

# **EXECUTIVE HANDBOOK**

## **2024**



**ESTABLISHMENT DEPARTMENT**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**

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**CONSTITUTIONAL PROVISIONS REGARDING TERMS AND CONDITIONS  
OF SERVICE OF CIVIL SERVANTS.**

**Appointments to service of Pakistan and conditions of service.**

**Article 240 of the Constitution of Islamic Republic of Pakistan, 1973.** Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined; -

(a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, 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).

**Existing rules etc. to continue.**

**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.

**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS ACT, 1973**  
**(Khyber Pakhtunkhwa Act No. XVIII of 1973)**

<sup>1</sup>An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the Khyber Pakhtunkhwa.

**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 the Khyber Pakhtunkhwa, 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 Khyber Pakhtunkhwa Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply 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 the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (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 a civil service of the province, or who holds a civil post in connection with the affairs of the Province, but does not include-
  - (i) A person who is on deputation to the Province from the Federation or any other 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 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the Khyber Pakhtunkhwa.
- (d) "Initial appointment" means appointment made otherwise than by promotion or transfer;

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<sup>1</sup> Published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 12-11-1973 at pages 287 N-287V

- (e) "Pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid ;
- (f) "Permanent post" means a post sanctioned without limit of times;
- (g) "Prescribed" means prescribed by rules;
- (h) "Province "means the Khyber Pakhtunkhwa;
- (i) "rules" means rules made or deemed to have been made under this Act;
- (j) "Selection authority" means the Khyber Pakhtunkhwa Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) "Temporary post" means a post other than a permanent post.

(2) For the purpose 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:-** The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

**4. Tenure of office of civil servants:-** Every civil servant shall hold office during the pleasure of the Governor.

**5. Appointment:-** Appointment to a civil service of the province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor 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.

(3) 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.

(2) A civil servant promoted to a post <sup>2</sup>[ ] 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 there-from.

(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 officiating, in such service or post, whichever is later.

**8. Seniority:-** (1) For proper administration of a service, cadre or <sup>3</sup>[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or <sup>4</sup>[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 <sup>5</sup>[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 <sup>6</sup>[cadre] whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, <sup>7</sup>[cadre] or post shall be determined as may be prescribed.

<sup>8</sup>(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.

<sup>9</sup>(5) The seniority lists prepared under sub-section(1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

<sup>2</sup> The words "or grade" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>3</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>4</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>5</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>6</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>7</sup> The word "grade" substituted By Khyber Pakhtunkhwa ordinance No. IV of 1985.

<sup>8</sup> Sub section (4) of Sec-8 substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>9</sup> Sub section (5) of Sec-8 added by Khyber Pakhtunkhwa Act No. I of 1989

**9. Promotion:-** (1) A civil servant possessing such minimum qualifications as may be prescribed, shall be eligible for promotion to a <sup>10</sup>[higher] post for the time being reserved under the rule for departmental promotion in <sup>11</sup>[ ] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion 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 non-selection post, on the basis of seniority-cum-fitness.

**10. Posting and Transfer:-** Every civil servant shall be liable to serve anywhere within or outside the province, in any 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 favorable than those to which he would have been entitled if he had not been so required to serve.

**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 <sup>12</sup>[service] or cadre, but he shall be reverted to his former <sup>13</sup>[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 grade, 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 grade.

<sup>10</sup> The word "higher" inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>11</sup> The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>12</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>13</sup> The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

(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.

<sup>14</sup>**11-A. Absorption of civil servants rendered surplus.** Notwithstanding anything contained in this Act, the rules made there-under, any 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 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.

<sup>15</sup>**11B. Absorption or appointment of Federal employees:-** (1) Notwithstanding anything contained in this Act, all those employees of the Federal Government, who are holding various posts in Federal Government entities on regular basis, before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and the said entities being devolved to Province in pursuance of aforesaid amendment, shall be deemed to be the civil servants of the Province for all intents and purposes under this Act.

(2) All such Federal Government employees,-

- (a) if their relevant cadre is available in Government, shall be absorbed in the said cadre in the prescribed manner; and
- (b) if no relevant cadre is available in Government, shall be deemed to have been appointed on regular basis to various cadres, posts, to be created for this purpose;

Provided that on such appointment or absorption, as the case may be,-

- (i) their seniority shall be determined in accordance with the provision of this Act; and
- (ii) their liabilities with regard to pension, gratuity, group insurance, benevolent fund, and leave encashment shall be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.

(3) Government shall constitute a committee consisting of Secretary to Government, Establishment Department, Secretary to Government, Finance Department, Secretary to Government, Law, Parliamentary Affairs and Human

<sup>14</sup> The new Section "11-A" inserted by Khyber Pakhtunkhwa Ordinance No. VI of 2001

<sup>15</sup> Insertion of new section 11-B in the Khyber Pakhtunkhwa (Amendment) Act No. 2015.



Rights Department, Secretary to Government, Inter Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section.”

**12. Reversion to a lower <sup>16</sup>[post]:-** A civil servant appointed to a higher post or <sup>17</sup>[before the commencement of the Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 1985 to a higher] grade on ad hoc or on temporary or officiating basis shall be liable to reversion to his lower post <sup>18</sup>[ ] without notice.

<sup>19</sup>**12A. Certain persons to be liable to removal or reversion:-** Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977 may be removed from service or reverted to his lower post as the case may be, without notice, by the Governor or a person authorized by him in this behalf, on such date as the Governor or, as the case may be, the person so authorized may, in the public interest, direct.

<sup>20,21</sup> <sup>22</sup>**13. Retirement from service:-** (1) A civil servant shall retire from service on the completion of Sixtieth (60) years of his age.

(2). A civil servant may opt to retire early from service, after completion of twenty-five (25) years of qualifying service or attaining the age of fifty-five (55) years, whichever is later.

(3) Notwithstanding anything contained in sub-sections (1) and (2) the competent authority may in the public interest, direct that a Civil Servant may retire from service from such date as may be determined by the competent authority after he has completed twenty (20) years of service qualifying for pension or other retirement benefits in the manner as may be prescribed:

Provided that no direction under this sub-section 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.

<sup>23</sup>**13A. Protection of certain acts:-** (1) All the Civil Servant, who were conditionally retired from service on or after 31<sup>st</sup> day of July, 2019 shall for all intents and purposes be deemed to have been regularly retired from service on the date of attaining sixtieth (60<sup>th</sup>) years of age.

(2) Any Civil Servants who has completed sixty (60) years of age but is not retired from service by virtue of or in pursuance of Khyber Pakhtunkhwa Civil Servants

<sup>16</sup> The words “grade or service” substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>17</sup> The words inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>18</sup> The words “or grade” omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985

<sup>19</sup> Section 12A inserted by Khyber Pakhtunkhwa Ordinance No. IX of 1978.

<sup>20</sup> Section 13 substituted vide Khyber Pakhtunkhwa Civil Servants (Amendment) Act 1991(Act III of 1991)

<sup>21</sup> Section 13 again substituted vide Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance 2000 (Khyber Pakhtunkhwa Ordinance No. VIII of 2000).

<sup>22</sup> Section-13 substituted vide notification No. PA/Khyber Pakhtunkhwa/Bills-216/2022/14811 dated 18/05/2021.

<sup>23</sup> Insertion of section 13-A vide notification No. PA/Khyber Pakhtunkhwa/Bills-216/2022/14811 dated 18-05-2021.

(Amendment) Act, 2019 shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31<sup>st</sup> day of July, 2019 shall be deemed to be validly received and drawn.

**14. Employment after retirement:-** (1) A retired civil servant shall not ordinarily be re-employed under 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 Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provision of sub-section(1) of Section-3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act 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 the 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. Disciplinary action:-** 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 <sup>24</sup>[ ] shall be entitled, in accordance with the rules, to the pay sanctioned for such post <sup>25</sup>[ ].

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.

<sup>26</sup>**19. Pension and gratuity:-** (1) On retirement from, service a civil servant appointed on regular basis in the prescribed manner before the commencement of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2022, shall be entitled to receive such

<sup>24</sup> The words “or grade” omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>25</sup> The words “or grade” omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

<sup>26</sup> Section-19 substituted vide notification No. PA/Khyber Pakhtunkhwa/Bills-216/2022/14811 dated 07-06-2022

pension or gratuity as are admissible to him under the pension rules for the time being in force:

Provided that in the event of death of such a civil servant as provided in this sub-section whether before or after retirement his family shall be entitled to receive such pension or gratuity or both as admissible under the said rules.

(2) A person to be appointed on regular basis to a service or post in the prescribed manner on or after the commencement of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2022 shall for all intents and purposes be civil servant except for the purpose of pension and gratuity. Such a civil servant shall in lieu of pension and gratuity be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contributions made by Government to his account in the said fund in the prescribed manner:

Provided that in the event of death of such a civil servant as provided in this sub-section whether before or after retirement his family shall be entitled to receive the amount of Contributory Provident Fund if it has already not been received by such deceased civil servant

(3) No pension to civil servant who is otherwise entitled under sub-section (1) shall be admissible to him if he is dismissed or removed from service for reasons of discipline but Government may sanction compassionate allowance to such civil servant not exceeding two-third of the pension or gratuity which would have been admissible to him has he been invalided from service on the date of such dismissal or removal:

Provided that a civil servant referred to in sub-section (2) in case of such dismissal or removal may in addition to his own contributions to the Contributory Provident Fund be allowed on account of such compassionate allowance a sum not exceeding two-third of Government Contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant as specified in sub-section (1) 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 qualified for pension or gratuity and any over payment 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 interest 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 Officer 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 West Pakistan Government Employees Welfare Fund Ordinance, 1969 (W.P Ord.I of 1969), or the Khyber Pakhtunkhwa Government Servants Benevolent Fund Ordinance, 1972 (Khyber Pakhtunkhwa Ordinance VII of 1972), 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 Governor 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 rules.

<sup>27</sup>**23-A Indemnity:-** No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued there-under.

<sup>28</sup>**23-B. Jurisdiction barred:-** Save as provided under this Act and the Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No.1 of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor 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 Governor 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:

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<sup>27</sup> Section-23A inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.

<sup>28</sup> Section-23B inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.

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

**25. Appointment of persons on contract, etc:-** The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

<sup>29</sup>**26. Rules:-** (1) The Governor or any person authorized by the Governor 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.

**27. Repeal:-** The Khyber Pakhtunkhwa Civil Servants Ordinance, 1973 (Khyber Pakhtunkhwa Ordinance No.VI of 1973), is hereby repealed.

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<sup>29</sup> The Governor Khyber Pakhtunkhwa has authorized the Chief Minister Khyber Pakhtunkhwa to make rules vide Notification No. SOR-I (S&GAD)1-206/74/Vol-V, dated 18-04-1989 read as "In exercise of the powers conferred by sub-Section (1) of Section 26 of the Khyber Pakhtunkhwa Civil Servants Act 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Governor of the Khyber Pakhtunkhwa is pleased to authorize the Chief Minister Khyber Pakhtunkhwa to make rules for carrying out the purpose of the said Act".

**KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION & TRANSFER) RULES, 1989**

SOR-I(S&GAD)4-1/80 dated 31-01-1989.

**STATUTORY PROVISION REGARDING APPOINTMENT.**

*Section 5 of Civil Servants Act, 1973* - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf.

**PART-I  
GENERAL**

1. **Short title and commencement:-** (1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-** (1) In these rules, unless the context otherwise requires:-

- (a) "Appointing Authority" in relation to a post, means the persons authorized under Rule 4 to make appointment to that post;
- (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;
- (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- <sup>30</sup> (d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;
- <sup>31</sup> (dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

- (e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];
- (f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

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<sup>30</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>31</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994



<sup>32</sup>(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. !	Posts	! Appointing Authority
<sup>33</sup> 1.	(a) Posts in Basic Pay Scale 18 and above including posts in; Basic Pay Scale 17 borne on any of the following services; <ul style="list-style-type: none"> <li>(i) Former Provincial Civil Service (Executive Branch);</li> <li>(ii) Former Provincial Civil Service (Judicial Branch); and</li> <li>(iii) Provincial Civil Secretariat Service.</li> </ul>	Chief Minister
	(b) Posts in Basic Pay Scale 17 other than those covered by (a) above.	Chief Secretary

<sup>32</sup> Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

<sup>33</sup> Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

2. Posts in Basic Pay Scale 16.
  - (a) In the case of Secretariat of the Government of Khyber Pakhtunkhwa, the Chief Secretary.
  - (b) In case of High Court, the Chief Justice; and
  - (c) In the case of Attached department:
    - (i) the Head of Attached Department concerned; and
    - (ii) In any other case the Secretary of the Department concerned.
3. Posts in Basic Pay Scales <sup>34</sup>[6 to 15].
  - (a) In the case of civil servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and
  - (b) In other cases
    - (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or
    - (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.
4. Posts in Basic Pay Scale <sup>35</sup>[3 and 5]. Deputy Secretary incharge of Administration or office, as the case may be.
5. <sup>36</sup>**Departmental Promotion & Selection Committee/Board:-** (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee <sup>37</sup>(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department
 

(2) such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

<sup>34</sup> The Figures and word “3 to 15” substituted with figures and word “6-15 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>35</sup> The Figures and word “1 and 2” substituted with figures and word “3 and 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016. Note: -For the purpose or appointment to a post borne on the Ministerial Establishment of Civil Secretariat in basic pay scale 06-15 “-Secretary to Government” means the Secretary to Government, Establishment & Administration Department and in other cases the Secretary of the department concerned.

<sup>36</sup> The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

<sup>37</sup> The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994.



<sup>38</sup>6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

## **PART-II**

### **APPOINTMENT BY PROMOTION OR TRANSFER**

7. **Appointment by Promotion or Transfer.** <sup>39</sup>(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

<sup>40</sup>(5) (Deleted)

8. **Inter-Provincial Transfer:-** (1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bona fide resident of the Khyber Pakhtunkhwa.
- (v) a vacancy exists to accommodate the request for such a transfer; and:
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

<sup>38</sup> Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994.

<sup>39</sup> Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

<sup>40</sup> Sub rule (5) of Rule-7 deleted vide Notification No. SO(Policy)E&AD/1-3/2020 dated 06-08.2020.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

**9. Appointment on Acting Charge or current Charge Basis:-** (1) Where the appointing authority considered 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;

<sup>41</sup>Provided that no such appointment shall be made, if the prescribed length of service is short by more than <sup>42</sup>[three years].

(2) <sup>43</sup>[Deleted]

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic 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 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 Provincial Selection Board, as the case may be.

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

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<sup>41</sup> Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

<sup>42</sup> The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

<sup>43</sup> Sub-Rule-(2) of Rule-9 deleted vide Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22.10.2011.

### **PART-III**

#### **INITIAL APPOINTMENT**

**10. Appointment by Initial Recruitment:-** (1) Initial appointment to posts <sup>44</sup>[in various basic pay scales] shall be made-

- (a) If the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) If the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

<sup>45</sup>(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

<sup>46</sup>Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

<sup>47</sup>Provided further that the appointment in Basic Pay Scale <sup>48</sup>[03 to 05] shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, <sup>49</sup>[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers]

<sup>50</sup>[ ]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical 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-

- (i) <sup>51</sup>where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

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<sup>44</sup> The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

<sup>45</sup> Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

<sup>46</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

<sup>47</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004.

<sup>48</sup> The Figures and word "1 to 2" substituted with figures and word "3 to 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>49</sup> Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

<sup>50</sup> 2<sup>nd</sup> Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05 2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

<sup>51</sup> Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

<sup>52</sup>(4) Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board notwithstanding the procedure provided for in sub-rule(2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a post in any of the Basic Pay Scales 3 to 11 in provincial cadre post and Basic Pay Scales 3 to 12 in District cadre posts:

Provided that the child, widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased/incapacitated/invalidated civil servant, as the case may be, preference shall be given to the elder widow/wife:

Provided also that the appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:

Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the commission.

<sup>53</sup>(5) Notwithstanding anything contained in these rules or any other rules for the time being in force;

(a) ten percent of all the posts, to be filled in by initial recruitment, shall be reserved for female candidates, except the posts of Driver, Mali and Chowkidar.

**Explanation:** Ten percent quota, reserved under clause (a) of this sub-rule, shall be in addition to the posts exclusively reserved for female candidates;

(b) five percent of all the posts, in each basic pay scale, to be filled in by initial recruitment, shall be reserved for candidates, belonging to minorities, in addition to their participation in the open merit:

“Provided that in case of non-availability of minorities candidates in the district concerned, such posts shall be filled from amongst the minorities candidates of the adjoining districts of the Division concerned; and

(c) two percent of all the posts, in each basic pay scale, to be filled in by initial recruitment, shall be reserved for disabled candidates.

**Explanation:** For the purpose of reservation under clause (c) of this sub-rule, “disability” does not include such disability which hampers smooth performance of the duties associated with such posts.

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<sup>52</sup> Sub rule (4) substituted vide Notification No. SOR-VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>53</sup> Sub rule (5) substituted vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

(6) <sup>54</sup>[Deleted]

(7) <sup>55</sup>[Deleted]

**11. Eligibility:-** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the Khyber Pakhtunkhwa.

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

(2) <sup>56</sup>[Deleted]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

**12. Zonal and Divisional representation:-** (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

<sup>57</sup>Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be;

<sup>58</sup>Provided that in case of non-availability of candidates from the district concerned to posts BPS-03 to 15, such posts shall be filled from amongst bona fide residents of the adjoining districts of the Division concerned.

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<sup>54</sup> The 5% quota reserved for earth quack affectees stand deleted vide circular letter No. SOR-VI(E&AD)1-3/2005 dated 17.06.2015.

<sup>55</sup> Sub rule (7) stand deleted vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

<sup>56</sup> Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008.

<sup>57</sup> Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008.

<sup>58</sup> Proviso to sub-rule (2) in rule-12 added vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

(3) Initial recruitment to posts in Basic Pay Scales <sup>59</sup>[3 and 5] or equivalent shall ordinarily be made on local basis.

#### **PART-IV** **AD HOC APPOINTMENT**

**13. Requisition to Commission:-** When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

**14. Ad hoc Appointment:-** (1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding <sup>60</sup>[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) 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 <sup>61</sup>[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

#### **PART-V** **PROBATION AND CONFIRMATION**

**<sup>62</sup>15. Probation:-** (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) On the successful completion of probation period, prescribed in sub-rule (1), the appointing authority may extend the probation for another year by specific order within two months of the expiry of first year of probation period.

(3) In case no specific order of extension of probation period under sub-rule (2), is issued on the expiry of one year within two months, the probation shall stand automatically terminated

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period.”

**16. Confirmation:-** After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully

<sup>59</sup> The Figures and word “1 and 2” substituted with figures and word “3 and 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>60</sup> The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

<sup>61</sup> The words six months replaced with the words one year vide Notification No.SOR-VI(E&AD)1- 3 /08, dated 17-01-2009.

<sup>62</sup> Rule 15 substituted by Notification No.SO (Policies)E&AD/1-3/2017 dated 07.12.2017.



a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

## **PART-VI** **SENIORITY**

17. **Seniority:-** (1) the seniority inter se of civil servants <sup>63</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>64</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants 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.

**Explanation-I.** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II.** If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III.** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>65</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

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<sup>63</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

<sup>64</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

<sup>65</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>66</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

**18. General Rules:-** In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

**19. Repeal:-** The Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

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<sup>66</sup> Sub-rule (4) of Rule 17 added vide Notification No.SOR-VI (E&AD) 1-3/2008 dated 19-11-2009.



**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS**  
**(EFFICIENCY AND DISCIPLINE) RULES, 2011**

Authority Notification No.SO(REG-VI)E&AD/2-6/2010 dated 16.9.2011

**Notification**

Peshawar dated the 16<sup>th</sup> September, 2011

**No SOR-VI/E&AD/2-6/2010:-** In exercise of the power conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, commencement and application:-** (1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall be apply to every person who is a member of the civil service of the Province or is the holder of the civil post in connection with affairs of the province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definition:-** (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

- (a) "accused" means a person in Government service against whom action is taken under these rules;
- (b) "Appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made there under of an authority as notified under the specific laws/rules of Government;
- (d) "Charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means: -
  - (i) The respective appointing authority;
  - (ii) In relation to a Government Servant of a Tribunal or Court functioning under Government, the appointing authority or the chairman or presiding officer of such tribunal or court, as the case may be, authorized by the competent authority to exercise the power of competent authority under these rules;

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused:

<sup>67</sup>Provided further that where Chief Minister is the Appointing Authority, the Chief Secretary shall be the competent authority for the purpose of these rules except rules 14 & 15:

<sup>68</sup>Provided further that where the Peshawar High Court, Peshawar is the Appointing Authority, the Chief Justice shall be the Competent Authority, for the purpose of these rules.

(g) "Corruption" means:-

- (i) Accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration as reward for doing or for bearing to do any official act; or
- (ii) Dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
- (iii) Entering into <sup>69</sup>{voluntary return} or plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (iv) Possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (v) Maintaining a standard of living beyond known sources of income; or
- (vi) Having a reputation of being corrupt;

(h) "Governor" means the Governor of the Khyber Pakhtunkhwa;

(h-i) <sup>70</sup>"hearing officer" means an officer, as far as possible, senior in rank to accused, appointed by the competent authority, to afford an opportunity of personal hearing to the accused on behalf of the competent authority; and

(i) "Inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;

(j) "Inquiry committee" means a committee of two or more officers, headed by a convener as may be appointed by the competent authority under these rules;

(k) "Inquiry Officer" means an officer appointed by the competent authority under these rules;

(l) "Misconduct" includes-

- (i) Conduct prejudicial to good order or service discipline; or
- (ii) Conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
- (iii) Conduct unbecoming of Government servant and a gentlemen; or

<sup>67</sup> The proviso inserted vide notification No.SO (Policies)E&AD/1-41/2017 dated 07.12.2017

<sup>68</sup> The proviso inserted vide notification No.SO (Policies)E&AD/2-61/2017 dated 08.08.2019

<sup>69</sup> The words "voluntary return or" inserted vide notification No.SO (Policies)E&AD/2-6/2017 dated 07.12.2017

<sup>70</sup> Clause (h-i) added vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

- (iv) Involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
  - (v) Any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
  - (vi) Making appointment or promotion or having being appointed or promoted on extraneous grounds in violation of any law or rules; or
  - (vii) Conviction for a moral offence by court of law; or
  - (viii) <sup>71</sup>Avoiding submission of Annual Confidential Report/ Performance Evaluation Report by a Government servant, or withholding such report by the Reporting Officer or the Countersigning Officer, as the case may be, within the required period as provided in the instructions issued by Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973, from time to time; and
- <sup>72</sup>(m) “Penalty” means a minor or major penalty, as provided under rule-4 of these rules.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Grounds for proceedings:-**A Government servant shall be liable to be proceeded against under these rules if he is-

- (a) Inefficient or has ceased to be efficient for any reason; or
- (b) Guilty of misconduct; or
- (c) Guilty of corruption; or
- (d) Guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) Engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his (retention) in service is prejudicial to national security; or
- (f) Entered into <sup>73</sup>[voluntary return or] plea bargaining under any law for the time being in force and has returned assets or gains acquired through corruption or corrupt practices voluntarily.

<sup>71</sup> Clause (viii) added notification No. SOR-VI/E&AD/2-6/2010 dated 26.05.2014

<sup>72</sup> New clause (m) added vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>73</sup> The words “voluntary return or” inserted vide notification No.SO (Policies)E&AD/2-6/2017 dated 07.12.2017

<sup>74</sup>**4. Penalties:-** (1) The following are the minor and the major penalties, namely:-

(a) Minor penalties:

- (a) Censure;
- (b) Withholding of increment or increments for a specific period, subject to a maximum of three years without cumulative effect:

Provided that the penalty of withholding of increment shall not be imposed upon a Government servant who has reached the maximum of his pay scale or shall superannuate within the period of penalty;

- (iii) Reduction to a lower stage or stages, in pay scale, for a specific period, subject to a maximum of three stages without cumulative effect; and
- (iv) Withholding of promotion for a specific period, subject to a maximum of three years, if the accused is otherwise eligible for promotion, in accordance with these rules or orders pertaining to the service or post:

Provided that specific period of punishment under this sub-clause shall be counted from the date when a permanent vacancy for promotion in respect of accused is available and the accused is otherwise eligible for such promotion:

Provided further that the penalty under this clause shall not be imposed upon a Government servant, who has no further prospects of promotions, or who will superannuate during the period of the said penalty; and

(b) Major Penalties:

- (i) reduction to a lower post and pay scale from the substantive or regular post, for a specific period, subject to a maximum of three years:

<sup>75</sup>[Provided that on restoration to original pay scale or post, the penalized Government servant shall be placed below the erstwhile juniors promoted to higher post during subsistence of the period of penalty]; and

Provided further that this penalty shall not be imposed upon the accused, who is likely to be superannuated within the period of the penalty;

<sup>76</sup>Provided also that this penalty shall not be imposed upon the Government servant, who has been appointed against the post by initial recruitment.

<sup>74</sup> Rules-4 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>75</sup> Proviso substituted vide notification No. SO(Policies)E&AD/2-6/2022 dated 16.01.2023

<sup>76</sup> Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) The penalty of removal from service shall not but dismissal from service, under these rules, shall disqualify the Government servant for further employment of any kind under Government.

(3) Subject to any restraining orders, passed by any court of competent jurisdiction, any proceedings under these rules shall not be discontinued merely on the ground that the matter is sub-judice before the Court.

(4) Subject to sub-rule (3), where the holding of departmental inquiry during judicial custody is not possible or where holding of such departmental inquiry has effect of impeding the course of justice in criminal proceedings or of prejudicing the trial, the competent authority may deferred such inquiry till release on bail or termination of criminal proceedings, as the case may be.

(5) In addition to the minor or major penalties, as the case may be, where a Government servant is convicted of any embezzlement or where any pecuniary loss is caused to Government or organization in which he is employed or posted, such embezzled amount and the amount due shall be recovered from such accused from his pay or any other amount payable to the accused in whole or in part, as provided in the financial rules:

Provided that if the amount, due from such government servant cannot be wholly recovered from the pay or any other amount payable to him, such amount shall be recovered under the law for the time in force.

5. **Initiation of proceedings:-** (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) Proceed itself against the accused by issuing a show cause notice under rule-7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or

- (b) Get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offense other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

**<sup>77</sup>6. Suspension and leave:-** (1) The competent authority may place any Government servant under suspension or send him on leave, against whom proceedings are proposed to be initiated for an initial period not exceeding one hundred and twenty days at one time extendable in writing, by the competent authority for such period as it may deem appropriate or till conclusion of the proceedings, if in the opinion of the competent authority, suspension or sending the Government servant on leave is necessary or expedient. If the period of suspension is not extended before the expiry of initial period of suspension, the suspension of such Government servant shall cease to have effect:

<sup>78</sup>Provided that in cases where the Chief Minister or Chief Secretary is the competent authority, the Administrative Secretary may suspend the Government servant and submit charge sheet and statement of allegations, forthwith, to the competent authority for signature and initiation of disciplinary proceedings, in accordance with these rules.

(2) A Government servant, who has been charged for a criminal offence and is committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of competent authority:

Provided that in case such Government servant is not arrested or is released on bail, the competent authority may suspend him by specific order to be notified in this behalf.

(3) During suspension period, the Government servant shall be entitled to his pay, allowance and other benefits in accordance with Fundamental Rule-53.

(4) If a Government Servant is sent on leave, in pursuance of an order under sub-rule (1), such period shall be treated as on duty.

(5) If a Government Servant is absent from official duty during the disciplinary proceedings under these rules, such period may be treated as extra ordinary leave without pay with the approval of competent authority.

<sup>77</sup> Rules-6 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>78</sup> Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021



**797. Procedure where inquiry is dispensed with:-** If the competent authority decides that it is not necessary to hold an inquiry against the accused, it shall-

- (a) inform the accused, by an order in writing, of the grounds for proceedings against him, clearly specifying the charges therein, along-with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, which shall not be less than ten days and more than fourteen days, from the receipt of the order or within such extended period, as the competent authority may allow;
- (c) on receipt of reply of the accused, within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, determine whether the charge or charges have been proved against the accused or not:  
Provided that after receipt of reply to the show cause notice from the accused or in case where no reply is received, the competent authority shall, except in such cases where the Chief Minister is the competent authority, decide the case within a period of thirty days;
- (d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if the charge or charges have been proved against him;
- (e) exonerate the accused, by an order in writing, if the charge or charges have not been proved against him; and
- (f) impose any one or more penalties, mentioned in rule 4, by an order in writing, if the charge or charges have been proved against the accused.

**8. Action in case of conviction or plea bargain under any law:-** Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:  
Provided that dismissal in these cases shall be with <sup>80</sup>[ ] effect from the date of conviction by a court of law; and
- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

**819. "Procedure in case of willful absence:-** Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the Administrative Secretary in case the competent authority is Chief Minister or Chief Secretary and all other cases by the competent authority concerned, through registered acknowledgement on his home address directing him to resume duty within fifteen (15) days of issuance of the notice. If the same is received back as undelivered or no response is received from such Government servant,

<sup>79</sup> Rules-7 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>80</sup> The word "immediate" deleted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18.7.2012

<sup>81</sup> Rule-9 substituted vide notification No. SO(Policies)E&AD/2-6/2022 dated 16.01.2023

within stipulated time, a notice shall published in at least two leading newspapers, directing him to resume duty within fifteen (15) days of the publication of that notice, failing which, an *ex-parte* decision shall be taken by the competent authority against him. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant by the competent authority:

Provided that upon publication of the notice in the newspaper, pay of such Government servant shall be stopped.”

**<sup>82</sup>10. Procedure to be followed by competent authority where inquiry is necessary**:- (1) If the competent authority decides that it is necessary to hold an inquiry against the accused, under rule 5 of these rules, it shall pass an order of inquiry in writing. An inquiry order shall include:-

- (a) The appointment of an inquiry officer or inquiry committee, subject to sub-rule (2); provided that the inquiry officer or the convener of the inquiry committee, as the case may, shall, as far as possible, be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall, as far as possible, be of a rank senior to the senior most accused;
- (b) The grounds for proceedings, clearly specifying the charges along-with apportionment of responsibility which shall be communicated to accused within fourteen days, from the date of initiation of proceedings;
- (c) Appointment of the departmental representative by designation; and
- (d) Direction to the accused to submit his written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than ten and more than fourteen days from the date of receipt of orders under clause (b) or within such an extended period as the competent authority may allow.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along-with the orders of inquiry.

(3) In case where the inquiry officer or any of the members of the inquiry committee is required to be replaced for one reason or the other, the competent authority may appoint another inquiry officer or the inquiry committee, as the case may be.

**11. Procedure to be followed by the Inquiry Officer or Inquiry Committee**:- (1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex-parte*.



(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

<sup>83</sup>(4) Statements of witnesses shall be recorded in the presence of accused and departmental representative; and.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

<sup>84</sup>(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within sixty days or within such an extended period, which the competent authority may allow on the request of the inquiry officer or inquiry committee, as the case may be, for reasons to be recorded and shall submit his or its report to the competent authority within seven days of the date of completion of inquiry. The inquiry report must contain clear findings as to whether the charge or charges have been proved or not proved and specific recommendations regarding exoneration or imposition of minor or major penalty or penalties upon the accused.

<sup>85</sup>Provided that the Inquiry Officer, Inquiry Committee or Hearing Officer, as the case may be, shall record cogent reasons for recommending exoneration of the accused.” and

<sup>86</sup>(8) On receipt of the inquiry report from the Inquiry Officer or Inquiry Committee, as the case may be, the Administrative Department concerned shall submit the case to the Chief Minister or Chief Secretary, if so required, within fifteen (15) days for orders.

**12. Powers of the inquiry officer or inquiry committee:-** (1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No.V of 1908), in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of any person and examining him on oath;

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<sup>83</sup> Sub-rule (4) of Rules-11 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>84</sup> Sub-rule (7) of Rules-11 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>85</sup> Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

<sup>86</sup> Sub-rule-(8) in Rule-11 inserted vide notification No. SO(Policies)E&AD/2-6/2022 dated 16.01.2023

- (b) Requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) Issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

<sup>87</sup>**12A. Provision of record:-** After initiation of order of inquiry, the competent authority shall ensure that relevant record of the case and other related documents shall be supplied to the inquiry officer or the inquiry committee, as the case may be, within seven days or within such an extended period which the competent authority may allow.

**13. Duties of the departmental representative:-** (1) The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defence offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

<sup>88</sup>(2) In case of failure to perform duties, assigned under sub-rule (1), the departmental representative shall be liable to departmental proceedings under these rules.

**14. Order to be passed on receipt of report from the inquiry officer or inquiry committee:-** (1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

<sup>87</sup> Sub-rule (12A) in Rules-12 inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>88</sup> Sub-rule (2) in Rules-13 inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule (4) may not be imposed upon him and to submit additional defence in writing, if any, within a period which shall not be less than [ <sup>89</sup>ten] days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;
- (c) provide a copy of the inquiry report to the accused; and
- (d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defence offered by the accused during personal hearing, by an order in writing-

- (i) exonerate the accused if charges have not been proved; or
- (ii) impose any one or more of the penalties specified in rule-4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee [<sup>90</sup>subject to sub-rule (7) of rule 11].

<sup>91</sup>(6A) The competent authority may, in a case specified under sub-rule (6), also require the inquiry officer or the inquiry committee, as the case may be, to explain as to why the inquiry has not been conducted in accordance with these rules, or as to why the facts or merits of the case have been ignored. On the receipt of reply from the inquiry officer or inquiry committee, as the case may be, if it is determined that the omission or commission committed by the inquiry officer or the inquiry committee, as the case may be, was not in good faith and there are reasonable grounds that the competent authority may proceed against the inquiry officer or inquiry committee, as the case may be, under these rules.

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

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<sup>89</sup> The word “seven” substituted with the word “ten” vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

<sup>90</sup> Words inserted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18.7.2012

<sup>91</sup> sub-rule (6A) in Rules-14 inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>92</sup>**15. Personal hearing:-** The competent authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, or before a hearing officer, for personal hearing, on the fixed date and time:

<sup>93</sup>Provided that the hearing officer shall submit the report to the competent authority within twenty one (21) days of affording opportunity of Personal Hearing to the accused.

**16. Procedure of inquiry against Government servant lent to other governments or organizations etc:-** (1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) Suspend him under rule 6; and
- (b) Initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

<sup>94</sup>**16A. Procedure before or during training, scholarship and leave:-** (1) In case where a Government servant, who has been nominated for training or scholarship, is required to be proceeded under these rules and the accused has not yet joined the training institute or institution, his nomination shall be withdrawn forthwith by the nominating competent authority under intimation to the training institute or institution concerned.

<sup>92</sup> Rules-15 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

<sup>93</sup> Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

<sup>94</sup> Rules-16A inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

(2) In case where a Government servant has already joined the training institute or institution he shall be allowed to complete his training or scholarship, and the proceedings against him may be deferred till completion of the training or scholarship.

(3) A Government Servant shall not be denied training on account of ongoing proceedings for a period of more than one year.

(4) In case where a Government servant on leave, is required to be proceeded against, his leave shall be cancelled by the competent authority and shall be called back from the leave to join the proceedings”.

**17. Departmental appeal and review:-** (1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

**18. Appearance of counsel:-** No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

**19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal:-** (1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of [<sup>95</sup>ninety] days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

**20. Exception:-** Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, willfully absent themselves from

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<sup>95</sup> The word “thirty” was substitute with the word “ninety” vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18.7.2012

duty or abandon their official work, the competent authority in respect of the senior most accused may serve upon them, through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

**21. Indemnity:-** No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

<sup>96</sup>**22. [Deleted]**

**23. Repeal:-** (1) The Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

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<sup>96</sup> Rule-22 deleted vide Notification No. SO(REG-VI)E&AD/2010 dated 18-07-2012.



**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (CONDUCT)**  
**RULES, 1987**

**Section 15 of Khyber Pakhtunkhwa Civil Servants Act, 1973.**

Conduct: -The conduct of a civil servant 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.

**The Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.**

1. **Short title and commencement:-** (1) These rules may be called the <sup>97</sup>[Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987].

(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 the Khyber Pakhtunkhwa serving in connection with the affairs of the Khyber Pakhtunkhwa, including the employees of the Provincial Government deputed to serve under the Federal Government or with a statutory Corporation or with a non-Government employer, but excluding:-

- (a) members of an All-Pakistan Service serving in connection with the affairs of the Province;
- (b) employees of the Federal Government or other authority deputed temporarily to serve under the Provincial Government; and
- (c) holders of such posts in connection with the affairs of the Province of Khyber Pakhtunkhwa as the Provincial Government may, by a notification in the official Gazette, specify in this behalf.

3. **Definitions:-** (1) In these rules, unless there is anything repugnant in the subject or context;

- (a) "Government" or "Provincial Government" means the Government of the Khyber Pakhtunkhwa;
- (b) "Government Servant" means a person to whom these rules apply;
- (c) "member of a Government Servant's family" includes:-
  - (i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and
  - (ii) any other relative of the Government servant or his wife when residing with and wholly dependent upon him; but does not include a wife legally separated from the Government servant or a child or step-child who is no longer in anyway dependent upon him, of whose custody the Government servant has been deprived by law;
- (d) "Province" means the Khyber Pakhtunkhwa.

(2) Reference to a wife in clause(c) sub-rule(i) shall be construed as reference to the husband where the Government servant is a woman.

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<sup>97</sup> Published in the Khyber Pakhtunkhwa Government Gazette, Extraordinary, dated 10.2.88

4. **Repeal:-** The West Pakistan Government Servants (Conduct) Rules, 1966, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

<sup>98</sup>4A **No Government Servant shall-**

- (a) accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Pakistan Penal Code; or
- (b) do or forbear to do any official act or show or forbear to show, in the exercise of his official functions, favour or disfavour to any person or render or attempt to render any service or disservice to any person, in violation or contravention of any provision of any law for the time being in force, or of rules made under Article 119 or 139 of the Constitution of the Islamic Republic of Pakistan, or the Khyber Pakhtunkhwa Civil Servants Act, 1973 or any other law for the time being enforce, including the Khyber Pakhtunkhwa Government Rules of Business, 1985 in a manner which may appear to facilitate acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself or for any other person any gratification, whatsoever, other than the legal remuneration, as a motive or reward; or
- (c) accept or obtain or agree to accept or attempt to obtain for himself or for any other person, 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 to be likely to be, concerned in any proceedings or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any Government servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- (d) misappropriate, dishonestly or fraudulently, or otherwise convert for his own use or for the use of any other person any property entrusted to him or under his control as a Government servant or willfully allow any other person to do so; or
- (e) Obtain, by corrupt, dishonest, improper or illegal means, or seek for himself or for any other person, any property, valuable thing, pecuniary advantage or undue favour; or
- (f) possess, directly or through his dependents or benamidars, any movable or immovable property or pecuniary resources, disproportionate to his known sources of income, which he cannot reasonably account for".
- (g) <sup>99</sup>shall attend such functions and meetings in which Islamic moral values are not regarded or which are in violation of such values like functions of music and dancing by women etc.

5. **Gift:-** (1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of 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 causing undue offence, it may be accepted and delivered to 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 Government thereon shall be final.

<sup>98</sup> Rule 4A inserted by Notification No.SOR.II (S&GAD)5(2)/79(C), dated 27.1.1997.

<sup>99</sup> New clause (g) added vide Notification No.SOR-VI/E&AD/2-16/2003 dated 28<sup>th</sup> June, 2004.



(3) If any gift, is offered by the head of representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without offending the donor. If, however, he cannot do so, he shall accept the gift and shall report its receipt to Government for orders as to its disposal.

(4) Government servants are prohibited from receiving gift of any kind for their persons or for members of their families from diplomats, consulars 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 S&GAD.

(5) Government servants, except those drawing pay in basic pay scale 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, if 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) A Government servant may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Government of comparable or higher level;

Provided that the value of the gift in each case does not exceed one thousand rupees. A Government servant desirous of retaining a gift worth more than one thousand rupees, can retain it on payment of the difference as evaluated under sub-rule (7). In any other case, the gift may be offered for sale.

(7) For the purpose of sub-rule(6), the value of the gift shall be assessed by the S&GAD in consultation with the Finance Department and shall be allowed to be retained by the recipient, if it does not exceed one thousand rupees. Where the value of the gift exceeds one thousand rupees, the recipient may be allowed to retain the gift, if he so desires, on payment of a sum worked out in the following manner:-

- (a) Where the value of the gift exceeds one thousand rupees but does not exceed five thousand rupees, twenty-five percent of the value of the gift in excess of one thousand rupees; or
- (b) Where the value of the gift exceeds five thousand rupees, twenty five percent of so much of the value as exceeds one thousand rupees but does not exceed five thousand rupees plus fifteen percent of so much of the value as exceeds five thousand rupees.

(8) 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 or value, must be reported to the S&GAD. However, the responsibility for reporting to the S&GAD the receipt of gifts, including the names of recipients, from foreign dignitaries or delegations, either during their visits to Pakistan or during the visits of Pakistani dignitaries or delegations 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/Department sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the S&GAD.

6. **Acceptance of foreign awards:-** No Government servant shall, except with the approval of the Governor of Khyber Pakhtunkhwa, accept a foreign award, title or decoration.

**Explanation:-** For the purpose of this rule, the expression "approval of the Governor" 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 demonstration in honour of Government servants or raising of funds by them:-** (1) No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him;

Provided that the Head of Pakistan Mission Abroad, while so posted, may attend a public meeting or entertainment held in his honour.

(2) No Government servant shall take part in raising funds, except:-

- (a) for any public or charitable purposes, with the previous permission of his next higher officer; or
- (b) for a charitable object connected with the name of a Government servant or person recently quitted Government service with the previous permission of the Government;

Provided that Government servants belonging to the Provincial Police Service or Excise and Taxation Service shall not be granted any such permission.

8. **Gifts to Medical Officer:-** Subject to the departmental rules in this behalf, 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:-** No Government servant shall, except with the previous sanction of 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 a Government servant may:-

- (i) deal in the ordinary course of business with a joint stock company, bank or a firm of standing or the House Building Finance Corporation; and
- (ii) accept a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bonofide tradesman.

(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 otherwise placed himself under 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, the Government servant shall forth-with declare the circumstances, when he is a Gazzetted

Officer, to Government through the usual channel, and where he is a Non-Gazetted Government Servant, to the head of his office.

(3) 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, 1927, 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 relaxation made or permitted by Government.

11. **Buying and selling of valuable property, movable and immovable:-**<sup>100</sup>[Rule-11 omitted]

12. **Declaration of property:-** (1) Every Government servant shall, at the time of entering Government service, make a declaration to Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies, cash and jewelry 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 jewelry exceeding Rs.50,000/- (Fifty thousand rupees) in value; and
- (c) give such further information as Government may, by general or special order, require.

<sup>101</sup>(2) Every Government servant shall submit to Government, through 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.” and

<sup>102</sup>(3) Declaration of Assets Proforma shall be opened in the concerned section each year and entered into the relevant database.

13. <sup>103</sup>**Disclosures of assets, immovable and liquid:-** A Government servant shall disclose all his assets, immovable as well as liquid and expenses during any period in the specified form, when required to do so by Government.

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 security 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 even of which information is available to him as a Government servant and is not equally available to the general public.

<sup>100</sup> Rule-11 omitted vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7<sup>th</sup> March, 2005.

<sup>101</sup> Sub-rule 2 substituted vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7<sup>th</sup> March, 2005.

<sup>102</sup> New sub-rule 3 added vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7<sup>th</sup> March, 2005.

<sup>103</sup> Rule 13"substituted by Notification No.SORIII(S&GAD)5(2) 79, dated 9.6.1996.

(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 Government thereon shall be final.

**15. Promotion and management of companies, etc:-** No Government servant shall, except with the previous sanction of 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 Government, take part in the promotion, registration or management of a Co-operative Society registered under any law for the time being in force for the purpose.

**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 or artistic character, subject to the condition 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 Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of 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 other similar institution which is not sponsored by Government.

(3) This rule does not apply to sports activities and memberships of recreation clubs.

**17. No Government servant shall live beyond his means, etc:-** No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

**18. 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 or any portion thereof allotted to him by Government.

**19. Insolvency and habitual indebtedness:-** (1) 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 these rules 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 was not due to extravagant or dissipated habits.

(2) A Government servant who applied 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 to the Administrative Department, as the case may be, in which he is employed.

**20. Report by Government servant in case of his involvement 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.

**21. Unauthorized communication of official documents or information:-** No Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or the contents of any official document to a Government servant not authorized to receive it, or to a non-official person, or to the press.

**22. Approach to Members of the Assemblies:-** 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.

**23. Management, etc. of Newspapers or Periodicals:-** No Government servant shall except with the previous sanction of Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

**24. Radio-Broadcast and communications to the Press:-** No Government servant shall, except with the previous sanction of Government, or any other authority empowered by it in this behalf, or in bona fide 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 fend public order, decency or morality, or tantamount 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.

**25. Publication of information and public speeches capable of embarrassing Government:-** (1) No Government servant shall, in any document, published or any public utterance, radio broadcast or television programme, or in any other manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government.

Provided that technical staff 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.

(2) 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.

**26. Evidence before Committees:-** (1) No Government servant shall give evidence before a public committee except with the previous sanction of Government.

(2) No Government servant giving such evidence shall criticize neither the policy nor decision of the Federal or any Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which has powers to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

**27. 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 directly or indirectly, to be subversive to 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 have taken part in an election to such body.

(6) The provisions of sub-rule(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 Government, for the time being in force, to be candidates at such election.

(7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

**28. 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 favoritism 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.

**29. Government servants not to express views against the ideology of Pakistan:-** No Government servant shall express views detrimental to the ideology or integrity of Pakistan.

**30. Nepotism, favoritism and victimization, etc:-** No Government servant shall indulge in provincialism, parochialism, nepotism, favoritism, victimization or willful abuse of office.

**31. Vindication by Government servants of their public acts or character:-** (1) A Government servant shall not, without the previous sanction of Government have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks. When Government grants sanction to a Government servant to have recourse to a court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, Government may reimburse him to the extent of the whole or any part of the cost.

(2) Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

**32. Membership of Service Association:-** (1) No Government servant shall be a member, representative of office bearer of any association representing or purporting to represent Government servants, unless such association satisfies the following conditions, namely:-

- (a) Membership of the Association and its office bearers shall consist of persons in one and the same "functional unit" and if there is no such functional unit, it may be formed by persons borne on a specific single cadre in or under a Department;
- (b) Office-bearers of the Association shall be elected from amongst members of the Association actually serving. Persons who have retired or have been dismissed or removed from service shall cease to be members of such Association;
- (c) The Association shall neither affiliate nor associate with any other body or Association belonging to any other cadre;
- (d) The Association shall confine its representations to matters of general interest of Government servants whom it represents and shall not involve itself in individual cases of its members. Also the office bearers and members of the Association shall not participate in the activities of the Association at the cost of their official duties;
- (e) The Association shall not engage in any activity or pursue a course of action which its members are individually prohibited to engage in or pursue under these rules or the instructions issued by Government, from time to time, concerning conduct of Government servant and service discipline;
- (f) The Association shall not, in respect of any election to 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 the candidature for such election.
  - (ii) support in any manner the candidature of any person for such election; or
  - (iii) undertake or assist in the registration of a candidate for such election;



(g) The Association, shall not-

- (i) issue or maintain any periodical publication except in accordance with any general or special order of Government; and
- (ii) publish, except with the previous sanction of Government, any representation on behalf of its members, whether in the press or otherwise;

(h) The Association shall get its bye-laws or rules approved by the Appointing Authority, who may at any time require any modification therein or propose rules or bye-laws, in a particular manner; and

- (i) the Association shall submit annual statement of its accounts and lists of its members and office bearers to the Appointing Authority. Such statement and lists shall be submitted before 1<sup>st</sup> September every year;
- (ii) the Association shall not represent or purport to represent Government servants unless it is recognized by the competent authority;
- (iii) the Appointing Authority in respect of a cadre shall be the authority competent to recognize the Association of that cadre;  
Provided that where the cadre consists of higher and lower grades, the authority competent to recognize the Association shall be the Appointing Authority in respect of the highest post in the cadre;
- (iv) a Government servant who deals with the Association of a particular cadre and is also member of that cadre shall not become office bearer of such Association nor shall he take part in any activity of the Association;
- (v) Government in its discretion may withdraw recognition of an Association, if in its opinion, such Association has violated any of the conditions of recognition.

**33. Restriction on acceptance of membership of certain association:-** No Government servant shall accept membership of any association or organization whose aims and objects, nature of activities and memberships are not publicly known.

**34. 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 Government or any Government servant in support of any claim arising in connection with his employment as such.

<sup>104</sup>**34-A. Standards for Use Of Digital and Social Media:-** (1) No Government Servant shall use social media to discuss or share information on issues relating to Government business:

Provided that the social media may, if required, be used with the prior approval of the Administrative, Head of Attached Department or Commissioner, as the case may be, for disseminating information among the general public regarding Government initiatives for better governance.

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<sup>104</sup> Section 34-A inserted SO(Policy)E&AD/2-16/2020 dated 13.11.2020

**35. Approaching Foreign Mission and Aid-Giving Agencies:-** (1) No Government servant shall approach, directly or indirectly a Foreign Mission in Pakistan or any foreign aid-giving agency in Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

- (2) Government servants should exercise great caution and restraint in the matter of social contacts with members of foreign missions working in Pakistan. They should also avoid casual remarks and observations on official matters in social gathering where foreigners are present.
- (3) Officials of the level of Additional Secretary and below should not receive officials of foreign missions, except with the express permission of the Secretary.
- (4) Government Servants are prohibited from contacting or making direct approaches to foreign missions in Pakistan in connection with their private business. All such approaches should be made through proper channel i.e through Chief of Protocol of the Ministry of Foreign Affairs.
- (5) Invitations extended by Foreign Missions on the occasions of their National days to officers below the status of Secretaries may be accepted after obtaining permission from the Chief Secretary.
- (6) The participation of officers below the status of Secretary in private functions arranged by foreign diplomats should generally be discouraged. Secretaries and officers of equivalent status, will, however, do so with prior approval of the Chief Secretary
- (7) Repeated and frequent attendance by officers at private functions held by the same foreign diplomat must be avoided.
- (8) As a general rule, only those officers who come into official contact with the foreign diplomat concerned should accept invitations.

**36. Delegation of Powers:-** 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 Government and the officers the receipt by whom such reports shall be regarded as receipts of the reports by Government within the meaning of these rules.

**37. 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.

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**THE KHYBER PAKHTUNKHWA INITIAL APPOINTMENT TO  
CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT) RULES, 2008**

**PART – I  
GENERAL**

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

<sup>105</sup>2(1) Nothing in these rules shall apply to the appointment [<sup>106</sup>against the posts of Provincial Management Service] in BPS-17 and the posts of Civil Judge-cum-Judicial Magistrate/Illaqa Qazi, BPS-18 to be filled through the competitive examination of the Public Service Commission, in which case two years' optimum relaxation shall be allowed to;

- (i) Government servants with a minimum of 2 years' continuous service;
- (ii) Disabled persons; and
- (iii) Candidates from backward areas.

<sup>107</sup>2(2) For appointment to the post of Civil Judge-Cum-Judicial Magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and /or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.

**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 to the extent mentioned against each in column No.3 of the Table below:-

Sl. No.	Category of candidates	Age relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years' continuous service	Upto ten years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iii.	General candidates	Upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department <sup>108</sup> [and beyond five years upto 10 years by the Chief Minister of the Khyber Pakhtunkhwa]

<sup>105</sup> Added vide Notification No. SOE-III/E&AD/2-1/2007, dated 03<sup>rd</sup> March, 2008

<sup>106</sup> Added vide Notification No. SOE-III/E&AD/2-1/2021/Policy, dated 15.03.2021

<sup>107</sup> Amended vide Notification No. SOE-III(E&AD)2-1/2007, dated 09<sup>th</sup> December, 2010

<sup>108</sup> Substituted vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 26<sup>th</sup> October, 2011

iv.	Widow or son or daughter of a deceased civil servant who died during service and son /brother in case of a Shaheed of Police Department; and	Discretion of the appointing authority
v.	Disabled persons/divorced women/widow.	Ten years automatic relaxation
<sup>109</sup> vi.	(i)(a) Employees or ex-employees of development projects of the Government of Khyber Pakhtunkhwa; and  (b) Employees or ex-employees of development projects of the Federal Government under the administrative control of the Government of Khyber Pakhtunkhwa.	Equal to the period served in the projects, subject to a maximum limit of ten years.
<sup>110</sup> vii	Minorities	Five (05) years automatic relaxation

“Provided that the age relaxation at serial No.vi above shall not be availed in conjunction with any other provisions of these rules”.

(ii) In case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation;

- (a) In case of widow, death certificate of husband.
- (b) In case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned.
- (c) Certificate from the District Coordination Officer of the District concerned to the fact that the applicant whether divorced or widow has not remarried at the time of submitting application.

4. A candidate shall only be allowed relaxation in age in one of the categories specified in rule 3;

<sup>111</sup>Provided that the candidates from backward areas and minorities in addition to automatic relaxation of three years under category (ii) and five years under category (vii), respectively, specified in rule 3, shall be entitled to one of the relaxation available to Government servant general or disabled candidates, whichever is relevant and applicable to them.

<sup>112</sup>5. The age relaxation specified in column No. 3, against Sr. No. (iii) of the TABLE of rule 3, shall be subject to cogent reasons and sound justification of the case.

6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.

<sup>109</sup> Added vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 29<sup>th</sup> January, 2011

<sup>110</sup> Amendments vide Notification No. SOE-III/E&AD/2-1/2021 dated 20.12.2021

<sup>111</sup> Proviso added vide Notification No. SOE-III/E&AD/2-1/2021, dated 20.12.2021

<sup>112</sup> Substituted vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 26<sup>th</sup> October, 2011

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.
8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.
9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

### **APPENDIX**

[See Rule 3(ii)]

(Authority No. SOE-III (E&AD)2-1/2007, Dated 1<sup>st</sup> March, 2008)

- (i) Khyber Agency
- (ii) Kurram Agency
- (iii) Orakzai Agency
- (iv) Mohmand Agency
- (v) North Waziristan Agency.
- (vi) South Waziristan Agency.
- (vii) Malakand Agency including protected areas (Swat Ranizai and Sam-Ranizai) and Bajaur.
- (viii) Tribal Areas attached to Peshawar, Kohat and Hazara Division
- (ix) Tribal Areas attached to D.I. Khan and Bannu Districts.
- (x) Shirani Area.
- (xi) Merged Areas of Hazara and Mardan Division and upper Tanawal.
- (xii) Swat District
- (xiii) Upper Dir District.
- (xiv) Lower Dir District.
- (xv) Chitral District.
- (xvi) Buner District.
- (xvii) Kala Dhaka Area.
- (xviii) Kohistan District.
- (xix) Shangla District.
- (xx) Gadoon Area in Swabi District.
- (xxi) Backward areas of Mansehra and District Battgram.
- (xxii) Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo Circle of Tehsil Ghazi.

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## **THE KHYBER PAKHTUNKHWA PROMOTION POLICY, 2009**

In order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the “Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009” duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointments on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder: -

### **I. Length of service.**

- (a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

- (b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19:	7 years' service in BS-18
Basic Scale 20:	10 years' service in BS-18 and above. or 3 years' service in BS-19.

### **II. Linking of promotion with training:**

- (a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b)<sup>113</sup> 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. However, for promotion against technical posts in BS-20, which require managerial and administrative skills, the SMC shall be mandatory.

(c) The qualifying thresholds of quantification of PERs for nomination to these trainings are as under:

MCMC	60
SMC	70
NMC	75

(d) There will be no exemptions from mandatory trainings. An officer may, however, request for temporary exemption in a particular moment in time but grant of such exemption would be at the discretion of the competent authority. No such request with regard to an officer would be made by the Government Departments concerned.

(e) Three officers shall be nominated for each slot of promotion on the basis of their seniority. Those unwilling to attend will be dropped at their own expense without prejudice to the rights of others and without thwarting or minimizing the chance of improving the quality of service.

(f) Officers failing to undergo mandatory training in spite of two time nominations for training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned.

### **III. Development of Comprehensive Efficiency Index (CEI) for promotion:**

(a) The Comprehensive Efficiency Index to be maintained for the purpose of promotion is clarified as under:

(i) The minimum of aggregate marks for promotion to various grades shall be as follows:

Basic Scale	Aggregate marks of Efficiency Index
18	50
19	60
20	70
21	75

(ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.

<sup>113</sup> Para II sub-para (b) substituted vide Notification No.SO (Policy)/E&AD/1-16/2017 dated 05.12.2017



- (iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

- (b) <sup>114</sup>Marks for quantification of PERs, Training Evaluation Reports and Provincial Selection Board evaluation shall be assigned as under: -

S.No.	Factor	Marks for promotion to BS-18	Marks for promotion to <sup>115</sup> BS-19	Marks for promotion to BS-20 & 21
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60% : 40%	100%	70%	50%
2.	Training Evaluation Reports as explained hereafter.	--	15%	35%
3.	Evaluation by PSB	--	15%	15%
	Total	100%	100%	100%

- (c) <sup>116</sup>A total of (35) marks shall be allocated to the Training Evaluation Reports (21 marks @ 60% for the training in the existing BPS and 14 marks @ 40% in the preceding BPS). 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 the percentage range of grades followed by these Institutions as reflected in table-A below:

<sup>114</sup> Para III sub-para (b) substituted vide Vide letter SO(Policy)E&AS/1-16/2018 dated 09.04.2018

<sup>115</sup> Vide letter SOR-VI/E&AD/1-16/2011/Vol:VI dated 13.8.2012 weightage of PER for promotion to BS-19 reduced from 100 marks to 70 marks. 15 marks assigned to MCMC and 15 to PSB. In case of exemptees from the mandatory course of MCMC PSB to evaluate against 30 marks (i.e. 15 marks in lieu of training)

<sup>116</sup> Para III sub-para (c) substituted vide Vide letter SO(Policy)E&AS/1-16/2018 dated 09.04.2018

**TABLE-A**  
**Old PASC & NIPAs**

Category	Range	Weighted Average	Points of PASC @ 60%=9	Points of NIPAs @ 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 the 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

(d) 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.

(e) <sup>117</sup>For calculation of CEI in respect of promotion of Doctor, Teacher, Professors, Research Scientists and incumbents of purely technical post within their own line of specialization who are not required to undergo mandatory training under this policy, 70% marks shall be assigned to the quantified score of PERs and 30% marks be at the disposal of the PSB”

<sup>117</sup> Para III sub-para (e) substituted vide Vide letter No.SO(Policy)E&AD/1-16/2018 dated 09.04.2018

**Explanation:** all rest expression and the entries, if any affected by the substitution as per above shall be deemed to have been rectified in relation to the substitution/entries ibid

(f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).

(g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.

(h) The performance of officers shall be evaluated in terms of the following grades and scores:

#	Grading	Upto 11 <sup>th</sup> June, 2008	From 12 <sup>th</sup> June, 2008
1.	Outstanding	--	10 Marks
2.	Very Good	10 marks	8 Marks
3.	Good	7 marks	7 Marks
4.	Average	5 marks	5 Marks
5.	Below Average	1 mark	1 Mark

(i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as “outstanding” may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding “outstanding” is to be exercised extremely sparingly and the award must be merited.

(j) The quantification formula and instructions for working out quantified score are annexed.

(k) <sup>118</sup>Officer who is likely to retire within two years from service on attaining the age of superannuation on the scheduled date of commencement of training shall be exempted from the respective mandatory training of Mid-Career Management Course (MCMC). Senior Management Course (SMC)/ Nation Management Course (NMC) and National Defense Course (NDC).

#### **IV. Promotion of officers who are on deputation, long leave, foreign training:**

a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one

<sup>118</sup> Para III sub-para (k) substituted vide circular letter No. SORIV/E&AD/1-16/2018, dated 28.08.2020

calendar PER. <sup>119</sup>The requirement of earning one calendar 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 such PER. Their seniority shall, however, remain intact.

- b) The civil servants, who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) <sup>120</sup>In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable. The officers on deputation to projects shall be considered for promotion. However, after promotion they will have to actualize their promotion within their cadre.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- (dd) <sup>121</sup>If a civil servant is nominated by the Provincial Government for higher studies or training abroad, and his turn for promotion arrives in his parent department or cadre in Pakistan, he should be considered for promotion along with 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 higher post on his return from training.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.

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<sup>119</sup> Words added in para IV sub-para (a) vide Notification No.SO(Policy)/E&AD/1-16/2017 dated 05.12.2017

<sup>120</sup> Para IV sub-para (c) substituted vide circular letter No. SORIV/E&AD/1-16/2006, dated 19.4.2010

<sup>121</sup> No. SOR-VI/E&AD/1-16/2011 dated 07.03.2014

- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.
- i) <sup>122</sup>The mere fact that the seniority is sub-judiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:
  - i. All promotion based on sub-judice 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, the officer expires or retires from service and subsequently, his seniority is restored his case will be considered for proforma promotion along-with all financial benefits.
  - iv. Juniors promoted on sub-judice seniority list will be assigned seniority as per final Court Orders and will be reverted in case there is no vacancy.
- j) <sup>123</sup>LPR is one of the types of leave to which a government servant is entitled. As he continues to be government servant and can be called even for duty, he can, therefore, be considered for promotion against a higher post during LPR. These changes will take immediate effect and past cases under the existing policy shall not be re-opened.

## **V. Deferment of Promotion:**

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if<sup>124</sup>
  - (i) Disciplinary or departmental proceedings are pending against him.
  - (ii) The PER dossier is incomplete or any other document / information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above <sup>125</sup>two categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.

<sup>122</sup> Para IV sub-para (i) inserted vide Notification No.SO (Policy)/E&AD/1-16/2017 dated 05.12.2017.

<sup>123</sup> Authority letter No. SOR-VI/E&AD/1-16/2011 dated 17.03.2014.

<sup>124</sup> Clause (i) sub-para (a) para-V deleted, and rest re-numbered as (i) and (ii) vide Notification No.SO (Policy)/E&AD/1- 16/2017 dated 05.12.2017

<sup>125</sup> sub-para (b) para V the word [three] substituted with [two] vide Notification No.SO (Policy)/E&AD/1-16/2017 dated 05.12.2017

- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion along-with the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

#### **VI. Date of Promotion:**

Promotion will always be notified with immediate effect.

#### **VII. Notional Promotion:**

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

#### **VIII. Promotion of Civil Servants who are awarded minor penalties.**

- (a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.
- (b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with

weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

**IX. Promotion in case of pending investigations by NAB:**

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.



**ANNEXURE: I**(Authority; letter No. SOE-III (E&AD)1-3/2008 dated 28<sup>th</sup> January, 2009)**First Step**

Arithmetic mean will be calculated for each calendar year containing 2 or more CRs to derive the ACR score for that year as follow:

$$M = \frac{\sum M_y}{N_y}$$

**Where**

$M_y$  = marks 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 ACRs; and

$T$  = Total number of ACRs 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 x A                      |
| (ii) to post carrying basic pay scale 19  | (6 x B) + (4 x A)           |
| (iii) to post carrying basic pay scale 20 | (5 x C) + (3 x B) + (2 x A) |
| (iv) to post carrying basic pay scale 21  | (5 x D) + (3 x 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 the third step.

**A. Additions:**

(i)	for serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more	2 marks
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**B. Deductions:**

(i)	for each major penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 2011	5 marks
(ii)	for each minor penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 2011	3 marks
(iii)	for adverse remarks (deductions be made for such remarks only as were duly conveyed to the concerned officer and were not expunged on his representation, or the officer did not represent)	1 mark per CR containing adverse remarks

**ANNEXURE: II**

**Example:** Suppose an officer is being considered for promotion to BS-20. He has served for seven years in BS-17, six years in BS-18 and five years in BS-19. His score of PER is as under:

**Overall Assessment**

BS-17.	1 Very Good, 5 Good, 3 Average of which 2 Good and 1 Average grading are earned in one calendar year. The other gradings cover full calendar year.	
BS-17:	Mean for 2 Good and one Average grading earned in one calendar year.	$\frac{(2 \times 7) + (1 \times 5)}{3} = 6.33$
	Average marks	$\frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 6.33}{7} = 6.76$
BS-18.	5 Good, 2 Average of which 1 Good and 1 Average gradings	

	are earned in one calendar year.	
BS-18	Mean for 1 Good And 1 Average gradings earned in one calendar year.  Average marks	$\frac{(1 \times 7) + (1 \times 5)}{2} = 6$ $\frac{(4 \times 7) + (1 \times 5) + 6}{6} = 6.50$
BS-19.	1 Very Good, 4 Good and 1 Average of which 1 Very Good and 1 Average are earned in one calendar year.	
BS-19:	Mean for 1 Very Good and 1 Average earned in a calendar year  Average marks	$\frac{(1 \times 10) + (1 \times 5)}{2} = 7.50$ $\frac{(4 \times 7) + 7.5}{5} = 7.10$

### Quality and Output of Work

<b>BS-17:</b>	2 Very Good, 6 Good and 1 Average grading of which 2 Good and 1 Average gradings are earned in one calendar year.
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$$\text{Mean for 2 Good and 1 Average grading} = \frac{(2 \times 7) + (1 \times 5)}{3} = 6.3$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6.3}{7} = 7.76$$

<b>BS-18:</b>	1 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(1 \times 10) + (4 \times 7) + 6}{6} = 7.33$$

<b>BS-19:</b>	5 Very Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(4 \times 7) + 6}{5} = 6.8$$

**Moral Integrity**

<b>BS-17:</b>	2 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6}{7} = 7.71$$

<b>BS-18:</b>	1 Very Good, 5 Good and 1 Average grading of which 2 Good grading are earned in one calendar year.
---------------	--

$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (1 \times 5) + 7}{6} = 7.16$$

<b>BS-19:</b>	1 Very Good, 5 Good of which 2 Good grading are earned in one calendar year.
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$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + 7}{5} = 7.16$$

**Intellectual Integrity**

<b>BS-17:</b>	1 Very Good, 4 Good and 4 Average grading of which 1 Good and 2 Average gradings are earned in one calendar year.
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$$\text{Mean for 1 Good and 2 Average grading} = \frac{(1 \times 7) + (2 \times 5)}{3} = 5.67$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 5.67}{6} = 6.67$$

<b>BS-18:</b>	5 Good and 2 Average grading of which 2 Good grading are earned in one calendar year.
---------------	---

$$\text{Mean for 2 Good grading} = \frac{(2 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(3 \times 7) + (2 \times 5) + 7}{6} = 6.33$$

<b>BS-19:</b>	2 Very Good, 3 Good and 1 Average grading of which 1 Very Good and 1 Good grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Very Good and 1 Good grading} = \frac{(1 \times 10) + (1 \times 17)}{2} = 8.5$$

$$\text{Average Marks} = \frac{(1 \times 10) + (2 \times 7) + (1 \times 5) + 8.5}{5} = 7.5$$

### **Quantified Score**

$$\text{BS-17: } \frac{6.76 + 6.76 + 7.71 + 7.76}{4} = 7.22$$

$$\text{BS-18: } \frac{6.50 + 6.33 + 7.16 + 7.33}{4} = 6.83$$

$$\text{BS-19: } \frac{7.50 + 7.50 + 7.60 + 6.80}{4} = 7.35$$

### **Quantification**

$$= (5 \times 7.35) + (3 \times 6.83) + (2 \times 7.22)$$

$$= 36.75 + 20.49 + 14.44$$

$$= 71.68$$

### **Deduction**

$$\text{On account of adverse entry in BS-18} = 1$$

$$\text{Net quantified score} = 71.68 - 1 = \underline{70.68}$$

**Note:** For purpose of efficiency Index, the negative marks shall be deducted from the quantified score of the relevant grade (in the instant case from BS-18 i.e.  $20.49 - 1 = 19.49$ ).

**ANNEXURE: III**  
**QUANTIFICATION FORM**

SENIORITY NO. \_\_\_\_\_ NAME \_\_\_\_\_

NPS NO	YEAR	O.A	Q&OW	INTEGRITY		NPS NO	YEAR	O.A	Q&OW	INTEGRITY	
				MORAL	IN TEL:					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
	VG	G	A	BA		VG	G	A	BA	
17										
18										
19						Score				
20										
<u>Average Marks:</u> B – 17 B – 18 B – 19 B – 20 Score Marks for ACRS: <input type="text"/> Addition for Serving in a Training institution From to : Deduction for Penalty/adverse Remarks : <input type="text"/> Final Score :						INTEGRITY (GENERAL/MORAL)				
						No. of Gradings				Mean Score of broken periods
						VG	G	A	BA	
						Score <input type="text"/>				
						INTEGRITY (INTELLECTUAL)				
						No. of Gradings				Mean Score of broken periods
						VG	G	A	BA	
						Score <input type="text"/>				

To be signed by the competent authority.



**ANNEXURE: IV**

Efficiency Index in case of the given example will be as under:-

Marks for quantification of PERs

42 @ 60% for present grade 70%

28 @ 40% for preceding grades

Quantified score for BS-17 and BS-18 =  $14.44 + 19.49 = 33.93$

Score out of 28 @ 40% =  $\frac{33.93 \times 28}{50} = 19.00$

Quantified score for BS-19 = 36.75

Score out of 42 @ 60% =  $\frac{36.75 \times 42}{50} = 30.87$

Marks for quantification of PERs =  $19.00 + 30.87 = 49.87$

Total Marks for quantification of PERs = 49.87

Marks for Training Evaluation Reports

(9 @ 60% for training in the present grade 15%  
and 6 @ 40% for trainings in the preceding  
grades)

If an officer has earned good reports for SMC, MCMC and pre-service training his marks for training evaluation will be:

Marks for training in BS-19 @ 60% = 6.53 (As per Table-A of Instructions)

Marks for trainings in BS-18 & BS-17 @ 40% = 4.35 (As per Table-A of  
Instructions)

Total score for training evaluation =  $6.53 + 4.35 = 10.88$

Evaluation by PSB 15%

If an officer is awarded 10 marks by the PSB, his efficiency Index shall be as under:-

$49.87 + 10.88 + 10 = 70.75$

The minimum required threshold of marks for promotion to BS-20 is 70.

### **INSTRUCTIONS FOR GUIDANCE**

While filling in the quantification Form overleaf and working out quantification marks the following factors may be kept in view to avoid error:-

- (i) The annual confidential reports carry marks as under:-

#	Grading	<u>Upto 11<sup>th</sup> June, 2008</u>	<u>From 12<sup>th</sup> June, 2008</u>
1.	Outstanding	--	10 Marks
2.	Very Good	10 Marks	8 Marks
3.	Good	8 Marks	7 Marks
4.	Average	5 Marks	5 Marks
5.	Below Average	1 Mark	1 Mark

- (ii) **Deduction** is to be made from the total of 'Overall marks' as indicated below: -

1. One mark for each adverse report;
2. 3 marks for each minor penalty imposed on a civil servant in a disciplinary case under E&D Rules, 2011;
3. 5 marks for each major penalty imposed on a civil servant in a disciplinary case under E&D Rules, 2011.

- (iii) Addition of 2 marks is to be made for service in a (specified training) institutions for a period of two years or more.
- (iv) If more than one confidential reports have been initiated on an officer during the calendar year, their average marks would be the marks for the whole calendar year.
- (v) Writing of a Confidential Report covering part periods of two calendar years is not permissible.
- (vi) If a period of report is less than 3 months, it shall be ignored for purposes of quantification.
- (vii) Quantification marks should be in round figure.
- (viii) 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.
- (ix) 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 to the lower post for calculating the average marks.
- (x) 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.

## **THE KHYBER PAKHTUNKHWA POSTING / TRANSFER POLICY**

### **Statutory Provision.**

Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

**Posting and Transfer.** Every civil servant shall be liable to serve anywhere within or outside the Province, in any 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 a service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve.

### **POSTING AND TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT**

SOR-VI/E&AD/1-4/2003 dated 24-6-2003.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, cannot be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) <sup>126</sup>[ deleted ]
- vi) <sup>127</sup>While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, Khyber Pakhtunkhwa needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, Khyber Pakhtunkhwa shall be obtained.

<sup>126</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

<sup>127</sup> Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20<sup>th</sup> March, 2010

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

vi (a) <sup>128</sup>[deleted ]

vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

viii) No posting/transfers of the officers/officials on detailment basis shall be made.

Viii-A) <sup>129</sup>The competent authority has been pleased to prescribe the following guidelines to facilitate posting of husband and wife at the same station:-

(a) 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 the availability of a post in the same BPS.

(b) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on prescribed terms of deputation subject to availability of a post in the same BPS.

(c) 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.

(d) Request for posting by spouse facing serious medical problems may be accorded highest priority.

(e) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reason of public interest. Request for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.

x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female Government Servants at the station of the residence of their parents.

<sup>128</sup> Sub-para vi (a) of para 1 deleted vide Notification No. SO (Policy)/E&AD/1-4/ 2010/Vol:IX dated 24.11. 2017

<sup>129</sup> Para (viii-A) added vide circular NO. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 07.08.2012

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

<sup>130</sup>DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xi-A) <sup>131</sup>Officer in BPS-17 and above should not be posted in district of their domicile.[<sup>132</sup>Doctors, Lecturers, Instructors, Subject Specialists, Principals/Vice Principals and other Teachers in BPS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BPS-17 & above across the province.]
- xi-B) <sup>133</sup>Cancellation of posting transfer order issued with the approval of the competent authority may not be made without seeking formal approval of the competent authority through summary/note.
- xii) In terms of Rule 17(1) and (2) read with Schedule-III of the Khyber Pakhtunkhwa Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column-2 thereof:

<b>Outside the Secretariat</b>		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
<b>In the Secretariat</b>		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank	

<sup>130</sup> Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

<sup>131</sup> (xi-A) added vide Circular No. SOR-VI /E&AD/1-4/2010/Vol-VIII dated 11.11.2013.

<sup>132</sup> Text added vide Circular No. SOR-VI /E&AD/1-4/2010/Vol-VIII dated 21.03.2014.

<sup>133</sup> (xi-B) added vide Circular No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 14.02.2014.

	of Section Officers:	
	a) Within the Same Department	Secretary of the Department concerned.
	b) Within the Secretariat from one Department to another.	Chief Secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	
	a) Within the same Department	Secretary of the Department concerned.
	b) To and from an Attached Department	Secretary of the Department in consultation with Head of Attached Department concerned.
	c) Within the Secretariat from one Department to another	Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/Annual Confidential Reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.
  - Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.
- Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
  - Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the Khyber Pakhtunkhwa District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-



S. No	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- Transfer the holder of tenure post before the completion of his tenure or extend the period of his tenure.
- Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed/implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/ Transfer.

#### <sup>134</sup>**PLACEMENT POLICY.**

In order to utilize the expertise of the officers who have received foreign training in various fields, the Provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is as follows:-

- All placements would be made on the basis of merit and keeping in view the needs of the organization.
- The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.

<sup>134</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dated 9-2-2007

- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
  - a) Permanent posting of an officer to the training institutions for 2-3 years;
  - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
  - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participants will decline/represent against his/her posting.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

**ISSUANCE OF PROMOTION NOTIFICATIONS.**

SO(E-I)/E&amp;AD/9-128/2024 Dated 06.03.2024

I am directed to refer to the subject noted above and to state that Posting/Transfer Policy, revised from time to time, provides that:-

*“All posting/transfer orders of BS-20 and above and Heads of Attached Departments shall be issued by the Establishment Department and Administrative Departments shall sent approved summaries to E&A Department for issuance of Notifications.”*

2. Instances have come to the notice of the Competent Authority that after approval of promotion cases from BS-19 to BS-20 and BS-20 to BS-21, the Administrative Departments send such cases to Establishment Department for issuance of promotion Notifications, which is not in line with the policy *ibid*.

3. Now, the Competent Authority has taken lenient view of the situation and directed that in future, all Administrative Departments shall ensure to issue necessary promotion notifications of all officers at their own level and send approved summaries only for issuance of posting/transfer notifications in respect of officers of BS-20 & above and Heads of Attached Departments.

**SPECIMEN NOTIFICATION.**

SO (E-I) E&amp;AD/9-12/2006 dated 22-12-2006

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
NAME OF ADMINISTRATIVE DEPARTMENT**

Dated Peshawar, \_\_\_\_\_

**NOTIFICATION**

No. \_\_\_\_\_ The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

(NAME)  
SECTION OFFICER  
ADMINISTRATIVE DEPARTMENT

### **EXISTING TENURE OF POSTING/TRANSFER**

SOR-VI/E&AD/1-4/2003, dated 8-06-2004 & SOR-VI/E&AD/Misc: /2005, dated 3-01-2006

The competent authority has been pleased to direct that Para 1(v) of the Posting/ Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the Khyber Pakhtunkhwa Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out posting/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

The Chief Minister Khyber Pakhtunkhwa has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned Govt servants shall be proceeded against under the prevalent rules and regulations.

### **POSTING/TRANSFER (MISCELLANEOUS)**

SOR (E&AD)/1-4/2005, dated 9-9-2005.

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) Khyber Pakhtunkhwa Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

**POSTING/TRANSFER (MISCELLANEOUS)**

SOR-VI (E&AD)/1-4/06, dated, 29-6-2007

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved/prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the Khyber Pakhtunkhwa Govt Servants (Conduct) Rules 1987 shall be proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000. As required under the Khyber Pakhtunkhwa Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting Officers/Officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

## **POLICY ON DEPUTATION ABROAD OF GOVERNMENT SERVANTS**

SOR.VI(E&AD)/4-5/2005 dated 20.03.2006

I am directed to refer to the subject noted above and to state that in supersession of all policy instructions in this behalf, the Provincial Government have revised the policy on deputation abroad of Government servants with immediate effect, as follows:-

### **1. PROCEDURAL MECHANISM/CRITERIA**

- (i) Only Government Servants holding appointments on regular basis and having rendered 3 years' service or more will be eligible to apply for deputation abroad. The Government servants shall not be allowed to seek employment or training with the private bodies inside or outside Pakistan either on their own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation of Pakistan, such an act being violative of the provisions of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987. They should apply only against posts under the foreign Governments, UN agencies and foreign Governments' recognized donor agencies which are engaged in development programme in Pakistan like, World Bank, Asian Development Bank, IDB, USAID, DFID, GTZ, JICA, AK Foundation etc.
- (ii) The intending civil servant will apply for the post through proper channel to his administrative department on advertisement of the posts/ services in time so that his case could be properly processed.
- (iii) In view of short time for processing, the intending Govt. servant may forward an advance copy of his application simultaneously to the borrowing agency and parent department for seeking departmental permission through proper channel. Copy of the application alongwith bio-data of the selected Govt servants should be sent to the Bureau of Immigration for record, if approved, by the competent authority.
- (iv) Applications of the civil servants concerned shall be processed by the Administrative Department and if the applicant is found eligible for the post/ position advertised, departmental permission may be granted by the Administrative Department concerned. It is however, clarified that Administrative Department for the Secretariat staff, officers of the PCS(EG), PCS(SG) is the Establishment Department. Applications of APUG officers and P.S.P. will be forwarded to the Establishment Division Islamabad through Establishment Department, Government of Khyber Pakhtunkhwa.
- (v) On receipt of application with offer of appointment, the Administrative department concerned shall process the case and finalize its recommendations and forward the case to the concerned Special Selection Board (SSB) as indicated in the succeeding paragraphs within a period of one week. In case of shortage of time, applications should not be processed and the applicants be informed accordingly.
- (vi) The Department concerned shall relieve the concerned employee in time to enable him to take up his new assignment without delay.
- (vii) Period of deputation shall commence from the date of relieving of the employee and terminate on resumption of duty.

- (viii) The person concerned shall have the right to retain his lien for a maximum of three years, if he is a permanent/confirmed employee.
- (ix) No Government servant shall be allowed to convert his/her EOL/Leave ex-Pakistan into deputation abroad.
- (x) Each working paper for the SSB would require specific recommendations of the Administrative Secretary who is also a member of the SSB. While recommending cases for approval of the SSB, the Administrative Secretary would ensure that attested copies of the following documents have been attached with the working paper.
  - a. Photocopy of the advertisement.
  - b. Prescribed qualifications and experience alongwith the qualification and experience of the applicant with photocopies of degrees/certificate.
  - c. Photocopy of the appointment offer.
  - d. Photocopy of the application and letter under which application was forwarded to the corporation.
  - e. Complete synopsis from the ACRs of the civil servants concerned.
  - f. Clarification whether the selectee holds a regular post or is an AD HOC or contract appointee. In case of regular employees it should be clarified as to whether his service is pensionable or is entitled to C.P. fund.
  - g. A certificate to the effect that no judicial/departmental or National Accountability Bureau/ Regional Accountability Bureau enquiry is pending against him.
  - h. Certificate/clearance of Intelligence Bureau.

## **2. CONTRIBUTION TOWARDS SERVICE LIABILITIES**

Terms & conditions with regard to contribution towards service liabilities, leave, medical facilities etc. shall be settled in advance as required under Finance Department letter No.SOSR-III(FD)7- 131/73, dated 1<sup>st</sup> April, 1984. The Finance Department shall make necessary amendments in the relevant instructions if needed. After completion of deputation the deputationist Government servant shall be required to submit the copies of pension contribution/fund contribution challan and foreign exchange with charge assumption. In case of non-submission of these documents his/her charge assumption shall not be accepted by the competent authority.

## **3. PERIOD OF DEPUTATION**

Maximum period of deputation will be initially equal to the approved tenure of appointment of the borrowing international agencies/foreign Governments, subject to renewal if initial period is less than five years. Any extension in deputation will be considered only when the deputationist will produce attested photo copies of challans showing details of funds deposited on account of Pension/ Contributory Provident Fund/ General Provident Fund, Benevolent Fund and Group Insurance etc in Foreign Exchange.

<sup>135</sup>“Provided that deputationist shall be repatriated to the lending department well before the date of admissibility of leave preparatory to the retirement, so as to lessen financial

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<sup>135</sup> Provisos added after Para-3 vide letter No.SOR-VI(E&AD)/4-5/2011 dated 13.11.2014



burden on the Provincial Government in the shape of encashment of leave preparatory to retirement and also to enable him to process the case of pension as well as other pecuniary benefits i.e encashment of leave preparatory to retirement in his parent department:

Provided further that the request of civil servant for deputation in the last year of his service shall not be entertained.”.

**4. EXTENSION IN DEPUTATION PERIOD BEYOND FIVE YEARS.**

Time limit of five years will be extendable in case of Doctors, Lecturers/Teachers and Engineers on the request of concerned Government servant and his employer. However, name of a civil servant on deputation beyond 5 years shall be removed from the seniority list and shall be kept on the static list. He/she shall not claim promotion/seniority over any junior who may be promoted during the period he/she remains on deputation beyond five years. He/ she shall be considered for promotion after his/her repatriation and earning one PER for full year and will be assigned seniority in the higher post only from the date he assumes charge of his/her post. The deputationist shall have to apply through parent department three months in advance for extension in the deputation period, if permissible. No request for ex-post facto approval/ retrospective extension shall be entertained at any level.

**5. RELEVANCE TO THE JOB.**

The recommending and competent authorities would ensure that the appointment abroad of an intending deputationist is relevant to his job in the parent department so that, besides accruing financial benefits, he/she would improve skills/expertise and deliver more efficiently on repatriation from Foreign Service.

**6. RECOMMENDING BODIES**

A Special Selection Board (SSB), under the Chairmanship of Chief Secretary Khyber Pakhtunkhwa, shall recommend cases of deputation in respect of officers in BS-17 and above. Cases of employees in BS-16 and below, on the Secretariat strength will be considered by the SSB headed by Secretary Establishment whereas cases of other employees in BS-16 and below shall be submitted to the SSB headed by the Administrative Secretary concerned for clearance and onward transmission to the employer. Composition of Special Selection Board is as under:-

**(a) SPECIAL SELECTION BOARD FOR OFFICERS IN BPS-17 & ABOVE.**

1)	Chief Secretary KP.	Chairman
2)	Secy: Establishment	Member
3)	Admn: Secretary concerned	Member
4)	Deputy Secy:(Estt) E&AD	Secretary.

**(b) SPECIAL SELECTION BOARD FOR OFFICERS IN BPS-16 & BELOW FOR SECRETARIAT OFFICIALS.**

1)	Secretary Establishment	Chairman
2)	Deputy Secy:(Estt) E&AD	Member
3)	Dy. Secretary (SR) Finance Deptt:	Member
4)	Section Officer(E-IV)	Secretary

(c) **SPECIAL SELECTION BOARD FOR OTHER THAN SECRETARIAT OFFICIALS IN BS-16 & BELOW.**

- |                                       |                  |
|---------------------------------------|------------------|
| 1) Administrative Secretary concerned | Chairman         |
| 2) Heads of Attached Deptt: concerned | Member           |
| 3) Dy. Secretary (Admn) concerned     | Member/Secretary |

**7. COMPETENT AUTHORITIES**

The competent authorities to approve deputation of civil servants abroad to Foreign Service for officers in different Basic Pay Scales shall be as under-

S.No.	Categories of Officers	Competent Authority
1	Secretaries and Heads of Attached Deptt.	Chief Minister Khyber Pakhtunkhwa
2	Officers in BS-17 to BS-19 and other Officers in BS-20	Chief Secretary Khyber Pakhtunkhwa
3	Employees in BS-16 and below on Secretariat strength	Secretary Establishment
4	Other employees in BS-16 and below	Administrative Secretary concerned

**8. SURETY BOND**

The concerned Government servant shall execute a Surety Bond at least with two sureties of acceptable status duly witnessed to the effect that:-

- He shall not indulge in any activity, which could malign the name of Province or Country or down grade the image or bring bad name or bad reputation for the Country and the Nation.
- On completion of approved tenure he shall report to his parent department failing which his services shall be terminated.
- He shall neither acquire citizenship of the borrowing country nor shall marry any foreign national without the prior approval of the competent authority.
- He shall deposit all contributions including General Provident Fund/Contributory Provident Fund, Benevolent Fund, Group Insurance and any other fund of the same nature in Foreign Exchange in relevant Government account at the end of each year of deputation.
- He shall repay all loans in lump sum, if any availed, to the concerned financial institution.

In case of breach of above, the concerned Government servant shall render himself liable to be proceeded against under the relevant law i.e. the Khyber Pakhtunkhwa Civil Servants Removal from Service (Special Powers) Ordinance 2000 as amended from time to time.

**9. PROVISION OF CONTRACT AGREEMENT EXECUTED WITH FOREIGN EMPLOYER.**

The deputationist shall, immediately after joining the foreign job, provide to the competent authority concerned through his administrative department an attested/verified copy of the contract agreement executed by him with the foreign agency/Government for record and future use in his case.

**10. FILLING IN THE RESULTANT VACANCY.**

As a result of deputation of a Government servant to Foreign Service, the vacancy is likely to be vacant for approved tenure of deputation. It should be filled in under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 on acting charge basis.

**11. VACATION OF GOVERNMENT ACCOMMODATION**

The Government servant proceeding on deputation under this policy shall vacate the Government allotted residential accommodation before joining Foreign Service.

2. It is requested that the above policy may kindly be brought into the notice of all concerned working under your control for guidance/compliance.

**TERMS & CONDITIONS OF CIVIL SERVANTS DEPUTED TO FOREIGN SERVICE.**

SOSR-III/FD/1-20/2006 dated 24.01.2007

I am directed to refer to above-captioned subject and to state that in order to obviate inordinate delays in the settlement of terms and conditions of deputationists and in furtherance of the principles of good governance and decentralization of powers, the competent authority has decided that in supersession of all previous instructions on the subject, the terms & conditions of civil servants, who are deputed to foreign service, may hence-forth be determined by the Administrative Departments concerned.

2. The following terms and conditions of deputation are delegated to the administrative authorities/departments which shall invariably be followed accordingly:-

**i) Pay:-**

A civil servant on deputation shall be entitled to the graded pay as is admissible to him in his parent department from time to time.

**ii) Deputation Allowance:-**

- a) In case the post in the Autonomous, Semi-Autonomous or Local Body or other Provincial Government or Federal Government concerned carries a pay scale equivalent to that of the post held by a civil servant in his parent department immediately before deputation on which he had actually assumed charge under

Government, the deputation allowance will be allowed at the rate of 20% of the basic pay subject to maximum of Rs. 12000/- P.M.

- b) In case the post under Autonomous, Semi-Autonomous or Local Body concerned carries a pay scale higher than that of the post held by a civil servant in his parent department immediately before deputation, on which he has actually assumed charge under Government, the deputation allowance will be allowed at the rate of 20% of the basic pay in his parent department provided the total/inclusive of deputation allowance does not exceed the maximum of the pay scale of the next higher pay scale/post in the civil servant's ordinary line of promotion under Government.
- c) If a special pay is attached to the deputation post and is incidental to the scale of such post, the deputationist will be allowed either such special pay or the deputation allowance whichever be more beneficial to him.
- d) The 20% deputation allowance of the basic pay subject to maximum of Rs.12000/- P.M will be allowed to a Civil Servant. In the case of officers belonging to the Federal unified grades deputed on Foreign Service under Khyber Pakhtunkhwa Government, the terms & conditions of deputation shall be decided in consultation with the Establishment Division.

Note:-This policy will not be applicable to project posts.

iii) **Special Pay:-**

A Government Servant on deputation shall be entitled to the special pay permanently attached to the scale of the post/grade in his parent department in addition to the deputation allowance referred to above, provided he enjoyed that special pay for a period exceeding full one year under Govt. for example, the protection can be claimed in respect of the special pay of Rs.300/- attached with the post of PS to Secretary but not for the special pay allowed to a Tehsildars doing settlement work or that to a cashier for his specific job.

iv) **Traveling Allowance:-**

T.A will be allowed in accordance with the ordinary T.A Rules of the Provincial Government or Autonomous, Semi-Autonomous Body or Local Body whichever are more beneficial to him.

v) **Conveyance Allowance :-**

This allowance will be restricted to the scale as admissible under the Government Rules subject to the relevant conditions.

vi) **Compensatory Allowance:-**

Compensatory Allowance admissible to a civil servant at the same place of posting will continue to be admissible during deputation as per scale laid down by the Government; hence, it will not be inter-changeable with the compensatory allowances sanctioned by the Autonomous, Semi-Autonomous or Local Body concerned. However, the foreign employer will bear the whole expenditure in

respect of any compensatory allowance for periods of leave granted to the civil servant in or at the end of Foreign Service.

**vii) Residential Accommodation/Housing Subsidy:-**

Accommodation will be provided to the deputationist by the Autonomous, Semi-Autonomous or Local Body concerned of the same standard as is normally provided to a civil servant in his parent department subject to the recovery of rent @ 5% of his emoluments as defined in F.R. 45(c). Where such accommodation is not available and the Autonomous, Semi-Autonomous or Local Body concerned pays the house rent requisition or housing subsidy to its employees, the subsidy will be paid to the deputationist either at the rate admissible to such civil servant in his parent department from time to time or at the rate admissible to the employees of the foreign employer whichever is more beneficial to the deputationist. If the deputationist continues to reside in Government allotted accommodation under special permission of Government for certain specified periods, the difference between the standards rent recoverable by Government under F.R-45 (B) and that admissible to the deputationist in the deputation post, will be payable by the deputationist concerned to the Government over and above the 5% rent recovery or as may be agreed upon mutually between the Departments concerned.

**Note:-** Housing subsidy and two rooms' accommodation are exempted from 5% deduction.

**viii) Medical Facilities:-**

Medical facilities will be allowed in accordance with the relevant rules of the Autonomous, Semi-Autonomous or Local Body concerned provided these facilities are not inferior to those admissible to the deputationist under Government.

**ix) Leave Salary and Pension Contributions:-**

These will be payable by the foreign employer on the scale laid down by the Government from time to time.

**x) Joining Time Pay and T.A on Transfer:-**

This will also be payable by the foreign employer on transfer to and reversion from Foreign Service.

**xi) Contributions:-**

The Civil Servants shall continue to subscribe to the G.P Fund, C.P Fund, benevolent Fund and the Group Insurance Fund as under Government Rules and will also repay all the advances from G.P Fund or for house buildings etc. by cash deposit into Government Treasury.

**xii) Other Benefits:-**

All Fringe benefits attached to a deputation post other than the benefits specifically mentioned above will also be admissible to a deputationist. However, as a rule, no promotion or improved prospects of service shall be allowed to the deputationist without the prior consent of the Government.

**xiii) Deputation Period:-**

The period of deputation shall ordinarily not exceed three years. Its extension beyond the period of three years shall be decided by the Finance Department in advance on the merit of each case. Cases involving deputation period of more than five years, where special circumstances exist and the extension in deputation period of a civil servant is considered to be absolutely essential and in the public interest shall be referred to Establishment Department at least three months in advance of the expiry of the maximum period of deputation.

3. More-over while determining the terms & conditions of deputationist by the Administrative Department the provision of Chapter XII (FR 109 to 127) of the compilation of the Fundamental Rules and Supplementary Rules (Volumes I & II) read with FR-9 (7) and the Appendix No. 11 of the FR (as reproduced at Annexure-A) shall be kept in view in-so-far as they are not in conflict with the above-stated standard Terms & Conditions. A specimen Proforma to be signed by lending department as well as borrowing organization is also enclosed at Annexure-B for guidance.

**ANNEXURE-A****CHAPTER XII OF F.R**

- F.R. 9(7).  
Foreign Service means service in which Government servant receives his substantive pay with the sanction of the Government from any source other than the revenues of the Governor-General or of a province or the Railway Fund (when established).
- F.R. 109.  
The rules in this chapter apply to those Government servants only who are transferred to Foreign Service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.
- F.R.110.
  - a) No Government servant may be transferred to Foreign Service against his will.
  - b) A transfer to Foreign Service outside Pakistan may be sanctioned by the Governor-General.
- F.R. 111.  
A transfer to Foreign Service is not admissible unless
  - a. the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
  - b. the Government servant transferred holds, at the time of transfer, a postpaid from general revenues, or holds at lien on a permanent post, or would hold a lien on such a post had his lien on such a post had his lien not been suspended.
- F.R 112.  
If a Government servant is transferred to Foreign Service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.
- F.R. 113.
  - (1) 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 those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account---
    - (a) the nature of the work performed in foreign service,
    - (b) the promotion given to juniors in the cadre in which the question of promotion arises.
  - (II) Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government Service may decide.
- F.R. 114.  
A Government servant in Foreign Service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government Service. Subject to any restrictions which the Governor-General may by general order



impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

➤ F.R.115.

- a) While a Government servant is in Foreign Service contribution towards the cost of his pension must be paid to general revenues on his behalf:
- b) If the Foreign Service is in Pakistan contributions must be paid on account of the case of leave-salary also.
- c) Contributions due under clauses (a) and (b) above shall be paid by the foreign employers.
- d) They shall not be payable during leave taken while in Foreign Service.
- e) By special arrangement made under rule 123(b), contributions on account of leave-salary may be required in the case of Foreign Service out of Pakistan also, the contributions being paid by the foreign employer.

➤ F.R. 116

The rate of contributions payable on account of pension and leave-salary shall be such as the Governor-General may by general order prescribe.

➤ F.R. 117.

- a) The rates of pension contribution prescribed under rule 116 will be designed to secure to the Government Servant the pension that he would have earned by service under Government if he had not been transferred to Foreign Service.
- b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible the pay drawn in Foreign Service, less in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of rule 9(2).

*(The rates of contributions prescribed by the Governor-General with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A in Volume 11 of this Compilation).*

- F.R. 118. Deleted.
- F.R. 119.
- Subject to any general orders of the Governor-General a local Government sanctioning a transfer to Foreign Service may;
  - (a) remit the contributions due in any specified case or class of cases, and
  - (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

*For rule made under Fundamental Rule 119 (b), see supplementary Rule 307.*

- F.R 120.  
A Government servant in Foreign Service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in contribution paid and no claim for refund can be entertained.
- F.R.121.  
A Government servant transferred to Foreign Service may not without the sanction of the local Government, accept a pension or gratuity from his foreign employer in respect of such service.
- F.R. 122.  
A Government servant in Foreign Service in Pakistan may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.  
For Administrative Instructions issued by the Governor-General regarding leave and the grant of leave to Government servant in Foreign Service in Pakistan see Part VI (2) of Appendix 3 in Volume II of this Compilation.
- F.R 123.  
(a) A Government Servant in Foreign Service out of Pakistan may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government Servant's leave account.
- F.R 124.  
A Government Servant in Foreign Service if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government Service on which he holds lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign Service will not be taken into account in fixing his pay.
- F.R. 125.

A Government Servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide.

➤ F.R 126.

When a Government servant reverts from Foreign Service to Government Service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

➤ F.R 127.

When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules: -

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contribution at such rates as may be laid down under rule 116, and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) Local Government may reduce the amount of recoveries or may entirely forego them.

### **APPENDIX NO. 11**

Orders issued by the President under Fundamental Rule 114.

The President is pleased to issue, under Fundamental rule 114, the following orders regulating the amount of remuneration which may be sanctioned for a Government Servant transferred to foreign service in Pakistan: -

- i. When the transfer of a Government Servant to foreign service in Pakistan is sanctioned, the period for which he is so transferred, the post which he shall hold in foreign service and the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government Servant will be permitted to receive any remuneration or enjoy any concession, which is not so specified, and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.
- ii. Save as hereinafter provided a government servant transferred to foreign service in Pakistan shall be allowed the pay sanctioned for the post to which he is transferred or the pay he would have received, from time to time, in government service but for his transfer which is more.  
(Amendment effected vide Finance Division Government of Pakistan order No. F.3(22)R.3/97 dated 13/9/1997 circulated vide Finance Department,

Government of Khyber Pakhtunkhwa letter No. FD(SR-V)2-151/93 dated 25/10/1997.

- iii. If the duties of a Government Servant in Foreign Service involve a decided increase in work or responsibility in comparison with the duties of his post in Government service he may be granted a suitable increase in pay, with the prior concurrence of the competent authority.
- iv. If, by reason of his transfer to foreign service, a 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 to compensatory allowance or other suitable concession with the prior concurrence of the competent authority.
- v. In all cases of transfer to Foreign Service in Pakistan, the foreign employer should be required.
  - (a) to pay contributions towards the leave salary and pension of the Government servant according to the ordinary rules regulating such contributions:
  - (b) to pay the Government servant his pay for the joining time granted to him on transfer to and reversion from foreign service at the rates prescribed in F.R. 107.
  - (c) to pay traveling allowance to the Government servant for journeys if any, performed by him on transfer to and reversion from foreign service (and for journeys performed on duty while in foreign service), according to the ordinary T.A. rules of the Government;
  - (d) to provide medical facilities to the Government servant while in foreign service similarly to those which he would have enjoyed in Government service but for his transfer.
- vi. In addition to the leave salary contribution provided for in paragraph 5 (a) above, the foreign employer shall bear the whole expenditure in respect of any compensatory allowance for periods of leave granted to the Government servant in or at the end of Foreign Service.
- vii. The foreign employer shall also be liable for leave salary in respect of disability leave granted to the Government servant on account of a disability incurred in and through Foreign Service, even though such disability manifests itself after the termination of Foreign Service. The Government servant direct from the foreign employer shall recover the leave salary charges for such leave.

**ANNEXURE-B**

SOSR-III/FD/1-20/2006, dated 24.01.2007

**PROFORMA.****TERMS AND CONDITIONS OF CIVIL SERVANTS DEPUTED ON FOREIGN SERVICE UNDER AUTONOMOUS, SEMI-AUTONOMOUS OR LOCAL BODIES.**

Department \_\_\_\_\_

Attached Department Subordinate Office (if any)

1. Name: \_\_\_\_\_
2. Service to which belongs  
Applicable \_\_\_\_\_
3. Date of joining Foreign Service \_\_\_\_\_
4. Position immediately before deputation  
on foreign service \_\_\_\_\_

- (a) Nomenclature of post held under  
Government & date of posting  
(Whether ad hoc or regular) \_\_\_\_\_
- (b) Grade \_\_\_\_\_
- (c) Emoluments: -
  - (i) pay \_\_\_\_\_
  - (ii) Special Pay \_\_\_\_\_  
(rate and purpose for which allowed)
  - (iii) Other Allowance \_\_\_\_\_  
(Details)

N.B: Indicate date from which each element drawn.

- (d) Substantive post (details) the scale and the Presumptive  
pay admissible in the post \_\_\_\_\_

## 5. Position immediately after deputation on foreign service :-

- a) Post held immediately after deputation and scale of pay and special  
pay attached to the post.
- b) Other emoluments and fringe benefits  
if any, with details of each item. \_\_\_\_\_
- c) Are the responsibilities in the  
deputation post higher than  
those attached to the post under  
Government (brief comparative  
account of responsibilities may

be given in an Annexure).

- d) House concession or subsidy normally admissible to employees of the same status in the deputation post. \_\_\_\_\_
- e) Whether Govt: accommodation has been retained, if so, particulars of that accommodation and the rent paid to landlord if any.  
\_\_\_\_\_

6. Present position in foreign service:-(NB: Applicable in the case of extension of deputation terms only).

- a) Present post in foreign service \_\_\_\_\_
- c) Scale of pay \_\_\_\_\_
- d) Present emoluments with broader details \_\_\_\_\_
- e) Are the responsibilities in this post higher than those in that post mentioned against 5(a) above?
- f) Brief justification for extending the deputation period

Date \_\_\_\_\_

Signature \_\_\_\_\_

1. Head of Lending Deptt or his nominee
2. head of borrowing Organization or his nominee.

Note:- For details of emoluments please indicate Pay, Personal Pay, Special Pay or any other emoluments classed as pay, Dearness Allowance, Compensatory Allowance, House Rent Allowance or Subsidy, Rent Free House, Entertainment Allowance, Sumptuary Allowance, Uniform Allowance or any other allowance.

**<sup>136</sup>RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES.**

- (a) Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zilladars and Sub-Engineers will continue to be made through the Khyber Pakhtunkhwa Public Service Commission. However, the Commission may make efforts to finalize the recruitment within six months of the receipt of the requisition duly completed from the Administrative Department.
- (b) Recruitment to posts in the various Government Departments as indicated below will also henceforth be made by the Khyber Pakhtunkhwa Public Service Commission:-

**(i) All Departments including Board of Revenue, Khyber Pakhtunkhwa-**

- (1) Senior Scale Stenographer (B-15)
- (2) Data Processing Supervisor (B-14)
- (3) Junior Scale Stenographer (B-12)
- (4) Assistant (B-11)<sup>137</sup>
- (5) Draftsman (B-11)

**(ii) Board of Revenue-**

- (1) Sub-Registrar (B-14)
- (2) Excise and Taxation Inspector (B-11)

**(iii) Home & Tribal Affairs Department -**

- (a) Police Department;
  - (1) Prosecuting Sub-Inspector (B-14)
- (b) Inspectorate of Prisons:
  - (1) Assistant Jail Superintendent (B-11)
- (c) Reclamation and Probation Department;
  - (1) Parole/Probation Officer (B-11)

**(iv) Industries, Commerce, Mineral Development, Labour and Transport Department-**

- (a) Directorate of Industries:
  - (1) Assistant Industrial Development Officer/  
Assistant Price Stabilization Officer (B-11)
  - (2) Royalty Inspector (B-11)

<sup>136</sup> Issued vide .S&GAD letter No.SOR.I (S&GAD)1-117/91(C), dated 12.10.1993.

<sup>137</sup> The post of Assistant has now been placed in BS-14 universally



- (3) Surveyor (B-11)
- (b) Directorate of Manpower and Training:

- (1) Instructor T.T.C (B-14)

**(v) Cooperative Societies:**

- (1) Inspector (B-11)

**(vi) Communication and Works Department-**

- (1) Assistant Architectural Draftsman (B-14)

- (2) Senior Draftsman (B-13)

**(vii) Public Health Engineering Department-**

- (1) Motivation Officer (B-15)

- (2) Assistant Motivation Officer (B-14)

- (3) Lady Health Educator (B-12)

**(viii) Electric Inspectorate:-**

- (1) Sub-Inspector (B-11)

**(ix) Food Department-**

- (1) Assistant Food Controller (B-8)

- (2) Food Grain Inspector (B-6)

**(x) Directorate of Archives and Libraries-**

- (1) Preservation Assistant (B-11)

- (2) Cataloguer / Classifier (B-11)

- (c) Initial recruitment to posts in BPS-15 and below other than the posts in the purview of the Public Service Commission, in all the departments shall continue to be made in accordance with Rule 10,11 and 12 (Part-III) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules,1989, the criteria as laid down in S&GAD letter No.SORI(S&GAD)4-1/75,dated 11.2.1987 and the zonal allocation formula contained in S&GAD Notification NO.SOS.III(S&GAD)3-39/70, dated 2.10.1973 as amended from time to time.

- (d) No ad hoc appointment against any post in any pay scale shall be made.

**N.B:** [ad hoc appointment is now allowed under the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 and the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989 for a period of one year]

(e) <sup>138</sup>[Deleted]

(f) The Regional/Zonal quota if not filled will be carried forward till suitable candidates are available from the Region/Zone concerned. No "Substitute" recruitment shall be made. Existing backlog, if any, in respect of any zone will not be carried forward and the Commission shall take a fresh start in respect of all posts under its purview. However, this condition will not be applicable in respect of posts which have already been advertised by the Khyber Pakhtunkhwa Public Service Commission.

<sup>139</sup>In case female candidates with prescribed qualification do not become available in Zone-I after advertising at least three times, such vacancy/ vacancies shall be advertised fourth time for Merit Quota.

(g) The vacancies in all the Departments shall be advertised in leading newspapers on <sup>140</sup>(Sunday).The advertisement in electronic media should be to the extent of drawing attention of all concerned to the relevant newspapers in which the vacancies are advertised.

(h) Initial Recruitment to all the vacant posts shall be made on regular known periodic intervals in February and August each year after proper advertisement through electronic and national/regional media. After advertisement, a minimum period of 30 days should be allowed for receipt of applications. <sup>141</sup>[ ]

(i) <sup>142</sup>Change in the recruitment policy regarding maintaining of waiting list of the eligible candidates- judgment of the Supreme Court of Pakistan.

I am directed to refer to the Establishment Department circular letter No.SOR-VI/E&AD/1-10/2005/Vol-IV dated 31.12.2008 and to state that the maintenance of the waiting list of eligible candidates for a period of six months in initial recruitment were stopped in pursuance of the judgment of the Supreme Court of Pakistan in a case titled MUSA WAZIR & OTHERS VS KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION AND OTHERS.

However, in pursuance of a recent judgment of the Supreme Court of Pakistan in case titled Naimat Ullah & others versus Khyber Pakhtunkhwa Public Service

<sup>148</sup> Sub para-e and other entries under it relating to age relaxation were superseded by the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of upper Age Limit) Rules, 2008.

<sup>149</sup> Entry added at the end of sub-para (f) vide No SOR-I(S&GAD)1-117/91 (C), 23-05-2000.

<sup>150</sup> The words "Friday" substituted in para (g) by Notification No. SOR-I(S&GAD)1-117/91 (C), 22-11-97

<sup>141</sup> Added vide policy instructions NO. SOR-VI (E&A)/1-10/2010 dated 19<sup>th</sup> March, 2013

<sup>142</sup> Maintaining of waiting list of eligible candidates for a period of six months was stopped in pursuance of Supreme Court of Pakistan Judgment in a case titled "Musa Wazir & Others vs NWFP Public Service Commission and others" No.SOR.VI(E&AD)1-10/2010 dated 19<sup>th</sup> March, 2013.

Commission and others dated 05.10.2010 the said policy has been reviewed and it has been decided by the competent authority that from now onwards, the Public Service Commission or Departmental Selection Committee as the case may be, may be maintained a waiting list of eligible candidates in the respective Zones up to the commencement of the pre-service training of the candidates of the same selection or till expiry of three months, where no such pre-service training is prescribed. The Public Service Commission or Departmental Selection Committee may in case of non-joiners recommended the next eligible candidate on the top of merit list from the respective zones up to the commencement of the training of the appointees of the same selection or for three months where no such training is prescribed, provide that the process does not in any way affect the right of any other selectee or appointee.

(j) <sup>143</sup>Three (03) months period for maintaining waiting list by the Public Service Commission or Departmental Selection Committee as the case may be, shall be counted w.e.f the date of issuance of offer of appointment(s).

<sup>144</sup>(j) i) 2% quota for disabled persons already fixed shall stand and should be enforced strictly.

ii) 10% quota has also been fixed for female candidates in all the Provincial services which are filled up through initial recruitment in addition to their participation in the open merit. However, it shall not be applicable to cadres exclusively reserved for females. The vacancies reserved for women for which qualified women candidates are not available shall be carried forward and filled by women.

iii) The above orders shall also apply to initial appointments in all autonomous/semi-autonomous bodies/ corporations etc which are administratively controlled by the Provincial Government.

iv) The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall intimate the quota for the women in the Requisition Form accordingly.

v) The above reservation shall not apply to:-

- *the percentage of vacancies reserved for recruitment on the basis of merit;*
- *Short term vacancies likely to last for less than one year; and*
- *Isolated posts in which vacancies occur only occasionally;*

<sup>145</sup>(JJ) 05 per cent quota has been fixed for candidates belonging to minorities in all the Provincial services which are filled in through initial recruitment in addition to their participation in the open merit. However, this reservation shall not apply to:-

<sup>143</sup> Added No. SOR-VI(E&AD)1-10/2010/Vol-VII dated 10<sup>th</sup> December, 2014

<sup>144</sup> The one percent substituted by Notification No.SOR.I(S&GAD)4-1/80, Vol.III dated 19.2.1999

<sup>145</sup> Sub- Para-JJ added vide circular No. SOR-VI (E&AD)1-10/(Min)05 (IV), dated 18-11-2008.

- *the percentage of vacancies reserved for recruitment on the basis of merit;*
  - *Short term vacancies likely to last for less than <sup>146</sup>[one year]; and*
  - *Isolated posts in which vacancies occur only occasionally.”*
- (k) For initial appointment to posts in BPS-17 and below in the Autonomous Bodies/Corporations, the zonal allocation formula applicable for Provincial Services may be adopted. The method of recruitment shall also conform to sub-para (c) above.
- (l) The Provincial Government have already agreed that recruitment to the post of PTC in Education Department in various districts shall be made on constituency-wise basis. For this purpose, the existing districts have been divided into various zones. Each zone shall correspond to the area of constituency of the Provincial Assembly. However, recruitment to the posts shall, in each case, be 60% on merit in open competition on district basis and 40% on constituency basis.

<sup>147</sup>The competent authority has decided that henceforth all the Government Departments/Offices shall ensure that requisitions are sent to the Khyber Pakhtunkhwa Public Service Commission complete in all respects and should reflect not only all the existing vacant posts but also posts likely to become vacant during the next eighteen months on account of retirement etc falling to the initial recruitment quota under the rules.

**CHANGE IN THE RECRUITMENT POLICY REGARDING MAINTENANCE OF WAITING LIST OF THE ELIGIBLE CANDIDATES JUDGMENT OF THE SUPREME COURT OF PAKISTAN.**

SOR-VI(E&AD)/1-10/2010(Vol-VII) dated 10.12.2014

I am directed to refer to this Department's circular of even number dated 19-03- 2013 on the subject noted above and to clarify that the 03 months period for maintaining waiting list by the Public Service Commission or Departmental Selection Committee as the case may be, shall be counted w.e.f. the date of issuance of offer of appointment by the department(s).

2. I am, therefore, directed to request that the above clarification may be brought into the notice of all concerned for guidance and compliance.

**PROCEDURE FOR SELECTION FOR PROMOTION / INITIAL RECRUITMENT**

I am directed to say that under rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 appointment by promotion to posts in BPS-2 to

<sup>146</sup> Period of six months replaced with “one year” in the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989 vide Notification No. SOR-VI(E&AD)1-3/2008, dated 6<sup>th</sup> January, 2009.

<sup>147</sup> Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008.

BPS-16 shall be made on the recommendations of the appropriate Departmental Promotion Committee. Similarly, under rule 11 of the rules *ibid*, initial appointments to posts in BPS-1 to 15 shall be made on the recommendation of the Departmental Selection Committee after the vacancies have been advertised in newspapers. However, no criteria for selection has so far been prescribed.

2. In order to ensure a fair degree of selection, minimize the chances of discretion and favouritism, the Provincial Government have laid down the following criteria for selection for promotion vis-a-vis initial recruitment to the posts which are filled by the department concerned:-

- (I) **Criteria for Selection for Promotion:-** Promotion to any post in a grade below Grade-16 shall not be subject to any test. The suitability of candidates shall be determined on the basis of service record i.e seniority-cum-fitness.
- (II) **Criteria of Selection for initial recruitment:-**
  - (i) **For post in Grades 03 to 05-** No special criteria has been laid down and the committee concerned shall adopt its own method and procedure for selection.
  - (ii) **For posts in Grade-6 and above in all departments-** In addition to the total marks allocated for a written competitive examination, if any held, the total marks will be 100 as per distribution given below:-
 

(a) Prescribed qualification	...	70
(b) Higher qualification	...	12
(c) Experience	...	10
(d) Interview	...	08

3. Para 2 above indicates only the general distribution of the marks. To enable the Administrative Departments to develop criteria of comparative grading of candidates within the above overall framework, S&GAD has done a model exercise (attached as Annexure) for guidance of all concerned.

4. I am accordingly directed to request you to kindly ensure that the aforesaid criteria for selection for promotion vis-a-vis initial recruitment to posts is adhered to strictly in filling the vacant posts in future.

**ANNEXURE****COMPARATIVE GRADING OF QUALIFICATION**

Annexure revised vide letter No.SORI(S&amp;GAD)4-1/75(Vol.III) dated 26.5.2000

**A. Minimum Prescribed Qualification.**

1	<u>For Non-Professional Posts</u>	First	Second	Third	Total Mark 70
(i)	Matric	70	53	42	
(ii)	Matric	35	26	21	
	FA/F.Sc	35	27	21	
(iii)	Matric	23	17	14	
	FA/F.Sc	23	17	14	
	B.A/B.Sc	24	18	14	
(iv)	Matric	17	13	10	
	F.A/F.Sc	17	13	10	
	B.A/B.Sc	17	13	11	
	M.A/M.Sc	19	14	11	
2.	<u>For Professional Posts.</u>				
(i)	<u>For four examination</u>				
	Ist Professional.	17	13	10	
	2 <sup>nd</sup> Professional	17	13	10	
	3 <sup>rd</sup> Professional	17	13	10	
	Final	19	14	12	
(ii)	<u>For three examination</u>				
	Ist Professional.	23	17	14	
	2 <sup>nd</sup> Professional	23	17	14	
	Final	24	19	14	
(iii)	<u>For two examination</u>				
	Ist Professional	35	26	21	
	Final	35	27	21	
B.	<u>Higher Qualification</u> .....		12		
	(Next above the qualification prescribed under the rules).				
	one stage above		06		
	two stage above		08		
	three stage above		12		
C.	<u>Experience</u> .....		10		
	Experience of one year		04		
	Experience of two years		07		
	Experience of three years and above		10		
D.	<u>Interview</u> .....		08		

Total marks... 100

**Explanations:**

- (a) Where qualification prescribed in the rules is Matric, comparative grading of candidates shall be done as shown at (A) (i) above. Where typing is prescribed in the rules as a part of qualification after Matric, all persons possessing the prescribed speed shall be considered as equal.
- (b) Where the prescribed qualification is F.A, grading shall be done as indicated at (A) (ii) of Annexure. To illustrate; if the candidate is a 2<sup>nd</sup> Division in Matric and Ist Division in F.A., he shall get 26 plus 35 marks out of the total of 70 reserved for prescribed qualification.
- (c) Where prescribed qualification is Graduation, the comparative grading shall be done (A) (iii) of Annexure above. If a candidate is 3<sup>rd</sup> Division in Matric, 2<sup>nd</sup> Division in F.A/F.Sc and Ist Division in B.A/B.Sc, he shall get 14,17, 24 marks i.e 55 marks out of 70.
- (d) If the minimum qualification is M.A (which is very rare as the selection criteria pertain to posts in Grade 1 to 15 only) the grading shall be done as indicated at (A) (iv) above.
- (e) The above grading can be applicable only where academic qualifications are from Matric onwards. In cases where technical qualifications (like Diploma or Certificate) are also prescribed after these basic qualifications, in such cases 70 marks for comparative grading shall be distributed as below:-

(1)	Total Marks	...	70
(2)	Basic qualification like Matric, F.A/B.A as may be provided in the rules.	...	50
(3)	Additional Technical qualifications	...	20

The method for further distribution of 20 marks shall be laid down by the Departments themselves on the analogy of the principles indicated above. 50 marks shall be distributed for the basic qualifications by necessary modification in the formula indicated at (A) of Annexure above. To illustrate, if the basic qualification is Matric, 50 marks shall be distributed as below:-

<u>1<sup>st</sup> Division</u>	<u>2<sup>nd</sup> Division</u>	<u>3<sup>rd</sup> Division</u>
50	38	30

It will be noticed that the same proportion as obtaining between the marks reserved for First, Second and Third Division at (A) above has been maintained in the distribution of 50 marks as shown above.

- (f) Out of the 12 marks reserved for higher qualifications the actual marks to be given to a candidate are shown at (B) of Annexure. If the candidate possesses the qualification one stage above i.e. for example he is intermediate and qualification in the rules is Matric he shall get 6 marks; if he is a graduate and minimum qualifications is Matric he shall get 8 marks and so on.



- (g) Marks for experience shall be for experience in the line at the scale shown at (C) of Annexure. Persons with more than 3 years experience shall also get the maximum i.e. 10 marks.

<sup>148</sup>(h) The equation of grades versus division is as follows:-

Grade A & B	=	1 <sup>st</sup> Division
Grade C & D	=	2 <sup>nd</sup> Division
Grade E	=	3 <sup>rd</sup> Division

**Note:-** Below 45% marks obtained in Grade-D will be considered as 3<sup>rd</sup> Division.

- (i) In case where no division/grade is given in the respective Certificate, it is worked out on the basis of secured marks of candidates as follows:-
- |                         |     |                          |
|-------------------------|-----|--------------------------|
| (a) 60% and above marks | ... | 1 <sup>st</sup> Division |
| (b) 45% - 59% marks     | ... | 2 <sup>nd</sup> Division |
| (c) Below 45% marks     | ... | 3 <sup>rd</sup> Division |
- (j) If not specifically provided otherwise in the relevant Service Rules “experience” will mean in the line and only that experience is considered which has been acquired after the acquisition of minimum qualifications prescribed for the post.

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<sup>148</sup> Substituted vide letter No.SORI(S&GAD)4-1/75, Dated 22.7.98.

## **RECRUITMENT POLICY FOR MARKET BASED TALENT**

SO(Policy)/E&AD/1-10/2019 dated 10.10.2019

### **Context.**

To transform Pakistan, Government (both in the center and in the Province) needs access to the best talent that available. Often, the resource required are available on the national job market, but the stand recruitment policies of government, and the terms officered to the individuals required for particular roles, simply make it impossible for government to recruit the talent it needs to bring change to Pakistan. This is particularly true in today's world, where young entrepreneurs below the age of 30 can become billionaires, and yet they wouldn't be able to pass the experience criteria to be a Director reporting to a Director General in a government owned institution.

### **Objective**

The archived process of recruitment cannot be applied to specialized units aiming to build strategic support capacity and/ or aiming to attract vibrant and dynamic skill-set from the market. This policy is aimed at promoting competition and transparency of the hiring process for specialized units

### **Application.**

This policy can be chosen to be applicable in the following cases.

- For senior executives, or senior leadership positions
- For generalist consultant position, irrespective of seniority, working on MP scales
- For market based recruitment in autonomous bodies, and other attached institution of departments

### **Form of recruitment**

Recruitment shall be carried on contract basis for a period of upto three years (extendable on satisfactory performance) on Market Based pay.

### **Recruitment process**

This policy is built on the recruitment best practices in world class institutions, and can therefore consist of a two-stage or four-stage process, in which the evaluation at each stage is independent of the previous stage. The objective is to ultimately assess individuals on their skill and ability, as opposed to a rigid interpretation of their track record. As such, unlike typical government processes, no marks are carried forward from one stage (e.g CV evaluation) to the next.

**Stage 1-CV Evaluation:** This is where the track record and the academic credentials of the candidates are evaluated. It is recommended that a cover letter be made part of the submission requirements and be part of the CV evaluation (although this cannot be compulsory), and that there be constraints placed on the length of both the CV and the cover letter.

**Stage 2- Test:** An IQ/GMAT style test testing basis proficiency is recommended other than for senior executive roles that may directly be passed on to an interview stage. Again, once test marks are awarded, these should not carry over to the interview stage.

**Stage 3- Deep Interview:** At least one round of interviews, testing the candidate's ability to perform in the job with a three member panel that is independently assessing ability to perform as well as the candidates track record. For generalist positions, these can be case study/problem solving based, while for senior executive ( e.g for the CEO of an autonomous body), these can be in the form of a presentation. The interview structure can be adapted for individual recruitment efforts.

**Stage 4- Second Round of Interviews (Optional):**

### **Education and age Requirements**

- Experience rather than age
- 16 years of education as a standard Specialization should be preferred but not necessary, as many people can demonstrate experience in relevant fields.
- No domicile requirements.

### **Salary and Benefits/Determining remuneration range**

The recruitment age insist thee posts are at market-based remuneration/MP scale. In this regard it is important that:

- Principles of Market Based Talent, while determining the remuneration rang, apart form the profiles of candidate his/her skill set value he/she shall bring in, and his/her last salary drawn will also be considered.
- Performance Based, Candidates will be offered a base rate/base salary. However, in addition, there shall be performance-based component over and above this base rate and will be directly linked with the performance of the candidates against agreed KPIs/performance parameters.
- Flexible, in order to provide for flexible working, there shall be mechanism for working days and remuneration shall be based upon the days worked.

### **Adopting the Policy-Process**

- The Administrative Department/entity wishing to establish such a unit shall prepare a detailed concept note highlighting the need of the unit along with the structure and TORs of each position.
- The concept note, and all allied documents, shall be submitted for approval of Chief Minister in the form of a Summary.
- The source of funding shall be clearly mentioned in this regard.
- The Summary shall also indicate compositions of three committees vis-avis Short-Listing Committee, aptitude test Committee and selection Panel (as gve below) and composition

shall be approved from Chief Minister After approval of Chief Minister in respect of establishment of unit, the administrative departments shall follow this policy for carrying out recruitment against the position .

### **Constitution of Committees**

In order to carry out the recruitment in competitive and transparent manner, following three committees shall be constituted

1. Short Listing Committee.
2. Aptitude Test Committee.
3. Selection Panel.

### **Appointing Authority**

The concerned administrative Secretary shall be the Appointing Authority for these cases.

### **Third Party Validation**

The Administrative Department may get a third-party validation of the process conducted within 06 months of completion of the recruitment process.

### **Instruction on Recruitment Process through Khyber Pakhtunkhwa Public Service Commission**

SO(Policy)/E&AD/4-4/2017 Dated 14.12.2017

I am directed to refer to the subject noted above and to state that in order to ensure the recruitment process through Khyber Pakhtunkhwa Public Service Commission in time, the following instructions are required to be followed:-

1. All departments will send requisition to Public Service Commission for appointment against initial recruitment on bi-annual basis.
2. No department will henceforth send service rules for concurrence of Public Service Commission.
3. All departments will review their service rules that no inconsistent or rigid criteria is laid down so as to ensure extending equal opportunity to all eligible candidates.
4. All departments will make for provision in their Service Rules for BS (4 years) Programme having equivalency with Master Degree, where prescribed qualification is master in relevant subject so as to avoid future queries and litigation.
5. The Public Service Commission and the department will not seek copy of testimonials at the time of application. The copy of all documents will be sought from candidates at the time of interview and that too unattested copies. Attested copies will be obtained from selected candidates for verification from the concerned institutions.
6. Deadline for submission of application should be reduced to 15 days instead of 30 days so as to complete the hiring process in time.

2. The instructions issued vide this department letter No.SOR.VI(E&AD)2-69/2008/Vol-I dated 9.5.2013 should stands modified to the above extent.

**Instruction on Recruitment Process through Khyber Pakhtunkhwa Public Service Commission**

SO(Policy)/E&AD/4-4/2017 Dated 21.12.2017

I am directed to refer to this department letter of even No. dated 14.12.2017 and to make following clarification regarding instructions issued thereunder:

1. As envisaged in instructions at S.No. 1 of letter under reference, Bi-annual requisitions are to be sent to the Public Service Commission. These requisitions shall be sent in February and August.
2. As per instruction at S.No.3; it has been visualized that rigidity in Service Rules is to be removed. For instance in one of the cases under study a Software Engineer was found not eligible for appointment to the post of Web Developer as the laid down criteria was M.Sc Computer Science. Therefore, departments are directed to revisit their rules and remove such like inconsistency, hardships and rigidity. The process must be completed within a month positively.

### **ZONAL ALLOCATION IN INITIAL RECRUITMENT**

SO (Policy)(E&AD)4-4/2022 dated 22.12.2022

In supersession of this department notification No. SOSIII(S&GAD)3-39/70 dated 02-10-1973, the Provincial Government of Khyber Pakhtunkhwa is pleased to decide that notwithstanding anything contained to the contrary in any service rules/recruitment rules, under the rule-making authority of the Chief Minister Khyber Pakhtunkhwa, vacancies to be filled by initial recruitment through Khyber Pakhtunkhwa Public Service Commission or Departmental Selection Committee shall be filled in the following manner:

- a. There shall be a block of thirty (30) vacancies for posts in BPS-16 and BPS-17 as well as the posts of Civil Judge/Judicial Magistrate (BPS-18) out of which twenty percent i.e six vacancies shall be filled on merit from candidates domiciled in Khyber Pakhtunkhwa including newly merged Districts;
- b. Remaining eighty percent i.e 24 vacancies will be filled on the basis zonal quota. In this regard, Khyber Pakhtunkhwa Province has been divided into six zones as per following:

<b>Zone</b>	<b>District /Areas Included</b>	<b>Number of Vacancies allocated</b>
I.	Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan, South Waziristan, Lower South Waziristan and Tribal Sub-Divisions	4
II.	Peshawar, Nowshera, Mardan, Charsadda and Swabi (excluding Gadoon Tehsil)	6
III.	Malakand, Swat, Dir Lower, Dir Upper, Chitral Lower, Chitral Upper	4
IV.	Kohat, Hangu, Karak, Bannu, Lakki Marwat and Dera Ismail Khan	4
V.	Abbottabad, Mansehra and Haripur excluding backward areas of Haripur and Mansehra Districts	3
VI.	Battagram, Kohistan Lower, Kohistan Upper, Kolai Pallas Kohistan, Toghara, Shangla, Buner, Tank, Backward Areas of District of Swabi (Gadoon Tehsil), Haripur and Mansehra	3

- c. For posts in BPS-3 to BPS-16 in the Secretariat Departments, Headquarter officers of Attached Department, borne on Provincial Cadre, there shall be a block of 24 posts to be distributed amongst different zones as per above formula.
- d. In the case of a vacancy allocated to a Zone, if no suitable candidate from the Zone is available for appointment, the vacancy shall be carried over to the quota of that Zone till the next recruitment and if no suitable candidate is available even in the next recruitment, the vacancy may be filled on open merit from candidates domiciled in Khyber Pakhtunkhwa.

2. This notification shall come into effect immediately. However, all the posts advertised earlier shall be filled on the basis of old Zonal allocation formula.

3. Henceforth, all the departments shall work out zonal allocation of all new posts on the basis of new zonal allocation formula for new recruitment to be made either through Public Service Commission or Departmental Selection Committee.

### **ZONAL ROTATIONAL CYCLE /ZONAL ALLOCATION FORMULA**

Authority No.KPPSC/Admin-51/003271, dated 31.01.2023 (PSC)

I am directed to refer to Establishment Department Notification No. SO (Policy) (E&AD) 4-4/2022 dated 22.12.2022 and to state that the Provincial Government of Khyber Pakhtunkhwa has revived the zonal allocation for initial recruitment. Under the new zonal allocation, there shall be a block of thirty (30) vacancies for posts carrying BPS-16 & 17 as well as posts of Civil Judge cum Judicial Magistrate BPS-18 for the purpose of zonal allocation. Out of the thirty (30) posts, six (06) vacancies shall be filled on merit from candidates domiciled in Khyber Pakhtunkhwa including newly merged Districts. Remaining twenty-four (24) vacancies will be filled on the basis of zonal quota reserved for bona fide residents of zone I,II,III,IV,V & VI as specified in Establishment Department letter referred to above.

2. For the practical application of the new zonal allocation, a new zonal rotational cycle of 30 vacancies shall become operative with immediate effect in the following order: -

<b><u>Vacancy</u></b>	<b><u>Zonal Allocation</u></b>
1st	<b><u>Merit</u></b>
2nd	<u>Zone-I</u>
3rd	Zone-II
4th	Zone-III
5th	Zone-IV
6th	<b><u>Merit</u></b>
7th	<u>Zone-V</u>
8th	Zone-VI
9th	Zone-I
10th	Zone-II
11th	<b><u>Merit</u></b>
12th	<u>Zone-III</u>
13th	Zone-IV
14th	Zone-V
15th	Zone-VI
16th	<b><u>Merit</u></b>
17th	<u>Zone-I</u>
18th	Zone-II
19th	Zone-III
20th	Zone-IV



21st	<b><u>Merit</u></b>
22nd	<b><u>Zone-V</u></b>
23rd	Zone-VI
24th	Zone-I
25th	Zone-II
26th	<b><u>Merit</u></b>
27th	<b><u>Zone-III</u></b>
28th	Zone-IV
29th	Zone-II
30th	Zone-II

3. In view of the revised zonal allocation and zonal rotational cycle, a fresh allocation of all the vacancies will start from the first vacancy of first block of the aforementioned rotational cycle.

4. I am accordingly to request that fresh requisitions of the posts not yet advertised may be placed with the commission on the basis of the new zonal rotational cycle.

.....