be as set out in the Schedule to these regulations; and

(b) for Schedule-I Schedule-IA and Schedule-IB the following shall be substituted, namely:—

\*\*5. Omitted

\*\*6. Omitted

\*\*7. Omitted

\*\*8. Omitted

9. **Pension.**— (1) No pension shall be attached to the office of a Member; and

(2) A Member who is a re-employed retired government servant shall not be entitled to any pension or gratuity in respect of his service as Member;

(3) A Member who was neither a government servant nor a retired government servant at the time of his appointment as Member shall be entitled to gratuity equal to one month's pay for each completed year of service as Member, subject to the gratuity not exceeding eight months pay.

10. **Other matters.**— In respect of any matter which is not covered by these regulations, a Member shall be governed by the rules or orders applicable to officers of the corresponding grades<sup>\*\*\*</sup> under government, or as may, in any particular case, be determined by the President.

### PART-III STAFF

11. **Staff.**— The staff of the Commission shall be as set out in Schedule-II to these regulations.

@12. **Appointment of Secretary.**— The Secretary shall be appointed from amongst serving government servants by the President, or a person authorized by him, in consultation with the Chairman.

13. **Term of Office of Secretary.**— The Secretary shall hold office ordinarily for a term of four years; but the President may extend the term, or curtail it, as the President may deem appropriate.

14. **Age of retirement of Secretary.**— No person shall, unless the President otherwise directs, be appointed as Secretary, or continue to hold office

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\* Substituted vide Estt.Div.'s S.R.O 70(I)/2013 dated 04-02-2013.

\*\* Omitted vide Estt.Div.'s S.R.O 723(I)/2009 dated 11-08-2009

\*\*\* BPS.

@ Substituted vide Estt. Div.'s SRO 427/2000, dated 24<sup>th</sup> June 2000.

as Secretary, after he has attained the age for the time being fixed for the retirement of government servants from service.

15. **Pay and allowances of Secretary.**— The Secretary shall draw pay and allowances as admissible to him as a serving government servant.

16. **Appointment of Officers and Staff of the Commission.**— The Chairman, or a person designated by him, shall be authority competent to make appointments to various posts of Officers and Staff of the Commission.

17. **Discipline and appeal, etc.**— (1) The appointing authority under regulation-16 shall be the Authority under the government servants (Efficiency & Discipline), Rules, 1973, for the Officers and Staff of the Commission.

(2) An appeal shall lie to the Chairman against an order imposing a penalty passed by the 'Authority' or the 'Authorized Officer' other than the Chairman.

(3) No appeal shall lie where a penalty is imposed by the Chairman but the aggrieved persons may apply for review of the order.

(4) Every appeal or a review petition shall be submitted within a period of thirty days of the communication of the order against which appeal or, as the case may be, review petition is preferred.

18. **Terms and conditions of service of Officers and Staff.**—(1) Subject to Federal Public Service Commission Ordinance, 1977 (XLV of 1977), or these regulations.—

- (i) the terms and conditions of the Secretary and other Officers and Staff of the Commission shall be the same as of civil servants in corresponding basic pay scales under Federal Government; and
- (ii) the Secretary and other officers and staff of the Commission shall be governed by the Civil Servants, 1973 (LXXI of 1973), and the rules made thereunder.

(2) Any question arising as to which rules or orders are applicable to the case of any officers or member of Staff of the Commission shall be decided by the Chairman.

[*Authority:* Establishment Division SRO No. 1316(1)/78, dated 9.11.1979]

**\*SCHEDULE-I****[ See Regulation 4 ]****PAY, ALLOWANCES AND PERQUISITES OF CHAIRMAN AND MEMBERS**

<b>S. No.</b>	<b>Items</b>	<b>Chairman</b>	<b>Member</b>
(1)	(2)	(3)	(4)
1.	Pay per month.	Rs. 425, 000	Rs. 400,000
2.	Special FPSC allowance per month	Rs. 60,000	Rs. 50,000
3.	Sumptuary / Entertainment allowance per month.	Rs. 6,000	Rs. 5,000
4.	House rental ceiling allowance per month (if no free Government accommodation is provided)	Rs. 75,000	Rs. 62, 500
5.	Electricity and gas charges etc. per month	Rs.22, 000	Rs. 16,200
6.	Car	Chauffer driven 1600 cc for official and private use	Chauffer driven 1300 cc for official and private use
7.	Telephone and mobile ceiling per month (office and residence)	No Limit.	No Limit.
8.	Internet ceiling per month (residence)	No Limit.	No Limit.
9.	Travelling Allowance, medical allowance and leave.	As admissible to a Minister of State.	As admissible to a Minister of State.
10.	Petrol per month.	500 liters for official and private use.	400 liters for official and private use.

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\* Substituted *vide* Estt.Div.'s S.R.O.70(1)/2013 dated 4<sup>th</sup> February, 2013.

**\* SCHEDULE II (See Regulation II)**  
**Number of Members of the staff of Federal Public Service Commission**

<b>S.No.</b>	<b>Name of Post</b>	<b>BPS</b>	<b>No. of Posts</b>
1.	Secretary	22	01
2.	Executive Director General	21	01
3.	Director General	20	03
4.	Director General (Research)	20	01
5.	Director General (Legal	20	01
6.	Chief Psychologist	20	01
7.	Chief. I.T.	20	01
8.	Director	19	08
9.	Director (Legal)	19	01
10.	Senior Psychologist	19	02
11.	Director (Research)	19	01
12.	Director (Computer)	19	01
13.	Deputy Chief I.T	19	01
14.	Senior Private Secretary/Private Secretary	19	14
15.	Deputy Director	18	13
16.	Deputy Director (Legal)	18	01
17.	Psychologist	18	04
18.	Dy. Director (Research)	18	02
19.	System Analyst	18	01
20.	Programmer	18	01
21.	Database Administrator	18	01
22.	Quality Assurance Officer	18	01
23.	Junior Programmer	17	02
24.	Website Manager	17	01
25.	Network Administrator	17	01
26.	Data Control Officer	17	03
27.	Assistant Director (Research)	17	04
28.	Assistant Director	17	33
29.	Assistant Director (Legal)	17	03
30.	Librarian	17	01
31.	Transport Officer	17	01
32.	Superintendent (Record)	17	01
33.	Deputy Assistant Director	16	11
34.	System Operator	16	03
35.	Computer Operator	16	01

\* Substituted vide Estt.Div.'s S.R.O.70(I)/2013 dated 4<sup>th</sup> February, 2013.

<b>S.No.</b>	<b>Name of Post</b>	<b>BPS</b>	<b>No. of Posts</b>
36.	Assistant Database Administrator	16	01
37.	Hardware Engineer	16	01
38.	Assistant Network Administrator	16	05
39.	Data Processing Assistant	16	18
40.	Assistant Private Secretary	16	33
41.	Draftsman-cum-Artist	16	01
42.	Assistant Incharge	15	02
43.	Assistant	14	64
44.	Statistical Assistant	14	06
45.	Stenotypist	14	49
46.	Security Superior	14	01
47.	Library Assistant	14	01
48.	Telephone Operator	14	02
49.	Data Entry Operator	12	17
50.	Upper Division Clerk	09	35
51.	Lower Division Clerk	07	63
52.	Security Clerk	07	02
53.	Driver	04	37
54.	Despatch Rider	04	02
55.	Duplicating Machine Operator	04	03
56.	Electrician	04	01
57.	Lift Operator	03	03
58.	Book Sorter	02	01
59.	Daftay	02	16
60.	Qasid	02	16
61.	Naib Qasid	01	77
62.	Frash	01	02
63.	Chowkidar	01	10
64.	Security Guard(Chowkidar)	01	09
65.	Buss Cleaner	01	01
66.	Khakroob	01	15
<b>Total</b>			<b>620</b>

**Sl. No. 4****Federal Public Service Commission (Functions) Rules, 1978**

In exercise of the powers conferred by section 10 of the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), the Federal Government is pleased to make the following rules, namely:-

1. These Rules may be called the Federal Public Service Commission (Functions) Rules, 1978.

2. In these rules, unless there is anything repugnant in the subject or context:—

- (a) “*ad-hoc* basis”, when used with reference to an appointment, means appointment of a person on temporary basis pending appointment of person nominated *by* the Commission;
- (b) “civil servant” means a person who is, or has been, a civil servant within the meaning of the Civil Servants Act, 1973 (LXVI of 1973);
- (c) \* (Omitted);
- (d) “regular basis” when used with reference to an appointment other than an *ad-hoc* basis, or on contract, or on a temporary basis, for a specified period;
- (e) “retired officer” includes a retired officer of the Armed Forces; and
- (f) “test” includes written examination, interview and viva voce.

\*\*3. The Commission shall conduct tests and examinations for recruitment to all posts in connection with the affairs of the Federation in basic pay scale 16 and above or equivalent other than the posts.-

- (a) specified in the Schedule to these rules;
- (b) filled by appointing a person on contract for a specific period  
\*\*\*[Omitted]
- (c) filled on *ad-hoc* basis for a period of six months or less provided that.—
  - (i) no *ad-hoc* appointment shall be made before placing a requisition with Commission *for* regular appointment; and

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\* Omitted *vide* Estt. Div.'s Notification SRO 848(I)/2002, dated 27-11-2002.

\*\* Substituted *vide* an Act No. X of 2005, dated 6th July, 2005.

\*\*\* Omitted *vide* Estt. Div.'s Notification S.R.O 1245(I)/2008 dated 27-11-2008.



- (ii) before filling the post on ad-hoc basis, prior approval shall be obtained from the Commission;
- (d) filled by re-employing a retired officer provided that re-employment is made for a specified period of one year \*[Omitted] in a post not higher than the post in which the person was employed on regular basis before retirement; and
- (e) filled by the employment, other than posts in pay scale 17 filled by serving armed forces officers on the recommendations of FPSC, or employment of persons who are, or have been officers of the armed forces of Pakistan and held, or have held such posts therein as are declared by the President to be equivalent to the posts to be so filled.

<sup>\*\*</sup>4. The Commission shall test civil servants, appointed at any time between the first day of January, 1972 and the fifth day of July, 1977, or promoted to a higher post or grade during the said period whose cases may be referred to the Commission by the President, and make a report to the President whether they are fit to hold the post to which they were appointed or promoted, as the case may be, and, if not, whether, they are fit to hold any other civil post in the same or lower grade, compatible with their qualifications and experience.

<sup>\*\*\*</sup>5. The Commission shall, on a reference made by the appointing authority, test persons, who may have been appointed to a civil post without observing the prescribed procedure or without fulfilling the prescribed qualifications, experience and age limits, and advise whether they are fit to hold the post to which they were appointed, and, if not, whether they are fit to hold any other civil post in the same or lower Basic Scale compatible with their qualifications and experience.

**@“SCHEDULE”**

(See Rule 3(a))

Posts excluded from the purview of the Commission

Ministry, Division or Organization	Name of post
1. President's Secretariat (Personal or Public)	All posts
@@2. Directorate General of Inter Services Intelligence (ISI)	All posts

[Authority: Estt. Div.'s Notification S.R.O. No. 1316 (I)/78, dated 9-11-1978].

\* Omitted *vide* Estt.Div.'s Notification S.R.O 1245(I)/2008 dated 27-11-2008.

\*\* Subs. *vide* Establishment Division SRO No. 147(1)/84, dated 9-2-1984.

\*\*\* Added *vide* Estt. Div.'s Notification SRO 848(I)/2002, dated 27-11-2002.

@ Amended *vide* Estt. Div.'s Notification No. SRO 415/2000, dated 19-06-2000.

@@ Inserted *vide* Estt. Div.'s Notification SRO 424(1)/2005, dated 12-05-2005.

#### 4.1 Explanation of Functions of Federal Public Service Commission

Reference:—Federal Public Service Commission Ordinance, 1977 (No. XLV of 1977) dated 17-12-1977 published in the Gazette of Pakistan Extraordinary dated 22nd December, 1977.

2. Attention is invited to \*section 7 which specifies the functions of the Commission as follows:—

Functions of the Commission.— The functions of the Commission shall be—

- (a) to conduct tests and examinations for recruitment to All Pakistan Services the civil services of the Federation and such posts in connection with the affairs of the Federation as may be prescribed by rules made under section 10; and
- (b) to advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts referred to in clause (a), and any other matter which the President may refer to the Commission.

*Explanation.*— In this section, "recruitment" means initial appointment otherwise than by promotion or transfer. The Federal Public Service Commission (Functions) Rules, 1978 which prescribe the posts in connection with the affairs of the Federation recruitment to which should be made through the Commission. These rules provide that all posts in BPS 16 and above which are filled by direct recruitment shall be filled through the Federal Public Service Commission. The rules also provide that appointments against these posts may be made on ad hoc basis, independently of the Commission for a period of six months but an extension for a further period of six months may be given, with the approval of the Commission, if a requisition for filling the posts was sent to the Commission within one month of the filling of the post on ad hoc basis. The Ministries and Divisions are requested to ensure that all posts in BPS 16 and above falling in the direct recruitment quota should, as in the past, continue to be filled through Federal Public Service Commission. No extension in ad hoc appointments would be given unless a requisition has been placed with the Commission and Commission's approval to the extension of the ad hoc appointment for a further period of six months has been obtained by the Ministry concerned.

[*Authority.*- Paras 1 and 2 of Estt. Division's O.M.No.11/2/78-D.V., dated 27-8-1978].

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\* For Section 7, as amended.

#### 4.2 Consultation with FPSC in Matters of Appointment

Reference.— Section 7 of the Federal Public Service Commission Ordinance, 1977 (No. XLV of 1977).

x      x      x      x      x      x

2. The Federal Public Service Commission (Functions) Rules, 1978 which prescribe the posts in connection with the affairs of the Federation recruitment to which should be made through the Commission. These rules provide that all posts in BPS 16 and above which are filled by direct recruitment shall be filled through the Federal Public Service Commission. The rules also provide that appointments against these posts may be made on ad-hoc basis, independently of the Commission for a period of six months but an extension for a further period of six months may be given, with the approval of the Commission, if a requisition for filling the post was sent to the Commission within one month of the filling of the post on ad hoc basis. The Ministries and Divisions are requested to ensure that all posts in BPS 16 and above falling in the direct recruitment quota should, as in the past, continue to be filled through Federal Public Service Commission. No extension in ad hoc appointments would be given unless a requisition has been placed with the Commission and Commission's approval to the extension of the ad hoc appointment for a further period of six months has been obtained by the Ministry concerned.

3. It will also be observed from clause (b) of section 7 of the Federal Public Service Commission Ordinance, 1977, that the Commission will advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts recruitment to which is required to be made through the Commission. This being a statutory requirement should invariably be observed. It is open to the Ministry/Division concerned either to make a simultaneous reference on the subject to the Establishment Division and the Federal Public Service Commission, or to first consult the Establishment Division and thereafter make a reference to the Commission. If there have been any cases after the 22nd December, 1977 when the F.P.S.C. Ordinance came into force, where the concurrence of Establishment Division was obtained but not that of the Commission, an immediate reference may now please be made to the Commission so that the requirements of the statute are complied with. Attention in this connection is also invited to the Federal Public Service Commission's Circular letter No.F. 12/1/78-S, dated 12th August, 1978.

[Authority.- Estt. Division's O.M.NO.1/2/78-DV, dated 27-8-1978].

#### **4.3 Consultation with Federal Public Service Commission in Respect of Recruitment Rules**

It will be observed from clause (b) of section 7 of the Federal Public Service Commission Ordinance, 1977, that the Commission will advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts recruitment to which is required to be made through the Commission. This being a statutory requirement should invariably be observed. It is open to the Ministry/Division concerned either to make a simultaneous reference on the subject to the Establishment Division and the Federal Public Service Commission, or to first consult the Establishment Division and thereafter make a reference to the Commission. If there have been any cases after the 22nd December, 1977 when the F.P.S.C. Ordinance came into force, where the concurrence of Establishment Division was obtained but not that of the Commission, an immediate reference may now please be made to the Commission so that the requirements of the statute are complied with. Attention in this connection is also invited to the Federal Public Service Commission's Circular letter No.F.12/1/78, dated 12.8.1978.

[*Authority.*- Para 3 of Estt. Division's O.M.No.11/2/78-DV., dated 27-8-1979].

#### **4.4 Procedure for Rejection of the Advice of the Federal Public Service Commission**

In supersession of the Cabinet Secretariat (Establishment Branch) Office Memorandum No. 10/3/50-SEII, dated the 13th June, 1950, on the subject of the convention regarding acceptance of the advice of the Federal Public Service Commission, the government have been pleased to decide that the advice of the Federal Public Service Commission in a case referred to it shall be accepted by the Ministry/Division/Department concerned, subject to the provisions of para 2, below.

2. Where a referring Ministry, Division or Department disagrees with the advice given, it shall communicate the reasons for disagreement to the Commission, and after the Commission has expressed its further views in the matter, the case will be submitted for decision to the President through the Establishment Division.

[*Authority.*- Estt. Division's O.M. No. 3/3/59-E VII, dated 4-6-1960].

#### **4.5 Procedure for Recruitment Through Federal Public Service Commission**

A perusal of the Federal Public Service Commission (Functions) Rules would show that the functions of the Commission have been confined to initial recruitment to posts in BPS 16 and above (corresponding to what were previously known as Gazetted Class II\* and Class I posts) with certain exceptions as in the Schedule. The Commission will not be concerned with appointment made by promotion or transfer. The previous practice of referring cases of first appointment to Class I posts (now BPS 17 and above) made through promotion shall, therefore, be discontinued. Appointments for limited periods on contract basis will also be outside the purview of the Commission. This power, however, will not be exercised except with the approval of the Prime Minister.

[*Authority*.- Para 2 of Estt. Secretary's d.o. letter No.1/9/73-F,IV, dated 22-10-1972].

#### **4.6 Withdrawal or Change of Requisition by the Administrative Ministries/ Divisions/Departments for Posts Already Advertised by the Commission**

It has been decided that:-

- (i) The requests received from Ministries/Divisions, Departments for withdrawal of cases wherein interviews have been started or nominations finalised would not be accepted. The sponsoring Ministry/Division/ Department should appoint the Commission's nominees even if the abolished post(s) had to be revived.
- (ii) Other requests for withdrawal of requisitions would be entertained on the basis of merit of each case if the prescribed procedure has been followed.

[*Authority*.- Para 4(i)&(ii) of Estt. Division's O.M. No.10(6)91/CP-I, dated 28-7-1991].

#### **4.7 Supply of Character Rolls to the Commission**

The Commission have noticed that many Character Rolls they receive in connection with selections, appointments, etc., are incomplete. Sometimes, reports for several years are missing, making it difficult for the Commission to determine the suitability of the officers concerned for the posts for which they are being considered. The Commission, therefore, request the Ministries/Divisions to satisfy themselves that Character Rolls are complete and up-to-date before sending them to the Commission.

[*Authority*.- FPSC's O.M.No.F.16/17/53-S, dated 24-4-1953].

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\* Class II= BPS 16, Class I = BPS 17 and above.

#### **4.8 Furnishing of Character Rolls to FPSC**

The Commission have further noticed that many Character Rolls are sent by the Ministries/Divisions etc. after long delays and several reminders from the Commission's Office. The Commission cannot finalize a recruitment until they have seen the Character Rolls of the candidates who are in government service. It is, therefore, requested that the Ministries/Divisions and the Heads of the Departments should forward the Character Rolls as quickly as possible on demand by the Commission.

[Authority.- FPSC's O.M.No.F.1/30/53-R, dated 6-12-1956].

#### **Sl. No. 5**

#### **Nomination of Departmental Representatives to Assist the Commission at the Interviews for Various Posts**

The Federal Public Service Commission has observed that the government's instructions are not being followed strictly by the Ministries/Divisions/Departments while nominating Departmental Representatives to assist the Commission at the interviews for recruitment to various posts. The Commission has also noted with profound regret that its requests to Ministries etc. concerned to nominate Departmental Representatives of relevant trades (subject wise) of sufficiently higher status *i.e.* not below the rank of Joint Secretary and or technical head of the line are not being complied with.

2. Recently, during interviews of candidates for certain technical/specialist posts, the Departmental Representatives deputed to assist the Commission were officers on administrative side, who were not sufficiently senior in their own departments and/or qualified in technical line. In order to assess the professional competence of the candidates properly and accurately, it is necessary that senior officers of technical departments with requisite qualifications are deputed by the Ministries/etc. to assist the Commission at the interviews for appointment to the scientific, technical and specialist posts. One of the drawbacks of government representation at junior level is obvious from some instances in which the Ministries/Divisions/Departments find it necessary to repudiate the contribution made by their own representatives at the interviews, on the grounds that they were not sufficiently experienced and, therefore, could not represent the point of view of their Ministries/Divisions/Departments authoritatively.

3. The Commission fully realises that, from the point of view of Departmental Representatives, interviewing of candidates at the four normal centres *viz:* Peshawar, Islamabad, Lahore and Karachi, is a time consuming job, in order to finish one complete cycle for any appointment. For \*Grade 18 and

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\* BPS.

above posts, the Commission generally conducts interviews at one centre, but for others the Commission has to go to each place of interviews.

4. In repeating its invitation to the Ministries etc. the Commission hopes earnestly that, at the interviews fixed by the Commission for selection of their candidates, their representation will invariably be not below the rank of Joint Secretary or head of technical department.

5. In case of technical posts, the Commission would request that the heads of technical departments concerned should invariably be nominated for this purpose who will take full responsibility for giving the views of his department to the Commission. It is further requested that, as far as possible, the same representative should be deputed at all interview centres for a particular post, in order to ensure uniformity of standards. If the Ministries/Divisions/Departments are not in a position to nominate a suitable Departmental Representative of the right status, then the Commission will do without him and issue the recommendations for appointment without such help.

[*Authority.*- FPSC's O.M.No.F.1/20/80-RIV, dated 19-4-1981].

#### **5.1 Variation Between Views of Departmental Representatives at the Interview and Commission's Advertisements for Various Posts**

There have been some cases where Departmental Representatives have, before an interview, suggested that they choose person with a particular qualification. This particular qualification has no particular emphasis in the advertisement and, therefore, it is grossly unfair on the candidates who come in response to that advertisement.

3. As far as the Commission is concerned, it only relies on the recruitment rules. It would be in the interest of departments to review their recruitment rules so that there is no conflict between the recruitment rules and the Departmental Representatives. The Commission will, while taking the advice of the Departmental Representative, reserve the right to recommend only those who are in line and in accordance with the advertisement.

[*Authority.*- Paras 1 & 3 of FPSC's letter No. F.1/35/78-RIV dated 29-1-1979].

#### **5.2 Criteria for Counting of Prescribed Length of Experience for Recruitment to Various Posts**

Attention is invited to the Establishment Division's O.M. No. 39/3/75-DV (Pt), dated the 22nd October, 1976, and clause 'c' of para 19 of the "INSTRUCTIONS TO CANDIDATES". A copy of these instructions is duly supplied to the candidates alongwith the prescribed application forms. In all the

posts which are advertised by the Commission for selection on the basis of interview only, certain period of experience is generally prescribed for such posts, alongwith academic qualifications. In such cases, the Commission considers that experience relevant which is obtained after acquiring the minimum prescribed educational qualifications for the post. Experience obtained before acquiring the minimum prescribed educational qualification, even if it is of the same line, is not taken into consideration.

2. The above procedure has often resulted in the rejection of candidates who happen to be the ad hoc incumbents of the post or employed in some other capacity in the same department. Applications of all the candidates are duly considered by the Commission but candidates who fall short of the required experience after the prescribed minimum academic qualifications are not called for interview. This results in the representations from the candidates or even from the departments who are keenly interested in the regularization of their ad hoc incumbents. The Establishment Division memorandum referred to above and a copy of the 'INSTRUCTIONS TO THE CANDIDATES' is, therefore, brought to the notice of the department to enable them to know the procedure being followed by the Commission for pre-selection of candidates for interview, etc. For obvious reasons, the Commission cannot deviate from the procedure once laid down and known to all.

3. However, there may be cases in which experience gained before acquiring the prescribed minimum educational qualifications may also be considered relevant by Ministries, etc. For example, for a medical post where post-graduate Diploma is prescribed as a minimum qualification, the experience gained after the Medical Degree but before the Diploma is often considered as relevant if so prescribed in the Commission's advertisement.

4. The Ministries/Divisions are, therefore, requested that wherever they consider that the experience gained before acquiring the minimum prescribed educational qualification should also be accepted as relevant, this should be made clear while forwarding the requisitions for the posts and full justification may be given for providing this relaxation in the interest of service. The departments will also be required to certify that this relaxation of the general procedure had the approval of the Secretary of the Ministry/Division concerned. The Commission after due consideration of the proposal may agree to advertise this condition in its advertisements, so that the candidates concerned should know it before applying for the posts. Unless such a clearance is given in the requisition for the posts concerned and advertised by the Commission accordingly, it will not be possible for the Commission to deviate from the general practice stated above.

[Authority.- FPSC's letter No.F.8/13/81-S, dated 08-7-1981].



### 5.3 Introduction of Identity Card Code Number in the Application Forms Used for Recruitment Through the FPSC

At the time of launching the National Registration Scheme in July, 1973, it was envisaged that, besides the technical aspect of the utility of scheme as a source for demographic data, the scheme was also to serve various administrative purposes. Upto the end of October, 1976, more than 60 per cent of the total population has been covered. Response from the urban areas had been particularly high in the early days of inception of the scheme. However, with increase in the ratio of coverage, a decline in receipt of application forms has been observed. All out efforts are being made to complete the initial coverage at the earliest for which various ways and means are being adopted. One such step which can go a long way and can help the Directorate General of \*Registration in making the job easy is to make it compulsory that whosoever applies for any job in the Provincial Government must indicate his identity card code number. This will ensure that people get themselves registered. Suggested place in the prescribed form for inclusion of identity card code number is immediately below the column where name of the applicant has been asked.

2. It is requested that a separate column of identity card code number may please be introduced in various application forms being used by the Provincial Government for appointment purposes.

[Authority.- Estt. Division's Letter No.1/43/76-T.III, dated 3-1-1977].

#### Sl. No. 6

#### Channel of Communication Between the Ministries, Departments, etc. and the Commission

Attention of the Ministries/Divisions, etc. is invited to para 2 of *\*\* Appendix "B"* to the Secretariat Instructions which runs as follows:-

"All references shall be made direct to the Commission by the Division/Department in the form of an official letter addressed to the Secretary and with which all relevant papers shall be forwarded, provided that no reference which is not obligatory under the rules and instructions regarding consultation with the Commission shall be made, save with the previous concurrence of the Establishment Division and in cases involving financial considerations of the appropriate authority as well. Before a case is referred to the Establishment Division, the Division/Department shall place in the file the draft of the letter proposed to be submitted to the Commission".

---

\* The function now performed by National Database Registration Authority (NADRA).

\*\* See Instruction 47 (p.11) & Appendix 'B' (p25), Secretariat Instructions, Pakistan Public Administration Research Centre (PPARC), Management Services Wing, Establishment Division, Islamabad, Edition, 2004.

2. It is requested that all communications intended for the Federal Public Service Commission should be sent in the form of an official letter. The Commission act as a corporate body and, therefore, letters should not be addressed to the Chairman or Members of the Commission individually, but should be addressed to the Secretary of the Commission.

[*Authority.*- FPSC's O.M.No.F.16/47/55-S, dated 24-9-1955].

**6.1 Grant of Ex-Officio Status of Joint Secretary to Secretary, Federal Public Service Commission**

The Secretary, Federal Public Service Commission is granted ex-officio status of Joint Secretary to the Government of Pakistan in the Establishment Division with immediate effect.

[*Authority.*- Estt. Division's Notification No. 12/5/59-SE. II, dated 2-5-1959].

**6.2 Grant of Ex-Officio Status of Joint Secretary to Secretary, FPSC and Disposal of Work by Him**

In pursuance of the decision to grant ex-officio status of Joint Secretary to the Government of Pakistan in the Establishment Division to the Secretary, Federal Public Service Commission, the following work relating to the Commission, which was hitherto being handled by the Establishment Division, will henceforth be disposed of by the Secretary, Federal Public Service Commission in his capacity as ex-officio Joint Secretary:

- (i) All cases relating to the budget and staff of the Federal Public Service Commission.
- (ii) Appointment, terms of service, etc. of the officers of the Federal Public Service Commission upto the rank of Deputy Secretary.
- (iii) Other administrative matters, such as office accommodation, etc. of the Federal Public Service Commission.

2. In view of the position detailed above, the Ministry of Finance, etc. are requested to correspond direct with the Secretary, Federal Public Service Commission in regards to the above matters. It is also requested that copies of relevant circulars, etc. issued by the Ministries/Divisions may be sent to the Commission direct.

[*Authority.*- Estt. Division O.M. No. 11/13/59-Admn. II, dated 11-5-1959].

**Sl. No. 7****Federal Commission for Selection of Heads of Public Sector Organizations (FCHPSO)**

**WHEREAS** the Supreme Court of Pakistan, in the case of Khawaja Muhammad Asif Vs Federation of Pakistan and other, (Petition No. 30/2013) has directed the Federal Government to constitute a Commission to ensure transparency in the appointments of heads of statutory bodies, autonomous or semi-autonomous bodies, regulatory authorities and organizations established by or under the control of the Federal Government, hereinafter referred to as the "Public Sector Organizations", so as to ensure that the appointments in such like organizations are made on merit, fairness, openness and in a transparent manner, to improve professional quality and political neutrality of such appointments;

**NOW, THEREFORE**, the Federal Government, in compliance of the directions of the Supreme Court of Pakistan in the said judgment, hereby constitute a Commission to be known as the Federal Commission for Selection of Heads of Public Sector Organizations (FCHPSO), hereinafter to as the Commission.

**1. Composition of the Commission.—** (1) The commission shall comprise the following:-

- |       |                               |   |                 |
|-------|-------------------------------|---|-----------------|
| (i)   | <b>Federal Tax Ombudsman</b>  | - | <b>Chairman</b> |
| (ii)  | <b>Mr. Shams Kassim Lakha</b> | - | <b>Member</b>   |
| (iii) | <b>Dr. Ijaz Nabi</b>          | - | <b>Member</b>   |

(2) Secretary, Establishment Division and Secretary of the Ministry/ Division concerned under the Rules of Business, 1973 shall be ex-officio members of the Commission.

(3) Additional Secretary, Establishment Division, shall function as Secretary of the Commission.

(4) The Establishment Division shall be the Secretariat of the Commission.

(5) The Chairman, ex-officio Members and Secretary of the Commission shall function in honorary capacity and shall not be entitled to any additional perks and privileges. Terms and conditions of appointment of non-official members would be determined separately.

(6) The decisions of the Commission shall be expressed in terms of the majority, and in case of equality of vote; the Chairman shall have a casting vote.

(7) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy, or defect, in the constitution of the Commission.

**2. Status of the Commission.—** The Commission shall be completely independent in its functioning.

**3. Advertisement of the post.—**(1)The Ministry/Division concerned shall advertise the post to be filled and the applications received shall be short listed by a national or international human resource consulting firm.

(2) The human resource consulting firm shall be the one selected by a committee headed by Secretary, Cabinet and consisting of Secretaries Establishment, Finance and law, on merit through open advertisement.

**4. Function of the Commission.—** The commission shall:-

- i. Implement a Code of Practice that sets out the principles and core processes for fair and transparent merit-based selections;
- ii. Report publicly on an organization's compliance with the Code of Practice;
- iii. Investigate complaints about unfair appointment process;
- iv. Issue an annual report giving detailed information about appointments processes, complaints handled, and highlights of the main issues which have arisen during the previous year;
- v. Take any other measures deemed necessary for ensuring that processes for selections that fall in its purview are conducted honestly, justly, fairly and in accordance with law;
- vi. Recommend to the concerned authority for appointment of person(s) selected by it which recommendation of the commission shall be binding.

**5. Code of Practice.—**The following Code of practice shall be observed by all concerned:-

#### **PART-I**

- i. The appointments shall be made in a transparent manner and shall be merit-based.
- ii. All appointments falling in the purview of the Commission shall be governed by the overriding principle of selection based on merit from amongst individuals whose abilities, experience and qualities have a proven record and best match the need of the concerned organization.

- iii. No appointment, falling in the purview of Commission, shall take place without first being recommended by the Commission.
- iv. The appointments procedures shall be subjected to the principle of proportionality, that is, what is appropriate for the nature of the post and the size and weight of its responsibilities.
- v. Those, selected must be committed to the principles and values of public service and perform their duties with highest level of integrity.
- vi. The Commission may, from time to time, conduct an inquiry into the policies and procedures followed by an appointing authority in relation to any appointment.
- vii. The appointment of the successful candidate shall be publicized.

**PART-II**

- viii. Holders of public office shall not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties.
- ix. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office shall make choice solely on merit.
- x. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- xi. Holders of public office shall be as open as possible about all the decisions and actions that they take. They shall give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- xii. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- xiii. Holders of public office shall promote and support these principles by leadership and example.

**5. Selection Committees.—**The Commission may constitute Selection Committees from amongst its Members. The Selection committees shall function in accordance with the procedure laid down by the Commission.

**6. Procedures.—** The Commission may, in consultation with the Federal Government, lay down procedures for carrying out the aforesaid purposes.

**7. Schedule.—**The Schedule containing names of the concerned Public Sector Organizations is added hereto. The Federal Government may amend the Schedule as and when required.

**(Abdul Latif)**  
Deputy Secretary to the  
Government of Pakistan.

**SCHEDULE**  
(See para 7 Sl.No.7)

**PUBLIC SECTOR ORGANIZATIONS**

**CABINET DIVISION**

- |    |  |       |
|----|--|-------|
| 1. | National Electric Power Regulatory Authority, Islamabad. | NEPRA |
| 2. | Oil and Gas Regulatory Authority, Islamabad.             | OGRA  |
| 3. | Public Procurement Regulatory Authority.                 | PPRA  |
| 4. | Pakistan Telecommunication Authority.                    | PTA   |

**COMMERCE DIVISION**

- |    |  |       |
|----|--|-------|
| 5. | National Insurance Company Limited, Karachi.           | NICL  |
| 6. | Trade Development Authority of Pakistan.               | TDAP  |
| 7. | Pakistan Re-insurance Corporation, Karachi.            | PRCL  |
| 8. | State Life Insurance Corporation of Pakistan, Karachi. | SLIC  |
| 9. | Pakistan Horticulture Development and Export Company   | PHDEC |

**AVIATION DIVISION**

- |     |   |      |
|-----|---|------|
| 10. | Pakistan International Airline Corporation. | PIAC |
|-----|---|------|

**FINANCE DIVISION**

- |     |  |      |
|-----|--|------|
| 11. | Competition Commission of Pakistan.          | CCP  |
| 12. | Security Exchange Commission of Pakistan.    | SECP |
| 13. | House Building Finance Corporation, Karachi. | HBFC |

**NATIONAL FOOD SECURITY AND RESEARCH DIVISION**

- |     |  |        |
|-----|--|--------|
| 14. | Pakistan Agriculture Storage & Services Corporation. | PASSCO |
| 15. | Pakistan Agriculture Research Council.               | PARC   |

**NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION DIVISION**

- |     |   |      |
|-----|---|------|
| 16. | Pakistan Medical & Dental Council, Islamabad. | PMDC |
| 17. | Drug Regulatory Authority of Pakistan.        | DRAP |

**RELIGIOUS AFFAIRS AND INTER-FAITH HARMONY DIVISION**

- |     |                               |      |
|-----|-------------------------------|------|
| 18. | Evacuee Trust Property Board. | ETPB |
|-----|-------------------------------|------|

**HOUSING AND WORKS DIVISION**

- |     |                                |     |
|-----|--------------------------------|-----|
| 19. | National Construction Limited. | NCL |
|-----|--------------------------------|-----|

**INDUSTRIES AND PRODUCTION DIVISION**

20. Engineering Development Board.	EDB
21. ENAR Patrotech Services (Pvt.) Limited	ENAR
22. Pakistan Industrial Development Corporation, Karachi	PIDC
23. Pakistan Steel Mills Corporation Ltd. Karachi	PAML
24. Pakistan Industrial Technical Assistance Centre.	PITAC
25. National Fertilizer Corporation. Lahore.	NFC
26. State Engineering Corporation, of Pakistan Islamabad.	SEC
27. Small and Medium Enterprises Development Authority.	SMEDA
28. State Cement Corporation of Pakistan, Lahore.	SCCP
29. Utility Stores Corporation of Pakistan, Islamabad.	USC
30. National Fertilizer Marketing Limited.	NFML

**INTERIOR DIVISION**

31. National Database and Registration Authority, Islamabad.	NADRA
--	-------

**INFORMATION, BROADCASTING & NATIONAL HERITAGE DIVISION**

32. Pakistan Television Corporation.	PTVC
33. Pakistan Electric Media Regulatory Authority.	PEMRA
34. Lok Virsa, Islamabad.	Lok Virsa

**INFORMATION TECHNOLOGY & TELECOM DIVISION**

35. National Telecommunication Corporation (NTC)	NTC
36. Pakistan Software Export Board, Islamabad	PSEB
37. Telephone Industries of Pakistan.	TIP
38. Telecom Foundation, Islamabad.	TF

**INTER PROVINCIAL AND COORDINATION DIVISION**

39. Pakistan Tourism Development Corporation, Islamabad.	PTDC
--	------

**PRIME MINISTER'S OFFICE**

40. Pakistan Bait-ul-Mal (PBM), Islamabad	PBM
---	-----

**PETROLEUM AND NATURAL RESOURCES DIVISION**

41. Lakhra Coal Dev. Company.	LCDC
42. National Refinery Limited.	NRL
43. Oil and Gas Development Company Limited	OGDCL
44. Pakistan Mineral Development Corporation.	PMDC
45. Pakistan State Oil Company Ltd.	PSOCL



46. Pak Arab Refinery Company.	PARCO
47. Pakistan Petroleum Limited.	PPL
48. Sui Southern Gas Company Limited.	SSGCL
49. Sui Northern Gas Pipelines Ltd.	SNGPL
50. Thar Coal Mining Company.	TCMC

#### **RAILWAYS DIVISION**

51. Railway Construction Pakistan limited, Lahore	RAILCOP
52. Pakistan Railways Advisory and Consultancy Services Ltd.	PRACS
53. Railway Estate Development and Marketing Company.	REDAMCO

#### **WATER AND POWER DIVISION**

54. Alternative Energy Development Board.	AEDB
55. National Power Construction Corporation (Pvt) Ltd, Lahore	NPCC
56. National Engineering Service of Pakistan (Pvt) Limited	NESPAK
57. Pakistan Electric Power Company (Pvt) Limited.	PEPCO
58. National Transmission & Dispatch Company	NTDC

*[Authority:- Estt: Div.'s Notification No. 6/4/1996.R-3 dated 22-7- 2013]*

#### **7.1 Withdrawal of Federal Commission for Selection of Heads of Public Sector Organizations**

WHEREAS, the Federal Commission for Selection of Heads of Public Sector Organizations was constituted in the light of orders of Supreme Court of Pakistan dated 12-06-2013 passed in Constitution Petition No. 30/2013 filed by Khawaja Muhammad Asif Vs Federation of Pakistan and Others.

2. WHEREAS the Supreme Court of Pakistan in its order dated 14-11-2014 in Civil Petition No. 2124 of 2013 and CMAs No. 1079 & 4821 of 2014 Ghulam Rasool Vs Federation of Pakistan has held that appointment of a Commission and the power to make recommendations for such appointments is not in accordance with Article 90 of the Constitution of Islamic Republic of Pakistan where the power of appointment has been vested in the Federal Government.

3. WHEREAS it has also been held that the matter of appointment of Heads of Statutory Bodies, autonomous/Semi-autonomous Bodies/Corporations/Regulatory authorities etc. are governed under the specific statutory provisions which cannot be overlooked or substituted by some other mechanism.

4. WHEREAS it has also been clarified that it is the exclusive preserve of the Federal Government to appoint Heads of Statutory Bodies, Autonomous/Semi Autonomous Bodies, Corporations, regulatory Authorities etc. as also to make

appointments on merits under the Acts/Ordinances wherein certain criteria has been laid down for such purpose.

5. NOW, THEREFORE, in compliance of the observations of the Supreme Court of Pakistan in its order in Civil Petition No. 2124 of 2013 and CMAs No. 1079 & 4821 of 2014 Ghulam Rasool Vs. Federation of Pakistan dated 14-11-2014, this Division's Notification No. 6/4/94-R-III dated 22-07-2013, is hereby withdrawn by the Federal Government with immediate effect.

[Authority:— Estt. Div.'s Notification No.6/5/2013-R-III dated 12-3-2015]

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CHAPTER 11

**SERVICE TRIBUNALS**

(1025 - 1026)

## CHAPTER 11

**SERVICE TRIBUNALS**

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## SERVICE TRIBUNALS

### Sl. No.1

#### Constitutional Provisions

Extract from the Constitution of the Islamic Republic of Pakistan, 1973.

**Article 212-** (1) Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act \* [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of—

Appointments to service of Pakistan and conditions of service.

- (a) matters relating to the terms and conditions of persons \*\* [who are or have been] in the service of Pakistan, including disciplinary matters;
- (b) matters relating to claims arising from tortious acts of Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or
- (c) matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends \*\* [and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal \*\*\* [other than an appeal pending before the Supreme Court] shall abate on such establishment]:

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless at the request of that Assembly made in the form of a resolution, @ [Majlis-e-Shoora (Parliament)] @@ by law extends the provisions to such a Court or Tribunal.

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\*Subs. and shall be deemed always to have been so substituted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 12, for 'establish'.

\*\* Ins. and shall be deemed to have been so inserted, *ibid*.

\*\*\* Ins. and shall be deemed always to have been so inserted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 15.

@ Subs. by P.O. 14 of 1985 Art. 2 and Sch., for 'Parliament'.

@@ For such law, see the Provincial Service Tribunal (Extensions of the Provisions of the Constitution) Act, 1974 (32 of 1974).

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

**Sl. No. 2**

**The Service Tribunals Act, 1973 (Act No. LXX of 1973)**

An Act to provide for the establishment of Service Tribunals to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants.

WHEREAS it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:—

1. **Short title, commencement and application.**—(1) This Act may be called the Service Tribunals Act, 1973.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context, —

\*[(a) "civil servant" means a person who is, or has been, a civil servant within the meaning of the Civil Servants Act, 1973 (LXXI of 1973);] \*\*[and shall include a person declared to be a civil servant under section 2(a); and]

(b) "Tribunal" means a Service Tribunal established under section 3.

\*\*\*2-A [\*\*\*\*]

3. **Tribunals.**—<sup>@</sup>(1) The President may, by notification in the official Gazette, establish one or more Service Tribunals as hereinafter provided and, where there are established more than one Tribunal, the President shall specify in

\* Subs. *vide* Service Tribunals (Amendment) Act XXXI of 1974, dated 6-5-1974.

\*\* Added *vide* Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997.

\*\*\* Section "2A" which was previously added *vide* Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997 has been deleted *vide* F.23(4)/2010 Service Tribunals (Amendment) Act No.II of 2010 dated 06-03-2010.

<sup>®</sup> Substituted *vide* Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

the notification the territorial limits within which, or the class or classes or cases in respect of which, each such Tribunal shall exercise jurisdiction under this Act].

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

\*[(3) A Tribunal shall consist of—

- (a) a Chairman, being a person who has been, or is qualified to be judge of a High Court;
- (b) such number of members not less than three, each of whom is or has been—
  - (i) a District Judge; or
  - (ii) a person who for a period of not less than two years has held a post in BS-21 or above or equivalent under the Federal Government or a Provincial Government with adequate quasi-judicial or legal experience, preference being given to a person having background of dealing with service matters; or
  - (iii) an Advocate qualified for appointment as Judge of a High Court].

\*[(4) The Chairman and members of a Tribunal shall be appointed by the President for non-extendable term of three years on such other terms and conditions as the President may determine:

Provided that where a serving District Judge or a civil servant is appointed as a member he shall hold office for a term of three years or till the date of superannuation, whichever is earlier].

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the President.

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is thereby increased.

\*\*[(7) At any time when—

- (i) the Chairman of a Tribunal is absent or is unable to perform the functions of his office due to any cause; or

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\* Substituted vide Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

\*\* Subs. vide *ibid*.



- (ii) office of the Chairman is vacant, the most senior of the other members of a Tribunal shall act as Chairman till the Chairman resumes his office or the regular Chairman is appointed, as the case may be].

\*[3-A. **Benches of the Tribunal.**—(1) The powers and functions of a Tribunal may be exercised or performed by Benches consisting of not less than two members of Tribunal, including the Chairman, constituted by the Chairman.

(2) If the members of a bench differ in opinion as to the decision to be given on any point,—

- (a) the point shall be decided according to the opinion of the majority;
- (b) if the members are equally divided and the Chairman of the Tribunal is not himself a member of the bench, the case shall be referred to the Chairman and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman; and
- (c) if the members are equally divided and the Chairman of the Tribunal is himself a member of the bench, the opinion of the Chairman shall prevail and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman].

4. **Appeals to Tribunals.**—(1) Any civil servant aggrieved by any <sup>\*\*</sup>[ ] order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, <sup>\*\*\*</sup>[or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal]:

Provided that—

- (a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Ordinance, 1973, or any rule against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred;  
<sup>@</sup>[ ]

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\* Added *vide* Ordinance No. IX of 1978, dated 18-3-1978.

\*\* Omitted *vide* Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997.

\*\*\* Subs. *vide* Service Tribunals (Amendment) Act No. XXXI of 1974, dated 6-5-1974.

<sup>@</sup> The word "and" Omitted *vide* Service Tribunals (Amendment) Act XXXI of 1974 dated 6.5.1974.

- (b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade; \*and]

\*\*[(c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969].

(2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred—

- (a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or time-scale or to a lower stage in a time-scale, to a Tribunal referred to in sub-section (3) of section 3 ;and
- (b) in any other case, to a Tribunal referred to in sub-section (7) of that section.

*Explanation.*— In this section, "departmental authority" means any authority other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of civil servants.

\*\*\*[4A. **Review.**—(1) A Tribunal shall have the power to review its final order on a review petition filed by an aggrieved party within thirty days of the order on the following grounds, namely:—

- (i) discovery of new and important matter or evidence which, after exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him at the time when the order was passed;
- (ii) on account of some mistake or error apparent on the face of record; or
- (iii) for any other sufficient cause.

(2) The Tribunal shall decide the review petition within thirty days.

(3) The Tribunal may confirm, set aside, vary or modify the judgment or order under review].

5. **Powers of Tribunals.**—(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

\*Subs. *vide* Service Tribunals (Amendment) Act No. XXXI of 1974, dated 6-5-1974.

\*\*Added *vide* Service Tribunals (Amendment) Act XXXI of 1974, dated 6.5.1974.

\*\*\*Inserted *vide* Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908), including the powers of—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

\* (3) A Tribunal shall have the power to execute its decisions in accordance with the procedure as may be prescribed.

\*\* [5A. **Financial powers of a Tribunal.**—(1) The Registrar of the Tribunal shall be the Principal Accounting Officer of a Tribunal.

(2) The Chairman of Tribunal may authorize re-appropriation of funds from one head of account to another head of account and sanction expenditure on any item from within the allocated budget in accordance with the prescribed procedure without reference to Ministry of Finance].

6. **Abatement of suit and other proceedings.**—All suits, appeals or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith:

Provided that any party to such a suit, appeal or application may, within ninety days of the \*\*\*[establishment of the appropriate Tribunal, prefer an appeal to it] in respect of any such matter which is in issue in such suit, appeal or application.

7. **Limitation.**—The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

8. **Rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

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\* Added vide Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

\*\* Inserted vide *ibid*.

\*\*\* Subs. vide Service Tribunals (Amendment) Act, XXXI of 1974, dated 06-05-1974.

- (a) requirements as to the number of members of the Tribunal necessary for hearings before, or order or decision by, a Tribunal \* [or a Bench thereof] \*\* [.] ;
- (b) filling for a specified period any vacancy in the office of the Chairman or a member of the Tribunal caused by the absence on leave or other-wise of the Chairman or, as the case may be, a member\*\*\* [; and]
- @ [(c) execution of decision of a Tribunal].

9. **Repeal.**— The Service Tribunals Ordinance, 1973 (XV of 1973), is hereby repealed.

*[Authority: The Act received assent of the President on 26-9-1973 and was published in the Gazette of Pakistan Extraordinary. Par I, dated 29-9-1973].*

### **Sl. No. 3**

#### **The Service Tribunals (Procedure) Rules, 1974**

In exercise of the powers conferred by section 8 of the Service Tribunals Act, 1973 (LXX of 1973), the Federal Government is pleased to make the following rules, namely:-

#### **THE SERVICE TRIBUNALS (PROCEDURE) RULES, 1974**

1. These rules may be called the Service Tribunals (Procedure) Rules, 1974.
2. (1) In these rules, unless there is anything repugnant in the subject or context,—
  - (a) "Act" means the Service Tribunals Act, 1973 (LXX of 1973).
  - (b) "Chairman" means the Chairman of a Tribunal.
  - (c) "Member" means a member of a Tribunal and includes the Chairman; and
  - (d) "Registrar" means the Registrar of a Tribunal and includes any other person authorised by the Tribunal to perform the functions of the Registrar under these rules.

\* Subs. *vide* Service Tribunals (Amendment) Act, XXXI of 1974, dated 6.5.1974.

\*\* Omitted *vide* Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

\*\*\* Subs. *vide* *ibid*.

@ Added *vide* Service Tribunals (Amendment) Act, 2014 Notification No.F.22(23) /2013-Legis dated 17-06-2014.

(2) Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

3. (1) The permanent seat of a Tribunal shall be at a place which the Federal Government may, by notification in the official Gazette, appoint.

(2) A Tribunal shall ordinarily hold its sittings at its permanent seat but it may hold its sittings at any other place within its jurisdiction if in its opinion the holding of sittings at such other place will be convenient to the parties to the proceedings before it.

4. (1) A Tribunal shall ordinarily observe the same hours as are observed by the offices of the Federal Government.

(2) A Tribunal shall observe the holidays notified by the Federal Government.

5. (1) An appeal to a Tribunal may be sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or through his advocate.

(2) Appeals presented to or received by any member shall be deemed to be properly presented or received under this rule.

6. Every memorandum of appeal shall —

- \*[(1)] (a) be legibly, correctly and concisely written, type-written or printed;
- (b) be divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate assertion or averment;
- (c) contain the full name, official designation and place of posting of each party;
- (d) clearly set out the relief claimed;
- (e) be accompanied by —
  - (i) a copy of the final order, whether original or appellate, and any other order of the competent authority in respect of any of the terms and conditions of service of the appellant against which the appeal is preferred; and
  - (ii) copies of rules, orders and other documents on which the appellant proposes to rely in support of his claim;

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\* Renumbered *vide* Estt. Division's Notification No. SRO 1100(1)/83, dated 23-11-1983.

- (f) be signed or thumb impressed by the appellant; and
- (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, duly signed or thumb-impressed by the appellant and accompanied by the documents referred to in clause (e), as there are respondents: Provided that where a Tribunal is satisfied that it is not possible for any appellant to produce any document referred to in clause (e) it may waive the provisions of the clause.

\*[(2) If malice, fraudulent intention, knowledge or other condition of mind, including legal or factual malafide, is alleged in an appeal, the memorandum of appeal shall state clearly the facts constituting such malice, fraudulent intention, knowledge or other condition of mind or, as the case may be legal or factual malafide, and be accompanied, besides the documents specified in clause (e) of sub-rule (1), by a summary of the documentary or oral evidence which the appellant proposes to produce in proof of the allegation and an affidavit in support of the contents of the summary].

7. In every memorandum of appeal, the competent authority against whose orders the appeal is preferred and any other party to the dispute shall be shown as respondents.

8. Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

9. No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document with a Tribunal.

10. (1) The Registrar shall scrutinize every memorandum of appeal received by him, and shall —

- (i) if it is drawn up in accordance with the provisions of rule 6, cause it to be registered in the register of appeals<sup>\*\*</sup>, to be maintained in form appended to these rules and shall, with the approval of the Chairman, fix a date for its preliminary hearing before the Tribunal; and
- (ii) if it is not drawn up in accordance with the provisions of rule 6, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, which shall in no case be less than fourteen days, pointing out the deficiency.

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\* Added *vide* Estt. Division's Notification No. SRO 1100(I)/81, dated 23-11-1983.

\*\* See Form A (attached to the rules).

(2) If the memorandum of appeal is not resubmitted within the period specified under clause (ii) of sub-rule (1), the appeal shall stand dismissed.

11. (1) A Tribunal may, after hearing the appellant or his advocate dismiss the appeal in limine\*.

(2) If the appeal is not dismissed in limine, notice of admission of appeal and of the day fixed for its hearing shall, subject to the provisions of sub-rule (3), be served on the appellant, the respondents and on such other persons as the Tribunal may deem proper.

(3) The appellant shall, within one week of the receipt of the notice of admission of his appeal, or within such extended period as may be allowed by the Registrar, deposit with the Registrar:-

- (a) cash security for costs in the sum of Rs. 100; and
- (b) cost of service of notice on the respondents.

(4) If the appellant does not comply with the provisions of sub-rule (3), his appeal may be dismissed by the Tribunal.

12. (1) A notice under sub-rule (2) of rule 11 shall be in such form as may be laid down by a Tribunal and may be served by registered post or in any other manner, including publication in one or more daily newspapers, as the Tribunal may direct:

Provided that a notice shall not be issued for publication in a newspaper until the costs of such publication are deposited by the appellant.

(2) The notice to a respondent shall, except where it is published in a newspaper, be accompanied by a copy of the memorandum of appeal and of the documents appended thereto.

(3) Service of notice in accordance with the provisions of this rule shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

13. (1) A respondent on whom a notice of appeal has been served under rule 12, may send his objections to the appeal by registered post acknowledgement due to the Registrar so as to reach him, or deliver the same to the Registrar either personally or through his advocate not later than seven days before the date specified in the notice for hearing of the appeal or within such extended period as may be allowed by the Registrar.

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\* 'L' - on the threshold.

(2) The objection shall be legibly, correctly and concisely written, type-written or printed, shall be signed by the respondent or by a person authorised by him in that behalf and shall be accompanied by a copy of every document on which the respondent wishes to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, for use of the members of the Tribunal and the appellant.

(4) In case objections are not received or delivered within the time allowed under sub-rule (1), the respondent may be proceeded against ex-parte.

14. Questions arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, but the Tribunal may direct that such questions as it may consider necessary shall be decided on such other evidence and in such manner as it may deem fit.

15. (1) An application for summoning witnesses before a Tribunal shall be made as soon as possible after the issue of notice of admission of appeal under rule 11 and shall state:-

- (a) the names, designations and addresses of the witnesses to be summoned; and
- (b) a brief resume of the evidence which each witness is expected to give.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and travelling charges of such witness should be deposited by the person calling him within seven days of the date of the order.

(3) The Tribunal may, by general or special order, prescribe the rates of daily allowance and travelling charges to be paid to witnesses summoned by it.

(4) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-rule (2), or within such extended period as may be allowed by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(5) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.



(6) Where the Tribunal summons a witness under the provisions of sub-rule (5):-

- (a) if such witness is a Government servant, his travelling and daily allowances, if any, shall be payable by the Government; and
- (b) if such witness is a private person, his travelling and daily allowance shall be payable by such party and to such extent as may be determined by the Tribunal.

16. (1) A process for service on a witness of high rank shall be sent in the form of a letter.

(2) Except in urgent cases or as may otherwise be ordered by a Tribunal, a summon to a Government servant shall be served through the head of his office.

17. (1) A Daily Cause List shall be prepared under the orders of the Registrar which shall be affixed on the notice board of the Court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the order of the date of admission.

18. (1) A Tribunal may, if it considers necessary, appoint an officer of the Tribunal to record evidence of a witness for and on behalf of the Tribunal.

(2) Evidence of a witness examined by or on behalf of a Tribunal shall be taken ordinarily in the form of a narrative, and shall be signed by the recording officer and countersigned by the members and shall form part of the record.

(3) The parties or their advocates may suggest any questions to be put to a witness and a member may, besides such questions, put any other questions to the witness.

(4) A Tribunal may, in the interest of justice, close the evidence of any party if, in its opinion, the production or continuation of such evidence would involve inordinate delay or unnecessary expenses.

19. (1) If, on the date fixed for the hearing of an appeal, or on any other subsequent date to which the hearing may have been adjourned, the appellant or his advocate is not present before a Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the appeal.

(2) If, on the date fixed for the hearing of an appeal, or on any subsequent date to which the hearing may have been adjourned, the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their advocates are not present before the Tribunal, the Tribunal may hear the appeal ex-parte against all or any of the respondents who, and whose advocates are so absent.

(3) When an appeal has been dismissed under sub-rule (1) or ex-parte proceedings have been taken under sub-rule (2), the Tribunal may, on such order as to costs as it may deem fit, restore the appeal or, as the case may be, set aside the ex-parte order or allow the defaulting party to rejoin the proceedings.

20. (1) A Tribunal may make such order as to costs of proceedings before it as it may deem fit and such costs shall be paid out of the cash security deposited under clause (a) of sub-rule (3) or rule 11.

(2) If, after deduction of the costs of proceedings under sub-rule (1), any amount deposited under clause (a) of sub-rule (3) of rule 11 remains unutilized, it shall be returned to the appellant.

\*21. (1) The Tribunal shall, after the order is signed cause certified copies thereof to be sent under registered cover to the parties concerned and shall deliver a copy to the Secretary, Establishment Division, \*\*[and the Solicitor, Law Division].

(2) Any party to the appeal may obtain additional copies of the order on payment of such legal fees, as the Tribunal may from time to time fix.

22. Clerical or arithmetical mistakes arising in an order of final adjudication from any accidental slip or omission may at any time, be corrected by a Tribunal either on its own motion or on an application made by any of the parties:

Provided that every such application shall be duly supported by an affidavit.

23. If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

24. If any member of a Tribunal is, for any reason, unable to take part in the proceedings of the Tribunal, the other members may hear or continue to hear the appeal but the decision of the Tribunal shall be shown to the absentee

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\* Subs. *vide* Estt. Division's Notification No. SRO 1111(1)/75, dated 6-11-1975.

\*\* Subs. *vide* Estt. Division's Notification No. S.R.O. 427(1)79, dated 20-5-1979.

member and, if such member has any view to express, the same may be recorded and the decision of the Tribunal shall be expressed in terms of the view of the majority.

25. A casual vacancy in the office of the Chairman or a member of a Tribunal caused by the absence on leave or otherwise of the Chairman or, as the case may be, a member may be filled by the President for a specified period by appointment of a person who is qualified to be the Chairman or, as the case may be, a member of a Tribunal.

26. The language of a Tribunal shall be English, but use may be made of the National or any one of the regional languages subject to the prior permission of the Tribunal.

27. A Tribunal may issue instructions in regard to supply of copies to, and inspection of record by parties to proceedings before it.

*[Authority.- Estt. Division's Notification No. S.R.O. 1199(1)/74, dated 14-9-1974].*



### **3.1 Delegation of Powers to Deputy Registrar, Service Tribunal, Lahore**

In partial modification of Service Tribunal's notification of even number dated the 6th December, 1975, and in exercise of the powers conferred by clause (1) (d) of Rule (2) of the Service Tribunals (Procedure) Rules, 1974, the Deputy Registrar, Service Tribunals, Camp Office, Lahore is hereby authorised to perform the functions of the Registrar under the Service Tribunals (Procedure) Rule, 1974 except:-

1. the fixing of cases out of turn;
2. transfer of cases from one station to another; and
3. grant of extension for filing objections beyond 5 months.

[*Authority.*- Federal Service Tribunal Notification No.F.12(2)/74,FST, dated 15-9-1980].

### **3.2 The Service Tribunals (Qualifications of Members) Rules, 1974**

In exercise of the powers conferred by section 8 of the Service Tribunals Act, 1973 (LXX of 1973), the Federal Government is pleased to make the following rules:-

1. These rules may be called the Service Tribunals (Qualifications of Members) Rules, 1974.
2. A member of the Tribunal shall be a person who has for a period of not less than 20 years held an appointment or post in the Service of Pakistan, or in a Corporation or other body set up by Government or who, for the said period, has been an advocate or legal practitioner.

[*Authority.*- Estt. Division's Notification No. S.R.O. 242 (I)/74, dated 22-2-1974].

### **3.3 Permanent Seat of the Service Tribunal**

In exercise of the powers conferred by sub-rule (1) of rule 3 of the Service Tribunals (Procedure) Rules, 1974, the Federal Government is pleased to appoint Islamabad to be the place at which the Service Tribunal established under the Establishment Division Notification No. S.R.O. 242(1)/74, dated the 22nd February, 1974, shall have its permanent seat.

[*Authority.*- Estt. Division's Notification No. 15/I/73-CV., dated 29-10-1974].

**Sl. No. 4****Method, Qualifications and other Conditions for Appointment of the Assistant Registrar (\*Grade 16) and Administrative Officer (\*Grade 17) in the Service Tribunal**

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Assistant Registrar (Grade\* 16) in the Service Tribunal:-

2. *Method of appointment.*— The post of Assistant Registrar shall be filled by transfer and, failing that, by promotion.

3. *Qualifications/Conditions for transfer.*— Appointment by transfer shall be made from amongst the persons who hold posts in Grade\* 16 on a regular basis either in the Service Tribunal or in any other Department of Federal Government. A law graduate will be preferred.

4. *Conditions for promotion.*— Promotion shall be made by selection from amongst the officials in Grades\* 11 to 15 employed in the Service Tribunal who have rendered at least 5 years service in these grades. A law graduate will be preferred.

5. *Probation.*— A person appointed to the post by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year, as may be prescribed at the time of appointment. Appointment on probation shall be subject to provision of Section 6 of Civil Servants Act, 1973.

[Authority.- Estt. Division's Notification No. S.R.O. 12 (I)/76, dated 3-1-1976].

**4.1 Method, Qualifications and other Conditions for Appointment of Administrative Officer in Service Tribunal**

In pursuance of sub-rule (2) of Rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Administrative Officer (Grade\* 17), in the Service Tribunal.

2. *Method of appointment.*— The post of Administrative Officer shall be filled by promotion and failing that it will be filled by transfer.

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\* BPS.

3. *Conditions for promotion.*— Promotion shall be made by selection from amongst the persons who hold the post of Superintendent or Private Secretary or Assistant Registrar in the Service Tribunal on a regular basis and have rendered at least 3 years service in \*Grade 16 or at least 8 years service in \*Grade 11 and above. A person who has sufficient knowledge of rules/regulations relating to administrative and establishment matters will be given preference.

4. *Qualifications/Conditions for Transfer.*— Appointment by transfer shall be made from amongst the persons who hold posts in \*Grade 17 on a regular basis under the Federal Government and have sufficient experience of rules/regulations relating to administrative and establishment matters.

5. *Probation.*— A person appointed to the post by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year, as may be prescribed at the time of appointment. Appointment on probation shall be subject to provision of Section 6 of Civil Servants Act, 1973.

[Authority:- Estt. Division's Notification No. S.R.O. 138 (I)/76, dated 12-2-1976].

#### **4.2 Method, Qualifications and Other Conditions for Appointment of the Deputy Registrar (Judicial) \*Grade 17 in the Service Tribunal**

In pursuance of sub-rule (2) of Rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Deputy Registrar (Judicial) Grade\* 17 in the Service Tribunal.

2. *Method of Appointment.*— The post will be filled by promotion, and failing that by transfer or by direct recruitment.

3. *Conditions of Promotion.*— Promotion shall be made by selection from amongst the persons who hold the post of Superintendent, or Private Secretary or Assistant Registrar in the Service Tribunal on regular basis and have rendered at least 3 years service in \*Grade 16 or at least 8 years service in \*Grade 11 and above. Only persons having degree in law with sufficient knowledge of rules/regulations relating to service matters will be considered for promotion.

4. *Qualifications/Conditions for Transfer.*— Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in the same grade\* in which the post to be filled exists, provided the person concerned possesses the qualifications/experience prescribed for direct recruitment or promotion to the post concerned.

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\* BPS

5. *Qualifications, experience and age limits for direct recruitment.*— A candidate must possess the educational qualifications and experience and must be within the age limits as mentioned against the post in the Schedule to this notification:

Provided that the maximum age limit will be relaxed by 3 years in the case of candidates belonging to Scheduled Castes, Buddhist Community, recognised tribes of the Tribal Areas, Azad Kashmir and Northern Areas (Districts of Gilgit, Skardu, Ghizer, Ghanche and Diamir) in accordance with the instructions issued by the Establishment Division.

6. *Probation.*— Persons appointed by promotion or direct recruitment shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year as may be prescribed at the time of appointment. Appointment on probation shall be subject to the provisions of Section 6 of Civil Servants Act, 1973.

[Authority.- Estt. Division's Notification No.S.R.O.136(I)/78, dated 23-1-1978].

#### SCHEDULE

Sl. No.	Designation and *Grade of the Post	Qualifications and Experience	Age Limit	
			Maximum	Minimum
1.	Deputy Registrar (Judicial) *Grade 17	Law graduate, having 3 years experience of working as Assistant Registrar in a High Court or a Tribunal, or as Legal Adviser in a Government Office or large private establishment, or 3 years practice as an advocate.	35 years	25 years

#### Sl. No. 5

#### Defence of Cases in the Tribunal and Law Courts

The following guidelines and instructions are to be observed by the Ministries/Divisions/Attached Departments in regard to Appeals/Writ Petitions/Suits preferred by the aggrieved civil servants before Service Tribunals, High Courts and Civil Law Courts against final orders affecting the terms and conditions of service, including cases where penalty have been awarded under the Government Servants (Efficiency & Discipline) Rules:-

- (i) After the promulgation of the Tribunal Act, 1973, the jurisdiction in all matters pertaining to the terms and conditions of the civil servants, including orders passed under Government Servants (Efficiency & Discipline) Rules 1973 rest with the Tribunal and to that extent the jurisdiction of the High Courts and the Civil Courts

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\* BPS.



has been ousted. In cases where writ petitions/civil suits are filed they should be contested on the point of jurisdiction.

- (ii) In Appeals/Writ Petitions/Civil Suits against the orders passed by the Ministries/Divisions, the responsibility of defending such cases is of the Ministry/Division/Attached Department concerned. However, in view of the fact that Establishment Division is made proforma party in most of the cases, the cases are referred routinely to this Division which results in loss of time. It is clarified that where the final orders have been passed by the Ministry/Division other than the Establishment Division no reference should be made to the Establishment Division, unless there is a specific point of reference, in which case the issue should be clearly specified and necessary papers supplied as *annex* in a self contained reference. It would not be possible for the Establishment Division to respond to general queries or a general request for advice in such cases.
- (iii) In cases where the Ministries/Divisions are the principal respondent, arrangement for submission of parawise comments well in time, and appointment of counsels to defend the case should be made in consultation with the Law Division. The Federal Service Tribunal is presently not happy about the delays in filing parawise comments and the proper defence of the cases before them by the Ministries/Divisions.
- (iv) In defending the appeals, before the Service Tribunals the question of limitation should be carefully examined, and the appeals contested on this ground where appeals are time barred.
- (v) The Ministries/Divisions are also required to examine those cases which are decided against the government by the Service Tribunal in their capacity as the main respondent, with a view to filing an appeal before the Supreme Court in consultation with the Law Division directly. Such cases need not to be referred to this Division for examination.

[Authority.- Estt. Division's O.M.No.14/5/80-Lit/Misc., dated 7-3-1982].

### **5.1 Implementation of Judgments/Orders Passed by the Federal Service Tribunal**

On acceptance of an appeal by the Federal Service Tribunal, a written order is communicated to the parties and respondent Ministries/ Divisions/ Departments concerned. On receipt, the judgment is to be examined on top priority basis with a view to filing a Civil Petition for Special Leave to Appeal (CPSLA) before the Supreme Court of Pakistan for which 60 days time is available to the aggrieved parties. In case it is decided, in consultation with the Law and Justice Division, that an order passed by the Tribunal does not involve

any substantial question of law of public importance for moving a CPSLA before the Supreme Court of Pakistan, the order should be implemented forthwith under intimation to the Registrar, Federal Service Tribunal, Islamabad.

2. The Ministries/Divisions are also requested kindly to inform the departments under their administrative control to follow the above instructions.

[*Authority*:- Estt. Division's O.M.No.F.10/14/92-Lit.I, dated 4-5-1993].

## **5.2 Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan**

Copy of letter No. 1(5)2006-AGP, dated 2-3-2006, received from the Attorney General of Pakistan is enclosed herewith with the request that the instructions contained in the enclosed letter may be complied with in letter and spirit.

2. The above instructions may also be circulated to the attached departments/ organizations under the administrative control of each Ministry/Division.

[*Authority*: Estt. Div.'s OM No. 9/4/2006-Lit-4, dated 16<sup>th</sup> March, 2006]

## **5.3 Letter of Attorney General of Pakistan Regarding Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan**

It has been observed that orders passed in service matters by the Federal Service Tribunal decided against the government are not implemented as per directions given in the respective orders. The government departments postpone the implementation of the orders of the Federal Service Tribunal on the grounds that CPLA is preferred against the order and wait for the disposal of the matter by the Honorable Supreme Court of Pakistan. The government departments are hereby informed that unless the order of FST is suspended specifically by an order of the Supreme Court, the same must be implemented forthwith. However, a clause may be added in the implementation orders that it shall be subject to the final decision of the matter by the Honorable Supreme Court of Pakistan. This eventuality of informing the government departments has arisen because recently the Honorable Supreme Court of Pakistan has started taking a very serious note of this fact and in some of the cases, heavy costs up to Rs. 50,000/- has been imposed by the Honorable Supreme Court of Pakistan simply for the reason that the government department has not implemented the orders during the pendency of the CPLA, without there being any order of suspension of the orders appealed against. The matter must be attended to

urgently in order to avoid any further financial loss to the national exchequer. Thus all the matters which are decided by the FST or which are pending in the Honorable Supreme Court of Pakistan or which may be instituted before the Honorable Supreme Court of Pakistan against any order passed by the FST, directing the reinstatement or granting some other relief to a civil servant, be complied with forthwith, unless the order appealed against is specifically suspended by the Honorable Supreme Court of Pakistan.

2. The Secretary Establishment is further requested to convey this message to all the departments concerned of the government in respect of which the service matters crop up before the FST or before the Honorable Supreme Court of Pakistan for necessary action.

[*Authority:-* Office of the Attorney General for Pakistan's DO No. 1(5)2006-AGP, dated 2-3-2006]

#### **5.4 Implementation of Federal Service Tribunals Order Wherever Appeals Not Filed**

1. ....Omitted.....

2. It is brought to the notice of the Ministries/ Divisions/ Departments that the Federal Service Tribunal was constituted in 1973 and enjoys the powers of a civil court under the Civil Procedure Code and can, if it so desires, initiate proceedings against the defaulting Ministries/Divisions/ Departments for non-implementation of its orders if they have not been appealed against in the higher courts. It is, therefore, mandatory for the Ministries/Divisions/Departments to implement the Federal Service Tribunal's orders wherever appeals have not been filed and strict compliance with this legal provision is requested forthwith.

3. The Tribunal has also complained about the lack of assistance being rendered by the Ministries/Divisions/Departments by having their viewpoints represented by officials of the contesting Ministry/Division/Department at very low level and for not contacting government counsel/advocate who is supposed to defend the government position. Many instances relating to some Ministries and Departments have been cited by the Chairman, Federal Service Tribunal which are being separately addressed on the subject.

4. In view of the above, the attention of the Ministries/Divisions/ Departments is invited to the Establishment Division's policy O.Ms. No.10/14/92-Lit.1, dated 4.5.1993, 2/19/93-Lit.3, dated 28.5.1994 and 1/23/94-Lit.2, dated 3.11.1994 which stress that:

- (a) the government departments should assure that no case goes unrepresented before any court/tribunal. A responsible officer well conversant with the case, alongwith government counsel should always be deputed to represent the government and assist the

court/tribunal on the basis of departmental record and the policy stand taken in the case;

- (b) where a judgment is passed against the government the possibility of filing an appeal against it should be examined well within time in consultation with the Law & Justice Division; and
- (c) where a judgment is not desired to be challenged the same should be implemented forthwith.

5. The Ministries/Divisions/Departments are requested to strictly comply with the government instructions referred to above. The government functionaries, found negligent or responsible for mishandling the cases, should invariably be proceeded against under the E&D Rules, 1973.

[*Authority*.- Paras 2 to 5 of Estt. Division's O.M.No.1/1/95-Lit.2/Misc. dated 30-8-1995].

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