



ESTACODE 2024

ESTABLISHMENT CODE KHYBER PAKHTUNKHWA 2024

A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS RELATING TO
THE TERMS AND CONDITIONS OF PROVINCIAL CIVIL SERVANTS

COMPILED BY

ESTABLISHMENT DEPARTMENT | GOVERNMENT OF KHYBER PAKHTUNKHWA

FOREWORD

Estacode serves as a compendium of laws, rules, instructions, and orders applicable to Civil Servants, aiming for the swift and fair resolution of matters related to human resource. The Establishment Department, being the custodian of the Establishment code, deems it crucial to regularly update it to encompass all pertinent information and policy decisions effectively. A collaborative endeavor has been undertaken to review the Estacode-2024, ensuring its accuracy and inclusiveness by incorporating all relevant rules and administrative instructions. This endeavor aims to facilitate the dissemination of precise information for prompt decision-making. I extend my appreciation to Mr. Shahidullah Khan, Secretary to the Government of Khyber Pakhtunkhwa Establishment Department, and his team for their efforts in compiling this document.

Peshawar, 17th April, 2024

(NADEEM ASLAM CHAUDHARY)
Chief Secretary Khyber Pakhtunkhwa

PREFACE

Initially released in May 1987, the Establishment Code saw its latest edition in January 2011. Over a span of more than 14 years, the Code has proven highly beneficial, serving as a reliable reference book. Given the extensive amendments made to laws and rules during this time, a revised edition becomes imperative. This updated version will incorporate the latest instructions and amendments to ensure government offices are facilitated with the most current information.

The Establishment Department conducted a thorough examination of the previous edition (2011) of the 'Estacode' and revised it by integrating the latest instructions/orders issued up to February 2024. The finalization of the Code involved a committee composed of Mr. Kashif Iqbal Jilani, Additional Secretary (Regulation-I), Mr. Noor-ul-Haq, Deputy Secretary (Policies), Mr. Abdul Ahad Section Officer (R-II), Mr. Badri Zaman, Section Officer (O&M), Mr. Niqab Khan, Section Officer (R-IV) and Mr. Waqas Jamshed Ghouri, Computer Operator.

Anticipated to function as a comprehensive guide, it is expected that this Code will provide significant utility for individuals handling the terms and conditions of civil servants. It is envisaged that the Code will aid departments in the prompt resolution of cases, aligning with established laws, rules, policies, and instructions.

While diligent efforts have been exerted to guarantee accuracy and inclusiveness, any identified errors, omissions, or suggestions for enhancement are encouraged to be communicated to the Secretary to the Government of Khyber Pakhtunkhwa Establishment Department.

(SHAHIDULLAH KHAN)
Secretary Establishment
17th April, 2024

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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)

¹An 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;

¹ 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 ²[] 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 ³[post], the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ⁴[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 ⁵[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 ⁶[cadre] whether serving the same department or office or not, as may be prescribed.

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

⁸(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

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

⁹(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.

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

³ The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

⁴ The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

⁵ The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

⁶ The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

⁷ The word "grade" substituted By Khyber Pakhtunkhwa ordinance No. IV of 1985.

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

⁹ 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 ¹⁰[higher] post for the time being reserved under the rule for departmental promotion in ¹¹[] 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 ¹²[service] or cadre, but he shall be reverted to his former ¹³[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.

¹⁰ The word “higher” inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

¹¹ The words “the higher grade of” omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

¹² The word “grade” substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

¹³ 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.

¹⁴**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.

¹⁵**“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

¹⁴ The new Section “11-A” inserted by Khyber Pakhtunkhwa Ordinance No.VI of 2001

¹⁵ 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 ¹⁶[post]:- A civil servant appointed to a higher post or ¹⁷[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 ¹⁸[] without notice.

¹⁹12A. 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.

²⁰,²¹ ²²13. 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.

²³13A. Protection of certain acts:- (1) All the Civil Servant, who were conditionally retired from service on or after 31st 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 (60th) 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

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

¹⁷ The words inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

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

¹⁹ Section 12A inserted by Khyber Pakhtunkhwa Ordinance No. IX of 1978.

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

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

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

²³ 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 31st 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 ²⁴[] shall be entitled, in accordance with the rules, to the pay sanctioned for such post ²⁵[].

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.

26“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

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

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

²⁶ 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 invalidated 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.

²⁷**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.

²⁸**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:

²⁷ Section-23A inserted vide Khyber Pakhtunkhwa Ordinance No. XIV of 2002.

²⁸ 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.

²⁹**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.

.....

²⁹ 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".

GUIDELINES FOR REVIEW OF CASES OF CIVIL SERVANTS UNDER SECTION 13(1)(A) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS ACT, 1973

I am directed to refer to the subject noted above and to say that Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended vide Civil Servants (Amendment) Ordinance, 2000 lays down as under:-

- (1) A civil servant shall retire from service.
 - (a) On such date after he has completed twenty-five years of service for pension or retirement benefits as the competent authority may, in public interest, direct; or
 - (b) Where no direction is given under clause (a), on the completion of Sixtieth year of his age.
- (2) No direction under clause (a) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation: In this section, “competent authority” means the appointing authority prescribed in Rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

2. The guidelines approved by the competent authority for review of cases under Section 13(1)(a) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 are given in the succeeding paragraphs.
3. When it comes to the notice of the competent authority that a civil servant has, *prima-facie*, ceased to be efficient and that action is warranted against him under Section 13(1)(a) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, it shall cause the case to be referred to a Review Committee stating the facts of the case alongwith supporting documentary evidence, if any, service record of the person in the form attached as **Annexure-I**, and such other record as may be considered relevant to a case for the purpose of making a recommendation about his suitability for further retention in service.
4. The Review Committee for officer of BS-17 and above may comprise the following:-

(i)	Chief Secretary	Chairman (By name)
(ii)	Addl. Chief Secretary	Member (Ex-officio)
(iii)	Senior Member, Board of Revenue	Member (Ex-officio)
(iv)	Secretary Establishment	Member (Ex-officio)
(v)	Administrative Secretary of the Department concerned.	Member (Ex-officio)
(vi)	Additional Secretary Establishment	Secretary

5. The Secretary of the concerned Administrative Department has been authorized to constitute Review Committees for officials of BS-16 and below subject to the proviso

that each Review Committee should include representative of Establishment as a member of the Committee.

6. The Review Committees should examine the cases referred to them, and the Committees may recommend retirement in the following cases:-

- (a) Where two or more penalties under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 have been imposed on a civil servant or any other law for the time being in force.
- (b) Where over all grading of the PERs is Average, and / or where reliability, output of work and behavior with the public were recorded in the PERs (duly conveyed to the concerned civil servant and his representation against it finalized, as per rules).
- (c) Where a civil servant is twice recommended for supersession by Selection Board/DPC and the recommendation of the Selection Board/DPC is approved by the competent authority.
- (d) Where other specific and cogent grounds, including the following, may warrant retirement of a civil servant:-
 - (i) Persistent reputation of being corrupt.
 - (ii) Possessing pecuniary resources and/or property etc.
 - (iii) Frequent unauthorized absence from duty.

7. Where the Review Committee recommends retirement of a civil servant, specific reasons for doing so should be given. The recommendation of the Committee should be submitted for the approval of the competent authority. If the competent authority agrees with the recommendation of the Committee, a show cause notice shall be issued to the civil servant under sub-Section (2) of Section 13 of the Civil Servants Act, 1973. After receipt of reply to the show cause notice within 14 days by the civil servant, the competent authority shall take the final decision.

ANNEXURE-I**PROFORMA FOR REVIEW OF SERVICE RECORD OF CIVIL SERVANTS, ON COMPLETION OF 25 YEARS QUALIFYING SERVICE FOR PENSION.**

(letter No.SOR-I(S&GAD)4-13/87, Dated 30.11.2000)

- (1) Name
- (2) Date of birth
- (3) Educational qualification
- (4) Name of the post/department
- (5) Name of the cadre/group or service
- (6) Date of joining Government service.
- (7) Details of pre-service and in-service training
- (8) Date of promotion to the present post
- (9) Date of completing of 25 years service qualifying for pension.
- (10) Details of service record.

(a) Synopsis of PER

Year	Overall assessment	Assessment made in the ACR about		
		Quantity and output of work	Integrity	Fitness for promotion
		(a)	(b)	(c)
1	2			3

(b) Pen picture recorded in the PERs during last five years.

(c) Particulars of penalties imposed under the Govt. Servants (Efficiency & Discipline) Rules, 2011:-

<u>Name of Penalty</u>	<u>No. and date of Grounds of Penalty</u>	<u>Penalty imposing order</u>
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**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;

³⁰ (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;

³¹ (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

³⁰ 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.

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

³²(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
³³ 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"> (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service. (b) Posts in Basic Pay Scale 17 other than those covered by (a) above.	Chief Minister Chief Secretary

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

³³ 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 ³⁴[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 ³⁵[3 and 5]. Deputy Secretary incharge of Administration or office, as the case may be.

5. **³⁶Departmental 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 ³⁷(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.

³⁴ 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.

³⁵ 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 of 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.

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

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

³⁸6. **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.** ³⁹(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.

⁴⁰(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.

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

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

⁴⁰ 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;

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

(2) ⁴³[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.

⁴¹ 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.

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

⁴³ 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 ⁴⁴[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.

⁴⁵(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.

⁴⁶Provided 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:

⁴⁷Provided further that the appointment in Basic Pay Scale ⁴⁸[03 to 05] shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ⁴⁹[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ⁵⁰[]

(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) ⁵¹where 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.

⁴⁴ 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.

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

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

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

⁴⁸ 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.

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

⁵⁰ 2nd 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.

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

⁵²(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.

⁵³(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.

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

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

(6) ⁵⁴[Deleted]

(7) ⁵⁵[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) ⁵⁶[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:

⁵⁷Provided 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;

⁵⁸Provided 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.

⁵⁴ 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.

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

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

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

⁵⁸ 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 ⁵⁹[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 ⁶⁰[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 ⁶¹[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**

6215. 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

⁵⁹ 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.

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

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

⁶² 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 ⁶³(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 ⁶⁴[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.

⁶⁵(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.

⁶³ 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.

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

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

⁶⁶(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.

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

APPOINTMENT BY TRANSFER

No.SORI(S&GAD)4-1/80, dated 13th May, 1989

I am directed to say that rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, provides that appointment by transfer to posts should be made:-

- (1) To posts in BPS-2 to 16 on the recommendations of the appropriate Departmental Promotion Committee;
- (2) To posts in BPS-17 and above on the recommendations of the Provincial Selection Board; and
- (3) From amongst the persons possessing qualifications and other conditions prescribed for the posts and holding appointment on regular basis in the same basic pay scale in which the posts to be filled exist.

It has been brought to notice that in some of the departments, appointment by transfer is also made in cases where no provision for appointment by transfer exists in the relevant service/recruitment rules.

I am accordingly directed to clarify that the above provisions regarding appointment by transfer are applicable in only those cases where the appointment by transfer is specifically provided for in the relevant service/recruitment rules or in the method of appointment, qualification etc. laid down for each post under sub-rule (2) of rule 3 of the aforesaid rules.

APPOINTMENT AGAINST HIGHER POSTS IN OWN PAY SCALES.

APPOINTMENTS IN HIGHER GRADES.

Letter O.M No.2/25/69-C.I, dated 31.7.79, circulated by S&GAD Khyber Pakhtunkhwa vide letter No.SORI(S&GAD)1-29/75(KW), dated 20.8.79)

A number of cases have come to notice where Ministries/Divisions and Provincial Governments have made appointments of officers serving under them to posts in higher grades without the prior approval of the competent authority or going through the prescribed selection procedures. This grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan Versus Qazi Abdul Karim. In future such vacancies will be reported to the Establishment Division so that eligible officers may be considered and recommended for promotion by the Competent Authority in accordance with the Rules.

2. The President has been pleased to direct that appointments of officers of lower grades to posts in higher grades without going through the prescribed selection process, must cease with immediate effect. The Ministries/Divisions and Provincial Governments can only fill vacancies in a particular grade by officers of the same grade and officers in a junior grade will not be appointed against a vacancy in a higher grade. If it is necessary to do so due to exigencies of service, the post should be downgraded with the approval of the Establishment Division. When making such a request it will be clearly stated why the vacancy should not

be referred to the Central Selection Board/High Level Selection Board/appropriate Departmental Promotion Committee for the promotion of an eligible officer to fill the vacancy in the appropriate grade in accordance with the rules.

APPOINTMENT IN HIGHER GRADES/POSTS.

Letter No.SORI(S&GAD)1-29/75, dated 14.9.1985.

Instances have come to notice of Federal Government where civil servants have been appointed to higher posts and subsequently these posts have been downgraded retrospectively and without the prior approval of the competent authority. This is not in keeping with the Establishment Division OM No.2/25/69-CI, dated 31st July, 1979 circulated vide S&GAD circular letter No.SORI (S&GAD)1-29/75(KW),dated 20th August,1979. It is, therefore, reiterated that whenever a post is required to be downgraded due to exigencies of service, it may please be referred to this Department for approval.

2. Besides, all cases in which action may have been taken in contravention of the instructions issued on the subject may please be referred to the S&GAD for final orders.

APPOINTMENT IN HIGHER GRADES/POSTS.

Letter No.SORI(S&GAD)1-29/75, dated 25.2.1986.

Instances have come to the notice where civil servants in lower grades have been appointed to higher posts but the posts have not been downgraded with the result that the concerned civil servants come up with requests for promotion benefits in view of the decision given by the Supreme Court of Pakistan in the case of "Government of Pakistan Versus Qazi Abdul Karim". This is in contravention of the above instructions which is not desirable administratively.

2. It appears that either the aforesaid instructions have been lost sight or these instructions have not been brought to the notice of all concerned. It is, therefore, re-iterated that the Provincial Government can only fill vacancies in a particular grade by officers of the same grade and officers of junior grade will not be appointed against a vacancy in a higher grade. If it is necessary to do so, due to exigencies of service, the post should be downgraded with the approval in the first instance of the S&GAD who will seek approval of the Finance Department.

3. This issues with the concurrence of Finance Department.

APPOINTMENT IN HIGHER GRADES/POSTS.

Letter No.SORI(S&GAD)1-29/75,dated 19.11.1987

The President directed that appointment of officers of lower grades to posts in higher grades without going through the prescribed selection process must cease and that vacancies in a particular grade shall only be filled by officers of the same grade. It has been reported that these instructions are not being followed by some of the departments and Civil Servants in lower grades continue to be appointed against posts in higher scales without downgrading them.

2. While replying to Supplementary question on 21st October, 1987, the Chief Minister, Khyber Pakhtunkhwa was pleased to give an assurance to the Provincial Assembly to the effect that as per instructions already issued by Government to all Departments, no officer in lower grades shall henceforth be posted against vacancies in higher grades and that all such posts shall in future be filled in on regular basis by way of promotion or through initial recruitment, as the case may be, in accordance with the prescribed manner.

3. I am, therefore, to request that the above instructions may kindly be brought to the notice of all concerned once again and that they may be directed to abide by these instructions in letter and spirit.

APPOINTMENT AGAINST HIGHER POST

Finance Department's Circular letter No.FD/PRC-5-1/96-97, dated 29.4.97 and re-circulated by S&GAD vide letter No.SORI(S&GAD)1-29/75(B), dated 10.5.1997)

A point has been raised by the District Accounts Officer, Mansehra whether a higher post can be filled in for indefinite period by appointment of an incumbent holding lower post without having relevancy to the nature of duty and basic qualification of the post etc or otherwise?

2. In this connection attention is invited to the Government of Khyber Pakhtunkhwa S&GAD's Circular letter No.SORI(S&GAD)1-29/75(A), dated 5th July, 1994 wherein the position has fully been explained. However, the point has carefully been re-examined in the Finance Department. At the very outset it is made clear that for all intents and purposes, the Khyber Pakhtunkhwa Civil Servants Act, 1973 being the latest instrument, duly approved by the Khyber Pakhtunkhwa Provincial Assembly and the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer), Rules, 1989 which have been framed under Section 26 of Act ibid have to be followed in the matter of appointments.

3. Under Section 5 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, the appointment to a Civil Service of the Province or to a post in connection with the affairs of the Province shall be made in the prescribed method by the Governor or by a person authorized by the Governor on that behalf.

4. Under Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, 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 Services & General Admin. Department and Finance Department.

5. Under Rule 10(3) of the above mentioned Rules, a candidate for initial appointment to a post must possess the educational or technical qualifications and experience.

6. The appointment by initial recruitment to a higher post or to a different post has to be made strictly in the prescribed manner and any deviation would not be in accordance with law and rules on the subject. The phrase "adjustment" is also not covered under the above rules. Moreover, an opportunity of appointment against a higher post is available to serving

Government servants and they in accordance with the provisions contained in Rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer), Rules, 1989 can be appointed on Acting Charge or Current Charge basis.

7. In the circumstances, the reply to the point as raised in para-1 above that whether a higher post can be filled in for indefinite period by appointment of an incumbent holding lower post without having relevancy to the nature of duty and basic qualification of the post etc. is in negative.

UN-AUTHORIZED APPOINTMENTS TO HIGHER POSTS.

(Authority: Estt: Division OM No.14/4/86-R.I dated 2.5.1988 circulated by Khyber Pakhtunkhwa vide Circular letter No.SORI(S&GAD)1-29/75 dated 23.5.1988)

In continuation of Establishment Division's O.M No.2/25/69-C.I, dated 31.7.1979, the undersigned is directed to say that it has been observed with regret that despite repeated instructions issued by the Establishment Division regarding appointment of Government servants against higher posts other than in accordance with rules and prescribed procedure, Ministries/Divisions and Departments of the Federal Government and the Provincial Governments (in the case of officers belonging to Occupational Groups controlled by the Establishment Division) continue to make appointments to higher posts occasionally in disregard of the above instructions. Officers appointed to higher posts without going through the prescribed selection process and approval of the competent authority claim pay and allowances of the higher posts on the basis of judgments of the Federal Service Tribunal and the Supreme Court of Pakistan in a number of such cases. This places the Government in an awkward position as pay and allowances of the higher posts have to be allowed to individuals who have not been regularly promoted and who are sometime not even qualified or eligible for promotion. It also causes heart burning and resentment among their seniors who were serving elsewhere or were bypassed at the time of making such irregular appointments.

2. While such irregular appointments are claimed to be made in public interest and under unavoidable circumstances, it has once again to be emphasized that appointments to higher post in disregard of the prescribed rules and procedure should be avoided under all circumstances. Various provisions already exist in the rules for making appointments on acting charge, current charge and additional charge basis, to tide over temporary difficulties. It is therefore again reiterated that in future appointments against higher posts should only be made either on a regular basis in the prescribed manner, or on acting charge or current charge basis in accordance with the provision of Civil Servants (Appointment, Promotion & Transfer), Rules, 1989 and relevant instructions issued by the Government from time to time.

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

UN-AUTHORIZED APPOINTMENTS TO HIGHER POSTS.

Letter No.SORI(S&GAD)1-29/75(A), dated 13.2.1993

This Department's Circular letter of even number dated 23.5.1988, on the subject cited above, which clearly provides that the appointments against the higher posts should be made in the manner prescribed in the rules for those posts. Notwithstanding this, instances have come to the notice that un-authorized appointments to higher posts without going through the prescribed selection process or obtaining approval of the competent authority are being made by Provincial Government Departments. This creates embarrassing position when the officers concerned prefer claim for pay of the higher posts.

2. I am directed to request you once again to strictly follow the instructions as referred to above while making appointments against higher posts. In future, no claim of pay of higher post in cases of un-authorized appointment will be considered by S&GAD.

IRREGULAR APPOINTMENTS TO VARIOUS POSTS/SERVICES

Letter No.SORI(S&GAD)1-73/88, dated 23rd October,1988.

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and other ancillary instructions issued by the Provincial Government provide that initial appointments to posts/services in various Departments, Attached Departments and subordinate offices shall be made keeping in view the following:-

- (1) A selected candidate must possess the qualifications and experience prescribed for the post under the relevant rules;
- (2) The vacancies in Grades 5 and above should be advertised in leading newspapers;
- (3) The appointment is to be made on the recommendations of a broad based prescribed Departmental Selection Committee;
- (4) The zonal allocation formula prescribed vide S&GAD's Notification No.SOS.III(S&GAD)3-39/70,dated 2nd October,1973 as amended from time to time has to be followed;
- (5) The selection for appointment should be made with regard to the criteria for initial recruitment as laid down by the Government from time to time; and
- (6) An overage person should not be selected and appointed when a sufficient number of qualified and within age candidates are available.

2. It has, however, been observed from the report of the Committee appointed by the Government to probe the cases cited as subject that in almost all the departments, appointments to the various posts were made without application of the provisions of the relevant Service Rules and observance of the instructions issued thereunder.

3. It has, therefore, been decided by the Provincial Government that all appointments, promotion will, in future, be made by the competent authorities only after strictly observing all requisite codal formalities and the provisions of Rules of Business, 1985 in general and the sub-rules (5) and (6) of Rule 5 in particular, are strictly observed by all concerned in future .

4. It is requested to please ensure that all concerned abide by the aforesaid decision both in letter and spirit.

APPOINTMENT ON ACTING CHARGE BASIS.

Letter No.SORI(S&GAD)1-206/74(IV) dated 17.2.1988

This Department Circular letter No.SORI(S&GAD)1-206/74, dated 15th August, 1981, as amended vide this Department's letter of even number dated 17th October, 1984 and 1st December, 1987, on the subject cited above and to say that in partial modification of the said orders it has been decided that the service rendered on acting charge basis in respect of appointments falling under rules 8-B(1) and 8-B(3) of Civil Servants (Appointment, Promotion & Transfer) Rules,1989 count in the pay scale applicable to the post for the purpose of accrual of increments, subject to the fulfillment of the following:-

- i) In case of acting charge appointments to posts carrying BPS-18, the incumbents shall have completed 5 years' service in BPS-17.
- ii) In case of acting charge appointments to posts carrying BPS-19 and above the incumbents shall have completed the prescribed length of service for respective posts as under:-

 - a) Posts in BPS-19 12 years' service in BPS-17 and above.
 - b) Posts in BPS-20 17 years' service in BPS-17 and above.
 - c) Posts in BPS-21 22 years' service in BPS-17 and above.

Provided that:-

- i) Where initial appointment of a person not being a person in Government service takes place in a post in BPS-18,19 or 20, the length of service specified in this Department letter No.SORI(S&GAD)1-29/75 dated 23.2.1981 shall be reduced by the following periods:

<u>First appointment in</u>	<u>Reduced by</u>
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BPS-18	5 years.
BPS-19	12 years.
BPS-20	17 years.

- ii) Where initial appointment of a person already in Government service takes place, on recommendations of the Public Service Commission, in a post in BPS-18, 19 or 20, the length of service specified in above letter shall be reduced by the periods specified in provision (i).

2. The above decision shall be effective from the 1st January 1985. However, in cases of acting charge appointments made during the period from 12.01.1981 to 31.12.1984,

the increments shall be restored from the due dates but no arrears due on account of restoration of increments prior to 01.01.1985 shall be allowed.

This issues with the concurrence of Finance Department.

POSTING OF JUNIOR OFFICERS ON POSTS IN HIGHER SCALE

Letter No.SORI(S&GAD)1-29/75(A), dated 05.07.1994.

This Department's Circular letter No.SORI(S&GAD)1-29/75(A),dated 13.2.1993, on the subject noted above and to state that it has been noticed that certain Provincial Government Departments are resorting to the practice of posting officers in a lower scale on posts in higher scales. This practice is against the provisions of Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder as well as the instructions of the Establishment Division reproduced below:-

"The grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan Versus Qazi Abdul Karim. The Ministries/Divisions or Provincial Governments can only fill vacancies in a particular grade by officers of the same grade, and officers in a junior grade will not be appointed against a vacancy in a higher grade".

2. It may be pointed out that in the light of rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the methods prescribed for posting a junior officer to a higher post are restricted to the following only:-

i) **ACTING CHARGE APPOINTMENT AGAINST A HIGHER POST**

Where the senior most officer in a cadre is otherwise fully eligible for promotion but does not possess the specified length of service, the competent authority may appoint him to the higher post on acting charge basis, but only on the recommendation of Departmental Promotion Committee/Selection Board and subject to the condition that such officer lacks the prescribed length of service not more than (one year).

ii) **CURRENT CHARGE APPOINTMENT OF A HIGHER POST**

Only the senior-most officer of a cadre can be given current charge appointment of a higher post with the approval of the competent authority. However, this can only be an arrangement upto a maximum of six months.

iii) **ADDITIONAL CHARGE APPOINTMENT OF AN EQUIVALENT POST**

An officer can be given the additional charge of a second post but only of a post in an equivalent grade, upto a period of six months by the competent authority.

3. Adherence to the above rules is a legal requirement so that the actions taken by officers are not held at any stage to be irregular. Also, appointments in violation of the rules constitute administrative indiscipline.

4. I am, therefore, directed to request that all such cases of irregular appointments be reviewed and ensure not to resort to such appointments that violate the provisions of the Civil Servants Act and the statutory rules framed thereunder.

5. I am further directed to request that these instructions may be brought to the notice of all concerned for strict compliance.

ACTING/CURRENT CHARGE APPOINTMENT AGAINST SHORT TERM/TEMPORARY VACANCIES.

SOR1(S&GAD) 1-29/75(B) dated 13.01.1999

I am directed to say that under Rule-9 (4) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, it has been provided that "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".

2. It may be pointed out for information: of all concerned that the short term vacancies falling vacant as a result of suspension of Government Servants, proceeding on leave, deputation or training etc. may be filled in by way of acting/current charge appointment from amongst the senior most civil servants in the Lower grade till further orders as the case may be on return of the original incumbent of the post, the acting charge/current charge appointees shall be reverted to their lower posts if there exists no clear vacancy for regularization of their acting charge appointments.

3. It may further be pointed out that the appointment acting charge basis shall be made on the recommendations of respective Provincial Selection Board /Departmental Selection committee as the case may be where as current charge appointment would be made by appointing authority without processing the case Selection Committee. It may however be brought to the notice of all concerned that acting charge appointment shall not confer a vested right for regular promotion to the post held on acting charge post or for seniority etc.

APPOINTMENT /POSTING OF OFFICERS/OFFICIALS OF LOWER PAY SCALES AGAINST POSTS OF HIGHER PAY SCALES.

Letter No. FD(SR-I)6-1/2001 dated 18.01.2002.

I am directed to refer to the captioned subject it has been observed that various departments are appointing posting officers/officials of lower pay scales against posts carrying higher pay scales of pay. This is not only violative of the Standing instructions issued by the Establishment Department but has also resulted in hardship to the employees at posted in drawal of pay.

It has decided with the approval of the competent authority that whenever officers/officials of lower pay scales are posted against higher pay scales due to exigencies

of service or through adjustment, the said post automatically shall stand downgraded as long as the said incumbents stay against such post. Departments concerned while issuing posting notifications must also notify simultaneously downgrading of the post to the Accountant General NWFP, Finance Department and Establishment and Administration Department.

The officers of the Accountant General and District Accounts Officers shall comply these instructions very strictly. It is requested that these instructions may please be circulated to your subordinate offices/attached Departments/District Officers for information and Compliance.

INSTRUCTION REGARDING CLARIFICATION REGARDING ASSIGNING LOOK AFTER CHARGE.

SO(Policy)/E&AD/1-3/2012/ATP Rules dated 07.12.2022

I am directed to refer to the above cited subject and to state that although in the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, there is no provision for assigning additional charge/look after charge of a post which becomes vacant due to the transfer of an officer or temporarily becomes vacant due to the officer's proceeding on a visit/leave, however, in such a situation the official business cannot be left to suffer, hence, officer of an equivalent grade is assigned additional charge of the post which is regulated under Finance Department's instructions dated 12th August 1997. As per Finance Department's instructions such an arrangement is made for a period which is not less than one month and should not exceed three months. However, it can be extended for another three months with the approval of next higher authority.

2. Moreover, in certain conditions where the duration for which a post is likely to remain is short, hence as a practice, in such a situation an officer is temporarily deputed to look after charge of that post so that routine official business may not suffer. Such an officer is required and expected to run the day to day affairs of that post only and not to take major administrative and financial decisions having far reaching implications. He can take decisions with regard to day to day business of that post which can be reviewed by the competent authority upon the merit of the case.

3. However, it has come to the notice that in certain cases officers who have been assigned look after charge have taken major decisions like recruitments expenditure of huge amount etc. which involve major administrative and financial implications which is contrary to the established norms. An officer looking after the charge of a post cannot exercise financial and administrative powers as the same have not been delegated to him by the competent authority.

4. I am therefore directed that the position explained in Para-2 & 3 above may be disseminated to all concerned for information and compliance

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING CLASS-IV GOVT. SERVANTS ON SUPERANNUATION.

S&GAD letter No.SOR-I (S&GAD)4-1/80(vol-III) dated 23.05.2000

I am directed to refer to the subject cited above and to state that in supersession of all instructions issued in this behalf, the competent authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment in BPS-03 to BPS-05 shall be reserved for appointment of one of the children of a retiring ⁶⁷Class-IV civil servants on superannuation / invalidation; provided that:-

- 1) The appointment shall be made subject to the availability of vacancy.
 - 2) A waiting list showing the name, designation and date of retirement / invalidation of retiring civil servant shall be maintained in the department/office. The merit shall be determined from the date of retirement/invalidation of the civil servant.
 - 3) The child possesses qualification prescribed for the post;
 - 4) In case, the date of retirement/invalidation of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment.
 - 5) Under age child of the said civil servant shall be included in the waiting list from the date of retirement/invalidation. However, he shall be considered for appointment after he attains the age prescribed for the posts.
2. The competent authority has further been pleased to authorize the Chief Secretary, Khyber Pakhtunkhwa to exercise the power of grant of relaxation of ban for initial appointment in cases of appointment of one of the children of retired/invalid civil servant and deceased civil servant died during the service as required in rule 10 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
3. I am, therefore, directed to request that the above policy instructions should be followed strictly in letter and spirit.

RESERVATION OF 25% QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING CLASS-IV GOVT. SERVANTS ON SUPERANNUATION.

(Authority S&GAD letter No.SOR-I (S&GAD)4-1/80(Vol-III), dated 01.07.2000)

In continuation of this department's circular letter of even number dated 23.5.2000, I am directed to refer to the subject cited above and to say that while submitting summary to the Competent Authority for the recruitment of a child of retiring civil servant in BPS-1 to BPS-4 on superannuation/invalidation, the Administrative Department shall certify that vacancy against which the child of the said civil servant was being recruited is within the prescribed quota.

⁶⁷ Authority No.SOR-VI/E&AD/1-3/2010 dated 29.11.2012

**INSTRUCTIONS REGARDING GOVERNMENT SERVANTS (BS-03 TO 05)
CHILDREN'S QUOTA.**

SO(Policy)/E&AD/1-3/2012/ATP Rules dated 08.11.2017

I am directed to refer to this department's circular letter No. SOR-I(S&GAD)4-1/80(Vol-III) dated 1.7.2000 and to state that insurance have come to the notice of the competent authority that a large number of cases of recruitment/appointment against the subject quota are being delayed on one pretext or the other in Government officers. Resultantly, the families of retired government employees are suffering.

I am therefore, directed to request that the following measures may be adopted for processing appointment cases of children of retired government employees in (BS-03 to BS-05) on urgent basis so that suffering of their families be mitigated.

- a. All the departments should immediately work out detail of total posts in BS-03 to BS-05 and 25% Quota for appointment of the children of retired employees.
- b. Number of posts already filled/held by members of quota/category.
- c. Balance posts available in this quota.
- d. Seniority/order of merit on which applicants are to be appointed against available vacancies/future quota.

For transparency, it is suggested that all the above information be publicized on notice board of the department at conspicuous place in the formats annexed.

I am further directed that an objection against the order of merit be sought within a week's time and properly disposed of. Likewise, fresh applications against the quota must be obtained if someone has not applied earlier due to lack of information or omission and placed at appropriate order/seriatim, for which advertisement in press should be made. The competent authority has directed to finalize the appointments within 30 days.

TABLE-A (For S.No. A, B and C above)

TABLE-A: DETAILS OF RETIRED EMPLOYEES' SONS QUOTA

Total posts in (BS 3-05)	Quota of retired employees (25 % of Col #1)	Posts already filled out of quota (list be displayed in table B with copy to the Performance Monitoring & Reform Unit (Chief Secretary Office))	Balance post to be filled
1	2	3	4

TABLE-B: (See Col.#3 of Table A)
TABLE-B: LIST OF CLASS-IV APPOINTED AGAINST THE RETIRED GOVERNMENT EMPLOYEE'S SONS QUOTA AND DETAIL OF VACANCIES

S. No.	Name of the applicant	Father's Name	Date of appointment	Particulars of the retired Government Servant			
				Date of retirement of the father (Government Servant)	Post last held	Office last attended	Pay Scale
1	2		3	4	5	6	7

TABLE-C: (For Sr.#d of para 2)
TABLE-C: ORDER OF MERIT FOR APPOINTMENT AGAINST AVAILABLE VACANCIES OF EMPLOYEES' SONS QUOTA OR SUCH FUTURE VACANCIES

S.No .	Name of the applicant	Father's Name	Date of Retirement of the father (government servant)	Post last held	Office of last posting	Pay scale
1	2		3	4	5	6

INSTRUCTION REGARDING RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING DRIVER (CIVIL, SERVANTS) ON SUPERANNUATION.

SO(Policy)/E&AD/1-3/2012/ATP Rules dated 26.12.2018.

I am directed to refer to the subject noted above and to state that the competent authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment of the post of Driver shall be reserved for appointment of one of the children of a retiring Driver (Civil Servant) on superannuation; provided that:-

- i. The appointment shall be made subject to the availability of vacancy.
- ii. A waiting list showing the name, designation and date of retirement of retiring civil servants shall be maintained in the department/office. The merit shall be determined from the date of retirement of civil servant.
- iii. The child possesses the required criteria prescribed for the post of Driver.
- iv. In case, the date of retirement of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment.
- v. Under age child of the said civil servant shall be included in the waiting list from the date of retirement. However, he shall be considered for appointment after he attains the age prescribed for the post.
- vi. Other recruitment criteria would be the same as admissible for Drivers (civil servants)

- 2. I am, therefore, directed to request that the above policy instruction should be followed strictly in letter and spirit.

INSTRUCTIONS REGARDING APPOINTMENT UNDER RETIRED SONS QUOTA/DECEASED EMPLOYEES SON QUOTA

SO(Policy)/(E&AD)/1-3/2020 dated 07.12.2021

I am directed to refer to the above cited subject and to state that the rules provide for recruitment of children of firstly deceased/medically incapacitated/invalid employees and secondly those retiring in BS-3 to 5. In the first instance, rule 10 (4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides for the appointment of one of the children, widow or wife of the deceased/medically incapacitated/invalided employees, as per their qualifications, against initial recruitment quota of posts which do not fall in the purview of the Public Service Commission. In the second instance 25 % quota for posts in BPS-3 to 5, falling in the share of initial recruitment quota has been earmarked for the sons of the retired employees in BP-3 to 5.

2. However, it has been observed that neither of the above quotas are being observed in true letter and spirit. This leads to grievances and ultimately to litigation. In a Writ Petition No. 913-M/2021, the Peshawar High Court Mingora Bench has directed on 09-11-2021 for redressal of grievances of such candidates for appointment under the above referred quotas and has also directed for providing a grievance redressal mechanism in the shape of appeals before the higher authorities.

3. In order to properly implement the above referred quotas, following instructions are issued for strict and immediate compliance:-

General Instructions

- i. All Government offices including administrative departments, attached departments and any other offices shall immediately frame (if not already done) and notify the waiting lists (from the date of death/incapacitation and/or retirement as the case may be) of employees of both above categories and display them at prominent places within the office premises as well as inform the retiree employees or the next of kin of the deceased employees. These lists will be formally updated during last fortnight of December every year and notified every year in the first week of January;
- ii. All heads of these Departments/offices shall cause to lay down a certificate that all posts likely to be filled in accordance with the above quotas have been filled positively and such certificate will also be notified every year in the first week of January;
- iii. The Departmental Selection Committees concerned will meet twice a year to process pending cases and will make sure no such cases are pending, except those for want of vacant posts in case of retiree employee or post available is not commensurate to the qualifications of the child of the deceased/permanently invalidated employee. In case of latter, that will be communicated in writing;

Grievance Redressal Mechanism

- i. All Administrative Departments will notify a Grievance Redressal Committee at the Departmental level for the Secretariat, Directorates and all other offices under its administrative control. It will comprise of a Committee headed by the Additional Secretary and comprise of two Deputy Secretaries (where the Department has sanctioned strength of less than two Deputy Secretaries, a Section Officer may be included in place of one Deputy Secretary);

- ii. This GRC will meet at least every quarter normally. However, in case a reference is received from a lower formation or an application is received from an individual it will meet within the next seven working days to deliberate upon the grievance. The applicant will also be called to such a meeting;
 - iii. Proper order will be passed by the GRC and also communicated in writing to the applicant. In case relief has been ordered, the GRC will ensure that its orders are implemented within fifteen working days of issuance of such orders. In case of any undue / unlawful hindrance by any officer, the GRC may recommend disciplinary action against such officer;
 - iv. The reports of the GRC will be placed before the Secretary of the Department twice a year.
4. I am therefore directed to request that above instructions may be widely circulated to all concerned for compliance.

GUIDANCE/CLARIFICATION REGARDING EMPLOYMENT DEPENDENT OF INCAPACITATED OR INVALIDATED PERMANENTLY OR RETIRED ON MEDICAL BOARD.

SO (Policy)/E&AD/1-3/2012/ATP Rules dated 21.02.2020.

I am directed to refer to the subject noted above and to state that under Rule 10(4) of APT Rules, 1989, the facility of employment to one of the children of deceased/invalidated Govt. Servants is given in view of their dependence on their parents. The facility is equally available to male and female children. However in case the female has contracted a marriage, she losses this right. Hence a married daughter is not eligible for this facility.

2. The above instructions may be brought into the notice of all concerned for compliance in letter & spirit.

APPOINTMENT OF HUSBAND WIDOWER AGAINST THE POST OF HIS DECEASED WIFE.

SO-VI/E&AD/8-17/2021/Vol-II dated 18.01.2022

I am directed to refer to the subject noted above and to state that Rule-10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, provides that:

“where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, 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 to a post in any of the basic pay scales 3 to 11 in provincial cadre posts and basic pay scales 3 to 12 in district cadre posts”.

However, a question has arisen that as to whether a widower (Husband) is also entitled for appointment under the above provision or otherwise? This department referred the matter to Law Department and Advocate General, Khyber Pakhtunkhwa for opinion / advice. Law Department opined that widower (husband), is not entitled for appointment under Rule-10(4) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

STREAMLINING OF RULE 10(4) OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.
SO(Policy)E&AD/1-3/2012/APT Rules dated 07.06.2022

I am directed to refer to the above cited subject and to state that Rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides that 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 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.

2. This issue of appointment under Rule-10(4) was also discussed in the meeting of the Secretaries Committee held on 17th March, 2022 under the chairmanship Worthy Chief Secretary Khyber Pakhtunkhwa. In order to streamline the process of appointment under Rule-10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Chief Secretary has been pleased to issue following instructions for compliance:-

- i. A scrutiny committee, for Provincial cadre posts, in each department under the chairmanship of Special Secretary (in case post of Special Secretary exists in a department) or Additional Secretary be constituted to examine/scrutinize requests of such civil servants who opt for premature retirement on medical ground.
- ii. Similarly for District cadre posts, such committees be constituted at District level under the chairmanship of Deputy Commissioner concerned to scrutinize the cases of civil servants who intend to proceed on retirement on medical grounds or are invalidated/incapacitated.
- iii. Health Department shall reconstitute Standing Medical Board at Provincial and District level as well as Appellate Board including a professor of relevant specialties working in MTI's in Peshawar. In addition to technical member of the Board, a representative of Administrative Department not below the rank of Additional Secretary will also be a member.
- iv. The officer concerned shall inform his immediate Boss that he is the member of Facebook Group/WhatsApp etc.

3. I am, therefore directed to request that all subordinate/ attached departments may be directed to follow the above instructions in letter and spirit. In case of failure, to abide by these instructions/ rules disciplinary action shall be initiated under Government Servants (E&D) Rules, 2011.

**INSTRUCTION REGARDING CLARIFICATION REGARDING APPOINTMENT
UNDER RULE 10(4) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APT)
RULES, 1989.**

SO (policy)/E&AD/1-3/2012/ATP rules dated 28.04.2023

I am directed to refer to the subject noted above and to state that Rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides for appointment of one of the children, widow or wife of such civil servant who dies during service or is rendered incapacitated/invalidated during service or retired on medical grounds.

2. In this regard, clarification was issued vide this Department's letter of even No. dated 21.02.2020 that daughter after contracting marriage becomes liability of her husband and hence not entitled for such appointment under Rule 10(4) of the APT Rules, 1989.

3. It is to further clarify that a married daughter after separation from her husband and dependent on her parents is also entitled to appointment under Rule 10(4) of APT Rules, 1989 subject to the conditions that:

- i. In case the married daughter is separated judicially, she has to produce a divorce certificate duly issued by NADRA.
- ii. In case she has separated customarily she has to produce a certificate from the Deputy Commissioner concerned to the effect that she is separated and is fully dependent on her parents after separation.

RETIREMENT ON MEDIAL GROUND.

SO(Policy)E&AD/1-3/2019 dated 31.01.2020

I am directed to refer to the subject and to state that Rule 3.3(1) of the Civil Servants Pension Rules and Orders 2006 stipulates that "an invalid pension is awarded on retirement from Government service, before reaching the age of superannuation to a Government servant who by bodily or mental infirmity is permanently incapacitated for further service on production of a medical certificate prescribed in Sub Rule-(3)". Similarly, rule-3.3(2) of the ibid rules provides that "a government servant who wishes to retire on invalid pension, should apply to his **Head of Office or Department/Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a Medical Certificate of incapacity for further service...."**

2- It has been observed that the procedures prescribed in the rules quoted above are not being followed and put the Administrative Department in difficult situation in disposing of invalid pension cases timely.

3- I am, therefore directed to request that all subordinate formations/attached departments may be directed to follow the ibid rules in processing invalid pension cases in letter and spirit and route such cases through Administrative Department/Head of Attached Department, as the case may be. In case of failure, to abide by these rules disciplinary action shall be initiated under Government Servants (E&D) Rules, 2011 against the defaulters.

ریٹائر ہونے والے کلاس فور ملازمین کے بچوں کی بھرتی۔

(اتھارٹی نمبر افسر صیغہ ضوابط ۶ (ای اینڈ اے ڈی) 1-3/2005 مورخ 2 مئی 2006)

مجھے ہدایت دی گئی ہے کہ عنوان بالا پر محکمہ عملہ و انتظامیہ کے مراسلہ ہذا مورخ 30 جون 2003 کا حوالہ دیتے ہوئے عرض کروں کہ حاکم مجاز نے مروجہ پالیسی میں نرمی کرتے ہوئے پیرانہ سالی یا معدوری کے باعث ریٹائر ہونے والے کلاس فور ملازمین کے بچوں کیلئے ابتدائی تقری کیلئے مخصوص آسامیوں پر مختص شدہ 25 فیصد کوٹھ پر کلاس فور یعنی سکیل ایک تا چار (BPS-1-4) تک کی آسامیوں پر بھرتی کو فاضل ملازمین کی کھپت اور محکمہ عملہ کی این او سی (NOC) سے مستثنی قرار دیا ہے۔ تاہم دیگر شرائط جو کہ محکمہ ہذا کے مراسلہ محولاً بالا اور مراسلہ نمبر Vol-III SOR-I(S&GAD)4-1/80/Vol-III مورخ 23 مئی 2000 میں دی گئی ہیں ان کو ملحوظ خاطر رکھا جائے۔

درجہ چہارم ملازمین کی بھرتی پالیسی

(اتھارٹی: مراسلہ نمبر صیغہ ضوابط ۶ (ای اینڈ اے ڈی) 1-3/2007، مورخ 22 مارچ 2007)

مجھے ہدایت کی گئی ہے کہ عرض کروں کہ محکمہ جات اور اضلاع سے موصولہ حوالہ جات سے پتہ چلتا ہے کہ درجہ چہارم ملازمین کی بھرتی کے سلسلے میں کچھ ابہام پائے جاتے ہیں اگر چہ اس موضوع پر وقتاً فوقتاً خاطر خواہ ہدایات جاری کی جا چکی ہیں۔ لہذا حسب ہدایت وزیر اعلیٰ صوبہ سرحد اب تک جاری شدہ قواعد اور پالیسی ہدایات اختصار کے ساتھ دوبارہ درجہ ذیل پیرائے میں بیان کی جاتی ہیں تاکہ تمام متعلقین کی رابینائی ہو سکے۔

(الف) بھرتی کا طریقہ کار

(i) درجہ چہارم کی آسامی خالی ہونے پر ضلعی اور صوبائی سرپلس پول سے موزوں فاضل ملازم طلب کیا جائے۔ اگر سرپلس پول میں موزوں فاضل ملازم دستیاب نہ ہو تو ابتدائی بھرتی کیلئے وزیر اعلیٰ صوبہ سرحد سے پابندی میں نرمی کی منظوری لی جائے کیونکہ فی الوقت ملازمین کی کھپت کے پیش نظر محکمہ عملہ کے مراسلہ نمبر ایس او ایس پی (ای اینڈ اے ڈی) 1-16/2003، مورخ 7 اپریل 2004 کے ذریعے سکیل ایک تا پانچ تک نئی بھرتی پر پابندی عائد کی گئی ہے۔

(ii) اگر درجہ چہارم کی خالی ہونے والی آسامیوں کا تعلق محکمہ خزانہ کی طرف سے فکسٹ تتخواہ پر بھرتی کیلئے مخصوص محکمہ و مخصوصاً "آسامی سے ہو تو خالی ہونے کے بعد آسامی کو ختم کر دیا جائے گا اور محکمہ خزانہ کو معقول جواز پیش کرنے کے بعد فکسٹ تتخواہ پر اس کی تخلیق کی منظوری لینی ہو گی۔ فکسٹ تتخواہ پر بھرتی کی ایک جامع پالیسی پہلے ہی بذریعہ مراسلہ نمبر افسر صیغہ ضوابط ۶ (ای اینڈ اے ڈی) 10-1/2005 مورخ 9 مئی 2006 جاری کی جا چکی ہے۔

(iii) صوبہ سرحد سول ملازمین کی (بھرتی، ترقی و تبادلہ) کے قواعد مجریہ 1989 کے قواعد (2) 10 کے ضمیمہ کے مطابق محکمانہ چناو کمیٹی سکیل ایک تا چار کی آسامیوں پر بھرتی ضلعی ایمپلانمنٹ ایکسچینچ کے ذریعے کرے گی۔ تاہم جن اضلاع میں ایمپلانمنٹ ایکسچینچ نہ ہوں وہاں پر ضلعی سطح کی محکمانہ چناو کمیٹی اخبارات میں مشترکہ کرنے کے بعد بھرتی کریگی۔ قواعد (3) 12 کے مطابق سکیل ایک اور دو کی آسامیوں پر مقامی باشندوں سے بھرتی کرنی چاہیے۔ محکمہ عملہ کے مراسلہ نمبر SORI(S&GAD)1-4/75 مورخ 11 فروری 1987 کے مطابق سکیل ایک تا چار پر

بھرتی کا کوئی مخصوص معیار (Criteria) متعین نہیں اور متعلقہ محکمہ چناؤ کیا۔ سروس رولز میں معیار مقرر کرے۔

(iv) سول سرونسٹ ایکٹ مجریہ 1973 کی ترمیم شدہ سیکشن 19 کے مطابق مورخہ 23 جولائی 2005 کے بعد باقاعدہ آسامیوں پر بھرتی باقاعدہ بنیادوں پر ہو گی تا ہم ایسے ملازمین پنشن کے حقدار نہیں ہوں گے۔ پنشن کے بجائے انہیں شراکتی کفایت شعارات فنڈ (C.P.Fund) ملے گا۔

(v) ضلعی حکومت کے قواعد انصرام کار مجریہ 2001 کے قاعدہ-6 ذیلی قاعدہ (b)(1) کے مطابق متعلقہ ایگزیکٹیو ضلعی افسر (EDO) بنیادی سکیل ایک تا دس کی ضلعی آسامیوں کیلئے اور ضلعی رابطہ افسر بنیادی سکیل گیارہ تا پندرہ کیلئے حاکم تقری (Appointing Authority) ہے اور ان ہی کی سربراہی میں ضلعی چناؤ کمیٹیاں (DSCs) بھی قائم کی گئی ہیں۔

(ب) درجہ چہارم کی آسامیوں پر کوٹھ

(i) سول ملازمین کے (بھرتی، ترقی و تبادلہ) کے قواعد مجریہ 1989 کے قاعدہ (4) 10 کے مطابق دوران ملازمت وفات پا جانے والے ملازم کے کسی ایک بچے کو یا اگر بچوں میں سے کوئی بھی مطلوبہ عمر کو نہ پہنچا ہو تو اس کی بیوہ کو، سکیل ایک تا پندرہ میں سے کسی بھی آسامی پر تعینات کیا جا سکتا ہے بشرطیکہ وہ مطلوبہ قابلیت کے حامل ہوں۔ یہ تعیناتی case to case بنیاد پر ہوتی ہے۔ قاعدہ نمبر (4) 10 کے تحت تقری کو پہلے ہی "بھرتی پر پابندی" اور "سرپلس پول کی (NOC) این او سی سے مستثنی قرار دیا جا چکا ہے، اسی طرح دوران ملازمت فوت ہونے والے ملازم کے بچے /بیوہ کی بھرتی کی ایک جامع پالیسی پہلے ہی جاری کی جا چکی ہے۔

(ii) صوبائی حکومت کی پالیسی کے تحت پیرانہ سالی یا معدوری (Superannuation or invalidation) کے باعث سبکدوش ہونے والے کلاس فور (سکیل ایک تا چار کے) ملازمین کے بچوں کیلئے کلاس فور یعنی سکیل ایک تا چار کی آسامیوں پر 25% کوٹھ مختص ہے۔ اس کوٹھ پر تعیناتی کیلئے سرپلس پول کی این او سی (NOC) کی ضرورت نہیں۔ محکمہ ہذا کے مراسلہ نمبر SOR-I(S&GAD)4-1/80/Vol.III 2000 مئی 23 کے ذریعے مفصل طریقہ کار (criteria) پہلے ہی جاری کیا جا چکا ہے۔

سرکاری ملازمت کے عوض سرکاری تعلیمی اداروں اور دیگر سرکاری دفاتر کیائے اراضی کا

حصول

(اتھارٹی مراسلہ نمبر افسر صیضہ ظوابط ۶ (ای اینڈ اے ڈی) 10/1-10/2007، مورخہ 2 جنوری 2008)

مجھے درج بالا موضوع کے حوالے سے یہ کہنے کی ہدایت کی گئی ہے کہ حکومت صوبہ سرحد نے عدالت عظمی کے فیصلے کی روشنی میں بذریعہ مراسلہ نمبر - افسر صیغہ ضوابط 1 (اس اینڈ جی ڈی) 161-1-93 مورخہ 12 جون 1993ء ہدایات جاری کیں جن میں سرکاری تعلیمی اداروں اور دفاتر کیائے حصوں اراضی کی ممانعت کی گئی تھی۔ اس کے بعد کی مراسلہ جات کے ذریعے مذکورہ ہدایات کا اعادہ کیا گیا تاہم یہ بات نوٹ کی گئی ہے کہ ان ہدایات پر خاطر خواہ عمل نہیں کیا جات رہا اور حکومتی اداروں نے زمین مالکان کے ساتھ ان ہدایات کو پس پشت ڈال کر ایسے معابدے کئے جن کے تحت زمین مالکان کو کلاس-IV آسامیوں پر تعیناتی کی گئی جن سے بہت سی پیچیدگیاں پیدا ہو سکتی ہیں۔

2- اس صورتحال کو پیش نظر رکھ کر محکمہ عملہ نے بذریعہ مراسلہ نمبر صیغہ- 5 (ای اینڈ اے) 1-1/2004ء مورخہ 6 دسمبر 2004ء ہدایات جاری کیں کہ زمین مالکان کے ساتھ کئے گئے تحریری معابدوں کے مطابق کلاس - IV آسامیوں پر تقری کے لئے علیحدہ علیحدہ (On case to case basis) سمریز کے ذریعے وزیر اعلیٰ صوبہ سرحد سے منظوری لی جائے اور آئندہ کیائے ایسے معابدے کرنے سے سختی سے گریز کیا جائے۔

3- زیر موضوع معاملے کا ایک بار پھر اعلیٰ سطح پر جائزہ لیا گیا ہے اور یہ محسوس کیا گیا ہے کہ مفت زمین بطور عطیہ (بلا معاوضہ) فرایم کرنے پر کوئی پابندی عائد نہیں ہے البتہ اس کے بدلے سرکاری ملازمت حاصل کرنے کے لئے معابدے کرنا غیر قانونی ہے۔ تاہم مفت زمین فرایم کرنے والے افراد اگر بھرتی کی تمام شرائط پر پورا اترتے ہوں، اور دیگر امیدواروں کے بہ پلہ ہوں تو قانونی دائرہ کار کے اندر رہتے ہوئے انہیں ترجیح دی جا سکتی ہے۔ آئین کے شق 190-189 کے تحت سپریم کورٹ اگر کوئی فیصلہ صادر کرے جس میں قانونی اصول طے کیا گیا ہو تو تمام ماتحت عدالتیں بشمول انتظامیہ اس پر عمل درآمد کرنے کی پابند ہونگی۔ خلاف ورزی کی صورت میں بائی کورٹ یا سپریم کورٹ از خود نوٹس لے سکتی ہیں اور مرتکب افسران کے خلاف تادیبی کارروائی بھی عمل میں لائی جا سکتی ہے۔

4- مندرجہ بالا صورت حال کی روشنی میں ایک بار پھر یہ وضاحت کی جاتی ہے کہ آئندہ کیائے اراضی کے عوض سرکاری ملازمت دینے کا کسی قسم کا کوئی معابدہ نہ کیا جائے اور ان ہدایات پر آئندہ کیائے سختی سے عملدرآمد کو یقینی بنایا جائے

APPOINTMENT IN LIEU OF LAND GRANTS

(Authority; letter No.SOR-VI/E&AD/1-10/07, dated 6th January, 2009)

I am directed to refer to this Department circular letter of even number, dated 2nd January, 2008 (in Urdu language) on the subject noted above and to state that the matter regarding making appointments in lieu of land for various government offices/institutions has been reconsidered and it has been reaffirmed that the practice not only tantamount to violation of Constitutional Law applicable to public offices and courts' verdicts given in such cases from time to time, but also does not keep pace with the changed circumstances.

It has been decided with the approval of the competent authority, that the policy of making/offering appointments in lieu of land grants shall stand discontinued forthwith. Henceforth, land for official use should be purchased on payment in accordance with the prescribed procedure.

It is requested that the above decision of the Provincial Government may kindly be noted and circulated among all concerned for strict compliance.

فکسڈ تتخواہ پانے والے ملازمین کی تعیناتی کو پالیسی۔

نمبر صیپھ ضوابط 6 (ای اینڈ اے ڈی) 10/1/2005ء مورخہ 9 مئی 2006

مجھے ہدایت کی گئی ہے۔ کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ صوبائی انسپیکشن ٹیم نے محکمہ تعلیم ضلع چارسده میں بھرتیوں میں با قاعدگیوں کی چہان بین کی رپورٹ میں دیگر سفارشات کے علاوہ ایک تجویز یہ بھی ڈی کہ محکمہ عملہ فکسڈ تتخواہ پر درجہ چہار م کی بھرتی کیلئے ایک شفاف اور جامع پالیسی وضع کرے تاکہ آئندہ ان واقعات کا اعادہ نہ ہو۔ چونکہ خیر پختونخوا سول ملازمین کے (تعیناتی، تبادلہ و ترقی) کے قوائد مجریہ 1989ء کا اطلاق فکسڈ تتخواہ پانے والے ملازمین پر نہیں ہوتا۔ لہذا اس تجویز کا جائزہ لیا گیا اور یہ محسوس کیا گیا کہ محکمہ خزانہ و عملہ کی جانب سے وقتاً فوقتاً پہلے ہی ضاطرخوا پالیسی ہدایات جاری کی گئی ہیں۔ ان جاری ہدایات کو یکجا کر کے شائع کرنے کی ضرورت محسوس کی گئی تاکہ متعلقہ افراد کی رہنمائی کی جا سکے۔ لہذا پالیسی کی خاص خاص باتیں درجہ ذیل پیرائے میں ازسر نو بیان کی جاتی ہیں۔

(i) پنشن کی مدمیں بڑھتے ہوئے اخراجات سے چھٹکارہ پانے کیلئے صوبائی کابینہ نے سال 1992ء میں فیصلہ کیا کہ محکمہ تعلیم میں "غیر تعلیمی کیدر" پوسٹیں جیسا کہ نائب قاصد، چوکیدار، خاکروب اور بہشتی کی آسامیاں فکسڈ تتخواہ پر 'پرکی جائی کی گی۔ بعد میں مزید چند محکموں مثلاً پرانمری سکولوں، بنیادی مرکز صحت، دہی مرکز صحت، آب رسانی کی سکیموں اور محکمہ مواصلات و تعمیرات میں درجہ چہارم کی درجہ ذیل مخصوص آسامیوں پر اس پالیسی کو نافذ کیا گیا۔

مالی	2	چوکیدار	1
کُولی	4	بہشتی	3
		والو مین	5

سال 1999ء میں محکمہ خزانہ کی طرف سے اس پالیسی پر نظر ثانی کی گئی اور تمام محکمہ جات کو مطلع کیا گیا کہ مخصوص محکموں جن میں تعلیم، صحت، پبلک ہیلتھ انجینئرنگ، کمونیکیشن اور ورکس، انہار، زراعت، حیوانات اور جنگلات شامل ہیں میں مندرجہ ذیل مخصوص شدہ آسامیوں پر تعیناتی فکسڈ تتخواہ پر ہو گی:-

بہشتی	3	مالی	2	چوکیدار	1
بیئر (Bearer)	6	خاکروب	5	نائب قاصد	4
کالر	9	ورکشاپ انڈسٹری	8	خانسامہ	7
				سکیل ایک کی تمام اسامیاں	10

اس فیصلے کا اطلاق نئی بھرتی اور مخصوص شدہ پوسٹوں پر ہوگا جس کی منظوری محکمہ خزانہ دے گا۔ اور اس مقصد کیلئے بجٹ مخصوص کرے گا۔ مزید وضاحت کیلئے محکمہ خزانہ کا مراسلہ نمبر Vol-II B1/1-22/94-95/FD/Vol-II 24 جولائی 1999ء ملاحظہ ہو۔ سال 2004ء میں محکمہ خزانہ نے پالیسی کی ایک بار پھر وضاحت کرتے ہوئے بذریعہ مراسلہ نمبر BI/1-70/2003-04/FD مورخہ 20 اپریل 2004ء تمام محکمہ جات کو یہ یادداہی کی کہ محکمہ جات میں مخصوص شدہ سکیل ایک کی باقاعدہ پوسٹیں خالی ہونے پر ختم کر دی

جائیں اور مکمل خزانہ سے ان کی فکسٹ تتخواہ پر تخلیق کا معاملہ جواز کے ہمراہ اٹھایا جائے گا۔ ساتھ ہی ساتھ یہ وضاحت بھی کی گئی کہ مخصوص مکمل جات میں سکیل۔ ۲ اور اوپر کی تمام آسامیاں اور دیگر مکملوں میں سکیل ایک اور اوپر کی آسامیوں کو فکسٹ تتخواہ میں بدلنے کی ضرورت نہیں ہے۔ مکمل خزانہ نے مراسلہ نمبر B1/1-22/2001-FD/Vol-II مورخ 31 مارچ 2002ء کے ذریعے وضاحت بھی کر دی ہے کہ مخصوص مکمل جات میں مخصوص آسامیاں بھی باقاعدہ سرپلس ملازمین کی Adjustment تک فکسٹ تتخواہ میں تبدیل نہیں کی جائیں گی۔ نئی بھرتی اگر ناگزیر ہو تو سرپلس پول سے NOC لینا ضروری ہے۔ اگر صوبائی یا ضلعی سرپلس پول میں مطلوبہ قابلیت کے حامل باقاعدہ ملازمین میسر نہ ہوں تو متعلقہ مکمل سرپلس پول سے این اوسی (NOC) حاصل کرنے کے بعد کٹریکٹ کی بنیاد پر FD(SORSR-III)12-1/2002 مورخ 26 اکتوبر 2002ء کے ذریعے جاری کی گئی کے تحت کریں گے۔

(ii) چونکہ سکیل۔ ایک تا پانچ تک بھرتی پر پابندی ہے لہذا وزیر اعلیٰ صوبہ سرحد سے بھرتی پر پابندی میں نرمی کی منظوری بھی حاصل کی جائے گی۔

(iii) جہاں تک نئی بھرتی کے طریقہ کار کا تعلق ہے تو مکمل عملہ نے (تعیناتی، تبادلہ و ترقی) روپ 1989 میں ترمیم کردی ہے جس کے مطابق مکمل خزانہ سے منظوری اور دیگر لوازمات کے بعد سکیل ایک تا چار آسامیوں پر تعیناتی کیلئے مکمانہ چناو کمیٹی ضلعی ایمپلائمنٹ ایکسچینج کے ذریعے تعیناتی عمل میں لائیگی۔ اور جن اصلاح میں ایمپلائمنٹ ایکسچینج موجود نہ ہوں وہاں پر ضلعی سطح کی مکمانہ چناو کمیٹی معروف اخبارات میں تشریف کے بعد تعیناتی عمل میں لائے گی۔ فکسٹ تتخواہ والے ملازمین کی تعیناتی کیلئے بھی یہی طریقہ کار اپنایا جائے گا۔

(iv) اگر مخصوص مکمل جات میں سے کسی بھی مکمل نے مخصوص شدہ پوسٹ کو فکسٹ تتخواہ والی پوسٹ میں تبدیل کر دیا ہو تو بعد میں باقائدہ سرپلس ملازم یا بحکم عدالت بحال ہونے والے باقائدہ ملازم کو اس پر ایڈجسٹ کرنے کیلئے ایسی آسامیوں کو Case to case بنیاد پر مکمل خزانہ سے باقاعدہ پوسٹوں پر تبدیل کرایا جائے گا۔

GUIDANCE: KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

SO(Policy)E&AD/1-3/2020 dated 04.07.2022

I am directed to refer to your letter No. 1081-82/Esst/DC(K) dated 27.05.2022 on the subject and to state that since sub-rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide Establishment Department notification dated 06.08.2020 hence, the Departmental Promotion Committee (DPC) of the office of Deputy Commissioner Kurram may consider the promotion case of the officials under the existing Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 whereby no provision exists to decline/forgo promotion. In case the officials who still don't want promotion or decline to comply with promotion order of the competent authority, then the office of Deputy Commissioner Kurram may proceed against the delinquent officials under the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

ISSUANCE OF SENIORITY LIST OF GOVT. SERVANTS-CHECK LIST

SO(Policy)E&AD/1-3/2020/APT Rules dated 31.01.2020

I am directed to refer to the captioned subject and to state that under Section-8(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the member for the time being of such service, cadre or post. The act ibid also provides that the seniority list prepared under sub-section-(1) of Section-8 shall be revised and notified once in a calendar year preferably in the month of January.

2. It is however, come to the notice that instructions issued earlier for preparing and maintaining seniority list of posts in BS-17 and above are not being followed properly. Consequently, approval of the seniority lists by the competent authority is delayed for want of clarification of requisite codel formalities by the Administrative Department in light of the check-list already provided thereof.

3. The competent authority has taken serious notice of such delay in finalizing the seniority lists as per provision of Civil Servants Act, 1973 and directed to reiterate the guidelines for strict compliance by all concerned.

4. In order to ensure timely disposal/issuance of seniority lists, competent authorities for approval of seniority lists of civil servants and the checklist thereof already circulated vide this Department Instructions dated 10th March, 2020 are reproduced as under:-

S.No	Post	Respective Authority
1.	Posts in BS-18 and above	Chief Secretary, Khyber Pakhtunkhwa
2.	Posts in BS-17	Secretary Establishment Department
3.	Posts in BS-16 and below	Respective Appointing Authority

Check-list

- i. Sanctioned strength of the cadre/posts duly attested by the department.
- ii. Copies of Budget Book of the Financial Year in which the seniority list is proposed for approval duly attested by the Administrative Department.
- iii. Certificate to the effect that the Seniority list is circulated and not sub-judice in any court of law:
- iv. Place of posting of the incumbent included in the seniority list.

PREPARATION / ISSUANCE OF SENIORITY LIST OF GOVERNMENT SERVANTS-CHECK LIST THEREOF.

SO(Policy)E&AD/1-3/2019/APT Rules dated 10.03.2020

I am directed to say that sub-section (1) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, inter alia provides that for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. The Act, ibid also provides that the seniority list prepared under sub-section (1) of Section 8 shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

2. Seniority list of the Civil Servants in various basic pay scales noted against each are to be approved by the following authorities:

S. No.	Posts	Authority
1.	Posts in BS-18 and above.	Chief Secretary, Khyber Pakhtunkhwa.
2.	Posts in BS-17.	Secretary Establishment Department.
3.	Posts in BS-16 and below.	Respective Appointing Authority.

3. In order to streamline the process of maintaining proper seniority list of posts in BS-17 and above Establishment Department has decided to follow the check list below while submitting final seniority list for approval of the respective authorities as indicated at Para: 2 above.

- (i) Sanctioned strength of the cadre/posts duly attested by the department.
- (ii) Copies of Budget Book of the Financial Year in which the seniority list is proposed for approval duly attested by the Administrative Department.
- (iii) Certificate to the effect that the Seniority list is circulated and not subjudice in any court of law.

PREPARATION REVISION OF SENIORITY LIST OF GOVERNMENT SERVANTS.

SOR-I(S&GAD)/3-5/88 dated 17.07.1989

I am directed to say that sub-section(1) of Section 8 of the NWFP Civil Servants Act, 1973, inter alia provides that for proper administration of a service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause (e) of sub-rule (2) of the rule 6 of

the NWFP Service Tribunals. Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of a Government Servant to prepare and notify in the official Gazette a list of seniority of Government Servants under its administrative control. The list so prepared shall be maintained upto date and shall be revised at least once a year. The NWFP Civil Servants(Amendment) Act, 1989, also provides that the seniority list prepared under sub-section(1) of Section 8(of the NWFP Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

2. Instances have come to notice that despite the aforesaid provisions of law and this Department circular letter of even number dated 4th February, 1988, some of the departments/offices do not care to prepare and notify in the official Gazette seniority lists of Government servants under their administrative control.

3. I am, therefore, directed to request you to please ensure that seniority lists are duly revise and notified in future in the official Gazette at least once in a year preferably in the month of January. Three copies of the seniority lists in respect of the former Gazette posts (BPS -16 and above) should invariably be sent to this' Department for record.

4. A specimen of seniority list to be prepared for publication in the official Gazette is enclosed herewith as Annexure.

Annexure.

SENIORITY LIST OF----- OF THE -----DEPTT:)

AS STOOD ON-----

Total Sanctioned posts -----

(i) Permanent	-----
(ii) Temporary	-----

(Basic Pay Scale-----)

Regular appointment/
promotion to the present posts

S.No	Name of officer official academic qualifications	Date of birth and domicile	Date of 1 st entry into Govt Service	Date	BPS	Method of recruitment appointment	Present appointment with date
1	2	3	4	5	6	7	8

GUIDANCE: KHYBER PAKHTUNKHWA CIVIL SERVANTS (APT) RULES, 1989.
 SO(Policy)E&AD/1-3/2020 dated 04.07.2022

I am directed to refer to your letter No. 1081-82/Estt/DC(K) dated 27.05.2022 on the subject and to state that since sub-rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide Establishment Department notification dated 06.08.2020 hence, the Departmental Promotion Committee (DPC) of the office of Deputy Commissioner Kurram may consider the promotion case of the officials under the existing Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 whereby no provision exists to decline/forgo promotion. In case the officials who still don't want promotion or decline to comply with promotion order of the competent authority, then the office of Deputy Commissioner Kurram may proceed against the delinquent officials under the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

SO(Policy)E&AD/1-3/2020 dated 06.06.2023

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the ibid rule is aimed at preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

3. Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, please.

APPOINTMENT ON ACTING CHARGE OR CURRENT CHARGE BASIS

SO-I (S&GAD)1-29/75 (B) 18.10.1997

I am directed to refer to the Government of Pakistan Cabinet Secretariat, Establishment Division office Memo. N. 10/77/97-R.2, dated 27.9.1997, on the subject cited above and to say that under Rule 9 of NWFP. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 appointments on acting charge are made against the posts which are likely

to fall vacant for period of six months or more and on current charge basis against the posts falling vacant for a period less than six months

2. The Supreme Court of Pakistan in Civil Appeals No.1979-187/95, 923/94 and 188/95 to 190/95 has observed that continuance of acting charge or current charge appointments for a number of years is negation of the spirit Of the rules. It is, therefore, desirable that where the appointments on acting charge or current charge basis are necessary and in the public interest, such appointments should not continue indefinitely and every effort should be made to fill the posts through regular appointments in shortest possible time.

3. I am, therefore, directed to request you to please strictly observe the above instructions in letter and spirit and also bring these instructions to the notice of your subordinate office.

DETERMINATION OF SENIORITY OF OFFICIALS WHO ARE ALLOWED TO WITHDRAW THEIR RESIGNATION

SOXII/2-96/59, dated 24.12.59

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.

3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc. does not arise.

4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.

5. If a Government Servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc, of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appointment was his first appointment to Government service.

6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit and it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

PREPARATION REVISION OF SENIORITY LIST OF GOVERNMENT SERVANT

SORI(S&GAD)3-15/88 dated 17.07.1989

I am directed to say that sub-section(1) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, inter alia provides that for proper administration of a service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause (e) of sub-rule (2) of the rule-6 of the Khyber Pakhtunkhwa Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of a Government Servant to prepare and notify in the official Gazette a list of seniority of Government Servants under its administrative control. The list so prepared shall be maintained update and shall be revised at least once a year. The Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 1989, also provides that the seniority list prepared under sub-section(1) of Section 8 (of the Khyber Pakhtunkhwa Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

Instances have come to the notice that despite the aforesaid provisions of law and this Department circular letter of even number dated 4th February, 1988, some of the departments/offices do not care to prepare and notify in the official Gazette seniority lists of Government servants under their administrative control.

I am, therefore, directed to request you to please ensure that seniority lists are duly revised and notified in future in the official Gazette at least once in a year preferably in the month of January. Three copies of the seniority lists in respect of the former Gazetted posts (BPS-16 and above) should invariably be sent to this Department for record.

A specimen of seniority list to be prepared for publication in the official Gazette is enclosed herewith as Annexure.

PREPARATION REVISION OF SENIORITY LIST OF GOVERNMENT SERVANT

SORI(S&GAD) 3-15/88 dated 09.05.2002

I am directed to say that sub-section(1) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, inter alia provides that for proper administration of a service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause (e) of sub-rule (2) of the rule-6 of the Khyber Pakhtunkhwa Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of a Government Servant to prepare and notify in the official Gazette a list of seniority of Government Servants under its administrative control. The list so prepared shall be maintained update and shall be revised at least once a year. The Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 1989, also provides that the seniority list prepared under sub-section(1) of Section 8 (of the Khyber Pakhtunkhwa Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

I am further to say that the Governor, NWFP has been pleased to delegate his powers to Chief Secretary, NWFP to approve the issuance of the Seniority List of the members of a service, cadre or post for which the Governor is appointing authority.

The above instructions may please be brought to the notice of all concerned for guidance/compliance please

AUTHORITY FOR PREPARATION /ISSUANCE SENIORITY LISTS OF CIVIL /GOVERNMENT SERVANTS

(Authority letter No. SO(R-VI)/E&AD/1-16/2008/Vol:VI Dated 26.07.2010)

I am directed to refer to the subject and to say that the competent authority has been pleased to delegate his powers to the Chief Secretary, Khyber Pakhtunkhwa to approve the issuance of the seniority lists of the members of a service, cadre or posts for which the Chief Minister Khyber Pakhtunkhwa is the appointing authority.

AUTHORITY FOR PREPARATION /ISSUANCE SENIORITY LISTS OF CIVIL /GOVERNMENT SERVANTS

(Authority letter No. SO(P)/E&AD/1-16/2011 Dated 7.12.2017)

I am directed to refer to the captioned subject and to state that the competent authority has been pleased to delegate his powers to the Secretary Establishment to approve the issuance of the seniority lists of the members of a service, cadre or posts for which the Chief Secretary Khyber Pakhtunkhwa is the appointing authority.

CRL. ORIGINAL PETITION NO. 89/2011, CMA.309-K/2012, CMA.310-K/2012, Crl.M.As.42-K/2012, 80-K/2012, 87-K/2012, 13-K/2013,CMA.2453/13, Crl.MA.29-K/2013,CMA.131-K/2013, Crl.M.As.185-K/2012,225/2013, 226/2013,227/2013, CMAs.244-K TO 247-K/2013, 257-K & 258-K/2013, Crl.M.A. 263/2013, Crl.MA. 282 IN CRL. ORIGINAL PETITION NO.89/2011(2013/SCMR/1752)

SOR-VI/E&AD/1-13/2009 dated 25.02.2014

The undersigned is directed to say that the Honorable Supreme Court of Pakistan had passed judgment on 12-6-2013 on the subject petitions clubbed with a number of other petitions and had ordered that a copy of this judgment be sent to all the Chief Secretaries of the Provinces as well as the Establishment Secretary with the direction to streamline the service structure of civil servants in line with principles laid down in this judgment.

2. It was expected that afore-mentioned judgment was downloaded by all Ministries/Divisions for compliance. However, for the sake of convenience, the following guidelines/principles are highlighted:-

The Honourable Court has declared the following practices as illegal:-

- i. A civil servant, who after passing the competitive exam in terms of the recruitment rules, is appointed on merits, loses his right to be considered for promotion when an employee from any other organization is absorbed without competing or undertaking competitive process with the backdated seniority and is conferred the status of a Civil Servant in complete disregard of recruitment rules.
- ii. Absorption of a non Civil Servant conferring on him status of a Civil Servant and likewise absorption of a Civil Servant from non cadre post to cadre post without undertaking the competitive process under the recruitment rules.
- iii. Introduction of any validation law in the nature of multiple or parallel legislation on the subject of service law.

- iv. Benefit of 'absorptions' extended since 1994, with or without back dated seniority, are declared ultra vires of the constitution.
- v. The re-employment/ rehiring of the retired Civil/ Government Servants being violative of the constitution are declared nullity.

The Apex Court has further held that: -

- a. No non-civil servant can be transferred and appointed by way of deputation to any cadre. The procedure provided under Esta Code has been approved by this Court in the case of Mohammad Arshad Sultan.
 - b. No civil servant of a non-cadre post can be transferred out of cadre to be absorbed to a cadre post which is meant for recruitment through competitive process.
 - c. The procedure provided under ESTACODE requires that a person who is transferred and appointed on deputation must be a govt servant and such transfer should be made through the process of selection. The borrowing Govt has to establish the exigency in the first place and then the person who is being transferred/ placed on deputation in Govt must have matching qualification expertise in the field with required experience.
 - d. An employee holding a post under any authority or corporation, body or organization established by or under any Provincial or Federal law or which is owned or controlled by Federal or Provincial Government or in which Federal Government or Provincial Government has controlling share or interest could not conferred status of a civil servant.
 - e. It is settled principle of law that if the right of promotion is not blocked by re-employment then such powers can be exercised, then too in exceptional cases for a definite period. Besides it violates the fundamental rights of the serving civil servants, on account of such rehiring on contract are deprived of their legitimate expectancy of promotion to a higher cadre, which is violative of the provisions of Articles 4, 9 and 25 of the Constitution.
 - f. The absorption and out of turn promotion will also impinge on the self respect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other services / cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all), hence are violative of Article 14 of the Constitution.
 - g. Principle of locus poenitentiae is the power of receding till a decisive step is taken but it is not a principle of law that order once passed becomes irrevocable and past and closed transaction. If the order is illegal then perpetual rights cannot be gained on the basis of an illegal order.
 - h. Any backdated seniority cannot be granted to any absorbee and his inter-se-seniority, on absorption in the cadre shall be maintained at the bottom as provided under the Rules regulating the seniority.
3. All Ministries / Divisions and Departments / Organizations under them are requested to comply with the judgment of the Apex Court in letter and spirit

**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 16th 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:

⁶⁸Provided 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:

⁶⁹Provided 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 ⁷⁰{ 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) ⁷¹"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

⁶⁸ The proviso inserted vide notification No.SO (Policies)E&AD/1-41/2017 dated 07.12.2017

⁶⁹ The proviso inserted vide notification No.SO (Policies)E&AD/2-61/2017 dated 08.08.2019

⁷⁰ The words "voluntary return or" inserted vide notification No.SO (Policies)E&AD/2-6/2017 dated 07.12.2017

⁷¹ 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) ⁷²Avoiding 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
- ⁷³(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 ⁷⁴[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.

⁷² Clause (viii) added notification No. SOR-VI/E&AD/2-6/2010 dated 26.05.2014

⁷³ New clause (m) added vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁷⁴ The words “voluntary return or” inserted vide notification No.SO (Policies)E&AD/2-6/2017 dated 07.12.2017

⁷⁵4. **Penalties**:- (1) The following are the minor and the major penalties, namely:-

(a) Minor penalties:

- (i) Censure;
- (ii) 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:

⁷⁶[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;

⁷⁷Provided also that this penalty shall not be imposed upon the Government servant, who has been appointed against the post by initial recruitment.

⁷⁵ Rules-4 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁷⁶ Proviso substituted vide notification No. SO(Policies)E&AD/2-6/2022 dated 16.01.2023

⁷⁷ 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.

786. 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:

⁷⁹Provided 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.

⁷⁸ Rules-6 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁷⁹ Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁸⁰7. 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 ⁸¹[] 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.

⁸²9. “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,

⁸⁰ Rules-7 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁸¹ The word “immediate” deleted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18.7.2012

⁸² Rule-9 substituted vide notification No. SO(Policies)E&AD/2-6/2022 dated 16.01.2023

within stipulated time, a notice shall be 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.”

8310. 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.

⁸⁴(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.

⁸⁵(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.

⁸⁶Provided 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

⁸⁷(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;

⁸⁴ Sub-rule (4) of Rules-11 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁸⁵ Sub-rule (7) of Rules-11 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁸⁶ Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

⁸⁷ 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).

⁸⁸**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.

⁸⁹(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;

⁸⁸ Sub-rule (12A) in Rules-12 inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁸⁹ 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 [⁹⁰ten] 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 [⁹¹subject to sub-rule (7) of rule 11].

⁹²(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.

⁹⁰ The word “seven” substituted with the word “ten” vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

⁹¹ Words inserted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18.7.2012

⁹² sub-rule (6A) in Rules-14 inserted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

9315. 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:

⁹⁴Provided 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.

9516A. 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.

⁹³ Rules-15 substituted vide notification No. SO(Policies)E&AD/2-6/2021 dated 31.12.2021

⁹⁴ Insertion of new proviso vide notification No. SO(Policies)E&AD/2-6/2021 dated 16.01.2023

⁹⁵ 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 [⁹⁶ninety] 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

⁹⁶ 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.

⁹⁷**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.

EFFECTIVE SAFEGUARDS AGAINST INCIDENTS OF STEALING OF GOVERNMENT TRANSPORT

PSO/ CS / NWFP /1-20 /2006, dated 17.10.2006

There has been a rise in incidents of official vehicles being stolen, particularly in the evenings when being driven by officers themselves from shopping areas, in contravention to the NWFP Government Staff Vehicles (Use & Maintenance) Rules, 1997. Primary reason for this apathy of government functionaries to vehicles getting stolen is the lack of fear of retribution. Inquiries into loss of government property due to such incidents take a long time to be finalized, Inquiry Officers appointed are from the same Department and usually junior, resulting in inquiries not judicious. The Police authorities also do not take enough interest to trace out stolen official vehicles and the audit authorities do not usually verify the requirement of law for initiation and finalization of such inquiries have been adhered to in each case by the government.

2. It is therefore imperative that the existing procedures are reinforced by following strict parameters to check this phenomenon:

- a. In all such cases, FIRs should be registered with the Police, and incident reported to the government, within the minimum possible time, but not more than twenty four hours of the incident;

⁹⁷ Rule-22 deleted vide Notification No. SO(REG-VI)E&AD/2010 dated 18-07-2012.

- b. The process of initiating and finalizing of inquiries should be completed and recommendations submitted within thirty days of report of the incident to the Government;
 - c. Inquiry Officers should invariably be appointed by the Establishment Department after approval of the Chief Secretary;
 - d. In the conduct of inquiry, the Inquiry Officers should give due consideration to vehicles being stolen after duty hours, in absence of drivers, and from public places;
 - e. Recommendation for recovery of loss to government should be actualized within one month of approval;
 - f. The Police authorities should maintain separate data of stolen official vehicles and, supplement to tracing out and recovering private vehicles, assign particular attention to government vehicles; and .
 - g. The audit authorities should strictly ensure that in all such cases the government departments have properly and timely followed all rules and regulations, conducted inquiries and made recoveries for loss to government property, if any.
3. The above instruction are to be complied with by all Provincial and District Government Departments, Police & Audit authorities, Attached Departments and autonomous / semi-autonomous bodies of the Provincial Government forthwith.

ADDENDUM

PSO/CS/1-20/2011 dated 06.08.2011

In order to further rationalize the procedure of Recovery for stolen vehicles, the following two points are added to the instructions circulated vide this office letter No.PSO/ CS / NWF /1-20 /2006, dated 17th Oct, 2006 on the subject of "**Effective safeguards against incidents of stealing of government transport"**

- i) The enquiry officers are obligated to determine and fix responsibility but without quantification of amount. Their findings will provide the basis for imposition of recovery; and
- ii) The Administration Department is required to provide the comparative data on pricing to facilitate the Authority in deciding the quantum of recovery.

APPOINTMENT OF INQUIRY OFFICERS.

Vide letter No. SOR.II(E&AD5(29)/2002 dated 25.02.2002

I am directed to refer to the subject noted above and to say that the Secretary of the Department is empowered to order fact-finding/preliminary inquiry, it has been noticed that officers of other departments are appointed as Inquiry Officers without consulting the Administrative Department concerned which creates problems for the reasons that the officer appointed as inquiry officer has already been assigned one or more inquiries or he by himself is involved in an inquiry or can't spare time for such special

task. In order to avoid complications it has been decided by the competent authority that the Secretary of the Department may informally consult the Administrative Secretary/Establishment Department before appointing/suggesting name of an officer for such a special task.

I am there directed to request you to adhere strictly to the above instructions while appointing officers in future.

CONSTITUTION OF INQUIRY COMMITTEE(S) UNDER THE NWFP REMOVAL FROM SERVICE (SPECIAL POWER), ORDINANCE, 2000

Vide letter No. SOR.V(E&AD)Inst:/08. Dated 16.04.2009.

I am directed to refer to the subject noted above and to say that a fair, unbiased, and technically sound inquiry is crucial to any meaningful disciplinary proceedings protecting both the genuine interest of the accused Civil servant on one hand and the government/general public on the other. However, in a majority of cases, especially inquiries constituted in the technical departments such as W&S, Irrigation, Industries etc.; Inquiry Committees invariably consist of peers of the accused civil servants from that very department. Here is therefore this inherent fear that such reports are after clouded by personal biases and carry a vivid hint of the cordiality or otherwise of the relations between the accused and the inquiry officers under whom they would have probably even served for long periods of time in their career.

Taking cognizance of the above situation the competent authority has directed that all the Administrative Departments will ensure that in a formal disciplinary proceedings initiated under the NWFP removal from Service (Special Powers) Ordinance, 2000 in cases pertaining to technical departments particularly, and other cases generally, whenever an Inquiry Committee is formed it should invariably contain an officer from outside the Department whose officers/officials have been accused of irregularities etc.

In view of above I am directed to request that henceforth proposed panel of Inquiry Officers/Committee (s) should be in line with the above directive before the case is submitted to the competent authority concerned. These instructions may kindly be noted and circulated to all concerned for strict compliance.

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

Vide letter No. SOR.VI(E&AD)2-6 Dated. 17.09.2011.

I am directed to invite your attention to the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary), Rules, 2011 published in the Extraordinary issue of the Government Gazette of 16/09/2011 and to state that the procedure to be adopted for proceeding against persons in Government Service under the new rules has been substantially change. These rules also apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the 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.

2. Salient features of the new rules are as under:-

- (i) Doing away with Authorized Officer
- (ii) Both competent and appellate authorities clearly defined
- (iii) Providing express provision for personal hearing
- (iv) Specifying duties of Departmental representative
- (v) Recording statement of parties in the presence of accused and vice versa
- (vi) Specific period for imposing penalty of withholding promotion of increments
- (vii) Removal from service in cases of willful absence

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

Vide letter No. SOR.VI (E&AD)2-6. Dated 13.06.2012

I am directed to the subject noted above and to state that the Provincial Government of Khyber Pakhtunkhwa in its extraordinary issue of the Government gazette of September 2011, issued Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011 vide circular letter dated 14/09/20011. However, it has been observed that the inquiry Proceedings against civil servants under Government Servants Efficiency and Discipline Rules 2011 are delayed unduly for various reasons, causing hardships to the affected officers on one hand and defeating the purpose of speedy disposal of cases, on the other.

In view of the above, in all disciplinary cases, the following procedures should be strictly observed:-

- (i) No delay should occur at any stage of a disciplinary case.
- (ii) The inquiry officer may be carefully selected on the basis of his competency and capability to hold the inquiry.
- (iii) The time limit of thirty days as prescribed for completion of the inquiry report should not be further extended except in exceptional circumstances.
- (iv) The inquiry officer should be specifically directed to complete the inquiry within the prescribed period.
- (v) Until the inquiry is completed the inquiry officers, the accused as well as witnesses concerned should not be permitted to proceed on leave, training course, or transfer in or outside Pakistan
- (vi) A checklist regarding the day-to-day progress should be maintained by the inquiry officer, as far as possible.
- (vii) The inquiry proceedings should be held without interruption, on day to day basis.
- (viii) On receipt of the inquiry report the case should expeditiously be moved to the competent authority for obtaining his orders.
- (ix) The inquiry officer should clearly fix responsibility and assess the losses caused to the Provincial exchequer and recommend recovery thereof from the concerned officers/officials responsible, to avoid chances of De-novo inquiry and to reduce time taken in such like cases to the best possible extent.

KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011 CHANGE IN COMPOSITION OF INQUIRY COMMITTEE

SOR.VI(E&AD)2-6/2005/Vol-II Dated 13.12.2012.

I am directed to refer to the subject noted above and to state that instances have come to the notice of the competent authority that inquiry cases are delayed inordinately which impliedly involves leniency towards the accused. It has been decided that in case of such delay the inquiry officer will render himself to be proceeded against on disciplinary ground.

Similarly, under the existing disciplinary mechanism, the competent authority may appoint an inquiry officer or inquiry committee consisting of more than one officer, therefore without reference to the competent authority, proceedings should not be done by other officers or through a reduced number of officers than those already appointed inquiry committee, this practice may render the entire procedure illegal and hence defective, therefore must be avoided.

I am, therefore, directed to request that the above instruction may be brought into the knowledge of all concerned for strict compliance.

SPEEDY DISPOSAL OF DISCIPLINARY CASES

SOR.VI(E&AD)2-6/2010 Dated. 07.01.2014.

I am directed to refer to the subject and to state that instances have come to notice that officers while nearing to retirement tend to perform illegal acts of omission and commission in the hope of abatement of disciplinary proceedings against them under FR.54-A. Inquiries are also got delayed on one pretext or other to give benefits of exemptions from disciplinary proceedings to such officers/officials. This practice is undesirable and has to be checked/discouraged.

In this regard attention is invited to the instructions issued vide circular letter No. SOR-II(S&GAD)5/29/95 Vol-II dated 23-02-1999, even No. dated 18-05-1999, SOR-II(S&GAD)5/29/99 Vol-III dated 16-02-2000, which need to be strictly observed. Attention is also invited to rule 1.8 of the Khyber Pakhtunkhwa Civil Servant Pension Rules and Orders 1980, updated on 15-07-2007, reproduced below, with the request that these may be kept in view while deciding such cases.

Rule 1.8

- (a) "Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.
- (b). Government reserve the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceeding to have been caused to Government by the negligence, of fraud of such Government pensioner during his service, provided that such departmental proceedings shall

not be instituted after more than a year from the date of retirement of the Government pensioner.

(c). In future all Civil Servants who are under enquiry be excluded from the enquiry proceedings under the E&D Rules after attaining the age of superannuation and they may be allowed full pensioner benefits as provided under the rules. However it has further been decided that if some pecuniary loss caused to the Government is likely to be proved against a Government Servant who superannuates before decided of the case against him, an FIR should be lodged against him for judicial proceedings immediately after the date of superannuation and exclusion of his name from the departmental.”

3. I am directed to request that in future Heads of Departments shall ensure that inquiries are not unnecessary delayed to get delinquent officials/officers get exempted from accountability on one pretext or other. On cases it is found at a later stage that undue favor/benefit was extended to the retiring officials/officers, responsibility for such lases shall devolve on the Head of the Department which may also entail recoveries in full/part from him besides other appropriate penalty.

4. These instructions should be noted and brought to the notice of all concerned for strict compliance.

COMPLETION OF INQUIRIES IN-TIME IN ACCORDANCE WITH STIPULATION GIVEN IN THE E&D RULES, 2011

SOR.VI(E&AD)2-6/2010 Dated. 18/06/2014.

I am directed to refer to the subject cited above and to say that Competent Authority has taken a serious notice of not complying with the timelines give in the E&D Rules, 2011 regarding completion of enquiry repot & onward submission to the Competent Authority in stipulated time period. This results in wastage of time and defeats the spirit of the proceedings. At time it also results in undue advantage to the accused officers and officials.

I am therefore directed to request to strictly follow the timelines stipulated in the E&D Rules 2011 for completion and submission of enquiry report failing which disciplinary action shall be initiated against the defaulting officers under the rules ibid.

These instructions may be brought to the notice of all concerned please.

COMPLETION OF ENQUIRIES IN ACCORDANCE WITH STIPULATED PERIOD

SOR.VI(E&AD)2-6/2010 Dated. 17/07/2014.

I am directed to refer to the subject cited above to say that Competent Authority has taken a serious note for delayed in conduct and submission of enquiries and desired that the enquiry officers/committee should complete enquiries within the stipulated period of 30 days as per Rule 11(7) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011 positively. Such delays often result in deferment of promotions of the officer which needs to be controlled.

In cases where submission of the enquiry is not possible within the stipulated period for some valid reasons, the enquiry officer/committee shall get express approval of the Competent Authority for extension of the period for 1/2 week(s) shall be sought from the Chief Minister Khyber Pakhtunkhwa. If inspire of extensions granted, the enquiry report is not completed within the extended period, disciplinary action shall be initiated against the enquiry officer concerned on account of his failure in submitting the report within the stipulated period/extended period.

I am further directed to advice that the above instructions may be brought into the notice of all concerned for strict compliance.

THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS EFFICIENCY AND DISCIPLINE RULES 2011

SOR-V(E&AD/Instruction/2014 28.03.2014

It has been observed that the inquiry officers/inquiry committees appointed under Rule-10 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 do not follow strictly the procedure as laid down in rule-11 of the rules ibid but exceed the limit of their duties.

2. It is to clarify that the inquiry officer or the inquiry committee is supposed to find out whether the charges against the accused officers/officials have been proved or not or proved fully or partially and whether he/they is/are found guilty or not. The inquiry officer or the inquiry committee shall as the case may be clearly fix responsibility and assess the losses caused to the provincial exchequer, work out apportionment of losses amongst accused officers/official and recommend recovery thereof from the officers/officials held responsible.

3. Contrary to the above provisions of the rules, the inquiry officer/inquiry committee recommend against the accused officers/officials either exoneration from the charges leveled against them or recommend major penalty and in most cases recommend minor penalty. It is to be noted that it is the prerogative/privilege of the competent authority to decide on the basis of the findings of the enquiry whether to impose a minor penalty or major penalty or exoneration. The inquiry officer/inquiry committee is not required to recommend exoneration or any other recommendation of punishment unless otherwise specifically asked for.

DEDUCTION OF SALARY FROM GOVT; EMPLOYEES IN CASE OF ABSENTEEISM

SO(FR)/FD/5-14/2014 16.12.2014

I am directed to refer to the subject noted above and to state that it has come to the notice of the government that on some occasion government employees remain absent from duty without authorization or fail to perform their assigned duties. Such instances attract the provision of Fundamental Rules and Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules, 2011. Accordingly, such government employee loses

right to payment of pay and allowances for such periods besides making themselves liable for disciplinary proceedings. All concerned offices are duty bound to deduct pay and allowances of the defaulting government employees for the period of absence and non-performance of the duty.

I am further directed to convey that all Administrative Departments and their attached entities shall ensure implementation of the above legal provisions in letter & spirit.

INSTRUCTION REGARDING CONDUCT OF INQUIRY UNDER KHYBER PAKHTUNKHWA, CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011

SOR.VI(E&AD)2-6/2014 Dated. 16.02.2015

I am directed to refer to the subject cited above and to say that Competent Authority has taken a serious notice of instances where inquiry officers have failed to conduct the inquiry in accordance with the spirit of the E&D Rules. 2011. Some departments are found in delaying action on the inquiry report received from the inquiry officers.

The Competent Authority has therefore, directed that henceforth all concerned shall conduct, conclude and take actions on the inquiries in accordance with the provisions of the E&D Rules, 2011. Officers found defaulters of E&D Rules, 2011 to the above effect shall be proceeded against.

APPOINTMENT OF PAS/PCS/PMS OFFICERS AS INQUIRY OFFICER.

SO (Policy)E&AD/2-6/2019 09.10.2019

I am directed to refer to the subject noted above and to state that Rule-10 of the Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011, provide procedure where initiation of inquiry is necessary. However, it has been observed that while submitting disciplinary cases most of the departments do not follow **the proper procedure and propose panel of inquiry officer(s) which is mandate of the competent authority as per ibid Rule.** This state of affairs is causing inordinate delay in disposal of disciplinary cases

I am, therefore, directed to state that while submitting disciplinary cases all Administrative Departments may propose only panel of Technical Member(s) for inquiry and follow the relevant procedure of E&D Rules, 2011 to avoid unnecessary delay in disposal of disciplinary case within the stipulated time/period.

SPEEDY DISPOSAL OF DISCIPLINARY CASES.

SOR.VI(E&AD)2-6/2019 Dated. 20.11.2019.

I am directed to refer to the captioned subject and to state that on terms of Rule-11(7) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules,

2011, Inquiry Officer or Inquiry Committee, as the case may be is required to submit he inquiry report within the stipulated period of 30 days. In this regard elaborated instructions have also been circulated from time to time. However, instances have come into the notice that inquiry proceedings/cases are delayed inordinately by the Inquiry Officer/Committee or the Administrative Department(s) on one pretext or other.

It has been decided that in case where submission of the inquiry is not possible within the stipulated period for some valid reasons, the Inquiry Officer/Committee shall get express approval of the Competent Authority for extension of the period for another 15 days. If in spite of extension granted, the enquiry report is not completed within the extended period, disciplinary action shall be initiated against the enquiry officer or convener of the Inquiry Committee on account of his failure in submitting the report within the stipulated/extended period.

Furthermore, on receipt of the enquiry report the case should expeditiously be moved to the competent authority for obtaining his orders. However, some departments are found in delayed action on the enquiry report received from the Inquiry Officer. Hence, it is also decided that in case of delay on the part of the administrative department after receipt of inquiry report, disciplinary action against the Head of the Administrative Department shall be taken.

I am further directed to advice that the above instructions may be brought into the notice of all concerned for strict compliance.

RECOVERY OF ADVERTISEMENT CHARGE ON WILLFUL ABSENCE
SOR.VI(E&AD)2-6/2019 Dated. 07.01.2020

I am directed to refer to the subject and to state that it has been observed that various employees willfully absented themselves from duty. When final notices issued against them in national dailies conveying the imposition of major penalty “Removal from Service” under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules 2011 they resume their duties just to avoid the imposition of the penalty.

Such illegal practice not only causes loss to the Government exchequer by publishing notices in two leading newspapers as per requirement under ibid rule, but also badly affect the smooth running of the official business. Therefore, on arrival, action against such employees having committed misconduct may be initiated under Rule-5 of the ibid rules.

It is further added that besides imposition of other penalty after proper proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the losses caused to the Government exchequer are also required to be recovered from such employees.

The above instructions may be followed in letter and spirit.

GUIDELINE/INSTRUCTIONS TO BE FOLLOWED BY THE HEARING OFFICERS DESIGNATED UNDER E&D RULES.

SOR.VI(E&AD)2-6/2021 Dated. 10.01.2022

I am directed to state that Establishment Department's Notification No. SO(Policies) E&AD/2-6/2021 dated 31-12-2021 and to state that Rule-15 of the Khyber Pakhtunkhwa Efficiency and Discipline rules as amended vide above notification, provides for a "Hearing Officer" who may be nominated by the competent authority for affording an opportunity of personal hearing to the accused who is being proceeded against under E&D Rules.

2. In order to facilitates the hearing officer in conduct personal hearing on behalf of the competent authority, following guideline/instructions are issued which just be adhered to:-

- i. The hearing officer, on receive the case, shall by an order in written, call the accused and the departmental representative along relevant record of the case, to appear before him for personal hearing on the fixed date and time;
- ii. After affording the opportunity of personal hearing to the accused shall submit a report to the competent authority which shall include:
 - (a) Summary of the inquiry report, where inquiry was conducted under the E&D Rules, or summary of the defense offered by the accused to the show under rule 17 of the rules ibid, as the case may be;
 - (b) Summary of the defense offered by the accused during the hearing if any; and
 - (c) View of the departmental representative, if any;
 - (d) His view and suggestion/recommendations so that competent authority may arrive at final conclusion. However, view and suggestion/recommendation shall not be binding on the competent authority.

3. I am further directed to inform that the above instructions may brought into the notice of all concerned for strict compliance.

STANDARD OPERATING PROCEDURE/ INSTRUCTIONS

SOR-V(E&AD/2-1/NAB/General 01.03.2022

I am directed to refer to the subject noted above and to state that while examining the NAB, case by this Department, it has been observed that:-

- i. In most of the cases Administrative Departments simply forward the replies of their attached Departments / field formation as it is received without examination/comments.
- ii. In many cases only 'interim replies have been received whereas the action taken so far in the matter has not been intimated.

- iii. The Departments send combined replies of the two and more case under one covering letter mixing the same with one another.
 - iv. In many cases the Administrative Departments only share the exoneration notifications of the accused officers / officials of the charges without providing any detail of Inquiry Report.
2. It is requested that in future:-
- i. The Administrative Departments should examine the replies / report of field offices and forward with Department's comments
 - ii. Reports complete with final decision and necessary documents may be shared with this Department.
 - iii. Since all the cases are allotted a proper number in this Department, therefore, separate response to every case shall be shared.
 - iv. Submission/ Intimation of only exonerations notification of the accused officers / officials from the charges without detail inquiry report will not be accepted.
 - v. NAB cases are forwarded through a web portal to ail concerned, however, these cases are not received properly, resultant these case are shown pending on the Dash Board of Secretary Establishment.
3. You are therefore, requested, to direct your Focal Person to receive these cases on your respective Dash Board for proper examination/comments/report from concerned, please.

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

SOR.VI(E&AD)2-6 Dated. 08.10.2011

In continuation of this Department letter No. SOR-VI/E&AD/2-6 dated 17-09-2011 on the subject Copies of specimens of Model Show Cause Notices, Charge Sheet and Statement of Allegation (duly vetted by the Law Department) are enclosed for the purpose of disciplinary proceedings against accused government servant under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

CHARGE SHEET

I, _____ Chief Secretary, Khyber Pakhtunkhwa, as competent authority, do here charge you, _____ (BS-), the then _____ (now_____) as follows:

That you, while posted as _____, committed the following irregularities:

a) That you _____

b) That you _____

2. By reason of the above, you appear to be guilty of _____ under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.

3. You are, therefore, required to submitted your written defense within ten (10) days and not more than fourteen (14) days of the receipt of this Charge Sheet to the Inquiry Officer/Inquiry Committee as the case may be

4. Your written defense, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed

(_____)
CHIEF SECRETARY/
COMPETENT AUTHORITY
KHYBER PAKHTUNKHWA

Name (_____)
Designation & official Address

DISCIPLINARY ACTION

I, _____ Chief Secretary, Khyber Pakhtunkhwa, as the competent authority, am of the opinion that _____, _____ (BS-) the then Director _____ (Now _____) has rendered himself liable to be proceeded against, as he/she committed the following acts/omissions, with the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) That he/they _____
 - b) That he/they _____
2. For the purpose of the inquiry against the said accused with reference to the above allegations, an inquiry Officer / Inquiry Committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:
- i. _____
 - ii. _____
3. The Inquiry Officer/ Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 60 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer / Inquiry Committee.

(_____)
**CHIEF SECRETARY/
 COMPETENT AUTHORITY
 KHYBER PAKHTUNKHWA**

SHOW CAUSE NOTICE

I, _____, Chief Minister/Chief Secretary (Competent Authority), Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, (**Name of accused & designation with BPS/Department**) as follows:-

- i. Consequent upon completion of inquiry conducted against you by the Inquiry Committee/Inquiry Officer for which you were given an opportunity of hearing vide Letter NO. _____ dated _____
- ii. On-going through the findings of the Inquiry Committee/Inquiry Officer, material on record and other connected papers including your defense before the Inquiry Committee/Inquiry Officer.

I am satisfied that you have committed the acts/omission of in-efficiency misconduct and corruption specified in Rule-3 of the said rules;

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under Rule-4 of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If, no reply to this notice is received within ten (10) days or not more than fifteen (14) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the Inquiry Officer / Inquiry Committee is enclosed

Competent Authority
Chief Minister/Chief
Secretary
Khyber Pakhtunkhwa

Name (_____)
Designation & official Address

(Direct)

SHOW CAUSE NOTICE

I _____ Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr/Ms. _____ (BPS-____), _____ as follows:

I am satisfied that you have committed the following acts/omission specified in Rule-3 of the specified rules:-

- i. Misconduct i.e. _____

- 2. In terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.

- 3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

 - i. _____
 - ii. _____

- 4. You are, therefore, required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

- 5. If no reply to this notice is received with ten (10) days or not more than fifteen (14) days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.

Competent Authority
Chief Minister/Chief
Secretary
Khyber Pakhtunkhwa

Name(_____)
designation & official Address

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 ⁹⁸[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.

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.

⁹⁹4A 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) ¹⁰⁰shall 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.

⁹⁹ Rule 4A inserted by Notification No.SOR.II (S&GAD)5(2)/79(C), dated 27.1.1997.

¹⁰⁰ New clause (g) added vide Notification No.SOR-VI/E&AD/2-16/2003 dated 28th June, 2004.

(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.

(3) If any gift, is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without 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-Gazzetted 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:- ¹⁰¹[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.

¹⁰²(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 30th 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

¹⁰³(3) Declaration of Assets Proforma shall be opened in the concerned section each year and entered into the relevant database.

13. ¹⁰⁴Disclosures 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.

¹⁰¹ Rule-11 omitted vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7th March, 2005.

¹⁰² Sub-rule 2 substituted vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7th March, 2005.

¹⁰³ New sub-rule 3 added vide Notification No.SOR-VI/E&AD/2-16/2003 dated 7th March, 2005.

¹⁰⁴ Rule 13"substituted by Notification No.SORIII(S&GAD)5(2) 79, dated 9.6.1996.

(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.

(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-gazzetted 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 1st 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.

10534-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.

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.

.....

INTERACTION WITH MEDIA BY GOVERNMENT SERVANTS.

SOR-VI/E&AD/2-16/2005/Vol-II dated 25.10.2011

I am directed to refer to the subject noted above and to state that instances have come to the notice of Government where Government Servants have interacted with press/media and contributed articles and writings in the newspapers making statements of their opinion which is highly objectionable and places the Government in embarrassing position. All such communications/statements of opinion and articles by a Government Servant without prior sanction of the government are prohibited under the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

2 In this regard, attention is invited to Rule-24 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 which prohibit interaction of Government Servants with the media (both print and electronic) through participation in a radio or television programme or contribute any article or write any letter to any newspaper or periodical expressing views on Government policy and political issues. Any violation of these rules may warrant punitive action under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

3. It is requested to kindly bring the above provisions of rules to the notice of all Government Servants serving under your control including attached.

INSTRUCTION UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANT (CONDUCT) RULES, 1987 REGARDING PROCEDURE FOR ENGAGING IN PRIVATE BUSINESS, TRADE AND CONSULTANCY WORK. SO(Policy)/E&AD/2-16/2019 dated 17.08.2020.

I am directed to refer to the subject and to state that Government Servants in addition to their official duties are known to engage in private business, trade and consultancy work which provide them with pecuniary benefit. However, it has been observed that in many such instances, procedural requirements under the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 or either not complied with in letter and spirit or are in many cases, totally ignored.

2. Under Rule-16 of the Khyber Pakhtunkhwa Government (Conduct) Rules, 1987, government servants are not allowed to engage in any trade or undertake any employment or work, other than his official duties except with the previous sanction of the government. Further, a government servant 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 inconsistency with his position or obligation 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 orders of the Government.

3. I am, therefore, further directed to request that all subordinate/attached departments may be directed to follow the above instructions in letter and spirit. In case of failure, to

abide by these instructions/rules disciplinary action shall be initiated under Government Servants (E&D) Rules, 2011.

POLITICAL ACTIVITIES OF GOVERNMENT SERVANTS

SO(Policy)E&AD/2-16/2019 dated 06.02.2020.

I am directed to refer to the subject and to state that Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 bar government servants from participation in political activities and holding portfolios of political parties. Secretariat Committee in its meeting on 17.01.2020 while Agenda Item No. 10, has taken the following decision:-

“All departments to take action against Civil Servants who are involved in active political activities or hold portfolios of Political Parties”

I am, therefore, directed to request that necessary action in the light of decision of the meeting dated 17.01.2020 referred to above may be taken.

USE OF POLITICAL INFLUENCE/PRESSURE AND SHARING OF OFFICIAL LETTERS/INFORMATION IN SOCIAL MEDIA.

SO(Policy)E&AD/2-6/2019 dated 03.03.2020.

I am directed to refer to this department letter No.SOR.VI(E&AD)2-16/2015/Vol-III dated 02.12.2015 on the subject and to state that instances have come to the notice of Competent Authority that Government Servants exert political and other influence/pressure including social media in their service matter and sharing official information in their WhatsApp Groups through digital media without prior permission of the Competent Authority in contravention of Rule-7, 9, 21, 22, 23, 24, 25, 27, 28, 29, 30, 33 & 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and instructions issued thereunder from time to time. For this act on part of the government servants, they render themselves to be proceeded against for misconduct defined under Rule-2 (1) of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011.

2. I am further directed to state that while using the Social Media, the following guidelines shall strictly be followed:-

- (i) No official/classified information be shared on WhatsApp or similar applications being highly insecure.
- (ii) The Civil Servants/Government servants who want to use digital and social media should officially declare their accounts, be it number they using for WhatsApp or handle for Facebook, twitter or any other social media platform;
- (iii) While expressing their views and interacting with general public on digital and social media, the civil/government servants should maintain highest behavioral standards based on principles of impartiality, integrity, civility and honesty. They should not use any uncouth language or expression that may deride or belittle the other party and so forth.

INSTRUCTIONS UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (CONDUCT) RULES, 1987 TO REFRAIN GOVERNMENT/CIVIL SERVANTS FROM PARTICIPATING IN WHATSAPP AND OTHER SOCIAL MEDIA PLATFORMS.

SO(Policy)/E&AD/2-16/2022 Dated 15.08.2023

I am directed to refer to the subject noted above and to state that Rule-34(A) of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 stipulates that 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 Secretary, head of attached department or Commission, as the case may be, for disseminating information among the general public regarding government initiatives for better governance. However, various instances have come to the notice of the competent authority that civil/government servants are participating in WhatsApp groups and social media platforms where matters pertaining to political issues, sectarianism and anti-state activities are being discussed.

Moreover, under the ibid Rules, no civil/government servants can participate in any media platforms, except with the express permission of the Government. Furthermore, Rules 23, 24, 25, 28 and 29 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 bar government servants from expressing their views against the ideology and security of Pakistan. These rules also place a bar on government servants from taking part in any public demonstration directed against a government decision or policy.

Attention is also invited to Rule-25 of the rules ibid which stipulates that no government servant shall, in any document, published or any public utterance, radio broadcast or television program, or in any other manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government. Also, Rule-21 specifies that 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.

I am further directed to state that these instructions may be circulated amongst all Civil Servants/Government Servants for compliance in letter and spirit.

LEAKAGE OF INFORMATION–TREATMENT OF CONFIDENTIAL PAPERS.
SOR-VI/E&AD/2-60/200, Dated 13.03.2008)

I am directed to refer to the subject noted above and to state that Rule 38 of the Khyber Pakhtunkhwa Government Rules of Business, 1985 provides that no information acquired directly or indirectly from official documents or relating to official matters, shall be communicated by Government Servants to the press, to any non-official or officials belonging to other government offices where he has been generally or specifically empowered to do so.

2. Sub rule (a) of Rule-67 of the Khyber Pakhtunkhwa Manual of Secretariat Instructions, 1989 also provides that all papers received or dealt with in the Secretariat are of a confidential nature and their contents should not be disclosed to or discussed with any un-authorized person and strictest secrecy shall be observed with regard to their contents.

3. Any breach of the above rules is punishable with imprisonment under Section-5 of the Official Secret Act 1923 (Act XIX of 1923). Moreover, Rule-21 of the Khyber Pakhtunkhwa Civil Servants (Conduct) Rules 1987 also debars communications directly or indirectly of an official information or contents of official documents to a Government Servant not authorized to receive it or to non-official person or to the press.

4. However, instances have come to notice that classified information and reports from government offices and intelligence agencies have been leaked out and disclosed to unauthorized individuals which can cause serious consequences and embarrassment to the Government.

5. Recently, a secret agency conducted an inquiry at the request of a Department and on the basis of its report, the Department issued show cause notice to the concerned official, and not only specifically mentioned the report of that agency but also attached copies of the enquiry report with the show cause notice, and the concerned person approached the office of the agency and put its officials in embarrassing situation.

6. The Chief Secretary, Khyber Pakhtunkhwa has taken a serious notice of this lapse and has directed that all concerned should ensure complete confidentiality in accordance with the Official Secret Act, 1923 and the existing rules/regulations while handling sensitive/confidential information/intelligence reports. Such reports should not be used in this fashion and while quoting the report it should only be stated that it has been reported that.....and source should not be quoted.

7. Necessary instructions in this regard have been issued to all concerned by the Provincial Government of Khyber Pakhtunkhwa from time to time with the directions to strictly observe the above guidelines. However, certain instances have come to the notice of Chief Secretary, Khyber Pakhtunkhwa that aforesaid rules/instructions are not being followed strictly.

8. I am, therefore, directed to request you to kindly bring these instructions into the notice of all concerned working under your administrative control for strict compliance. Breach of the same shall render the concerned officials to disciplinary and legal action under the law.

COMMITTAL TO PRISON.

(D.G.P & T's letter No. Es. B-III 29/41, dated 25th September 1942.)

A servant of Government committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest, and should be allowed only the payments laid down in Fundamental Rule 53 until the termination of the proceedings against him, when an adjustment of his pay and allowances should be made according to the circumstances of the case, the full amount being given only in the event of the Government servant being acquitted of blame or (if the imprisonment was for debt), to its being proved that the Government servant's liability arose from circumstances beyond his control.

Government decision- A Government servant who was dismissed from service on account of conviction by a court of law in a private case under-went a term of imprisonment and was later on released on bail. On appeal he was honorably acquitted and was reinstated, sometime after the acquittal, with full pay under F. R. 54 (a) for the entire period of his absence from duty, commencing from the date from which the term of imprisonment began, to the date preceding that on which he was reinstated.

A question arose whether the action of the reinstating authority was covered by F. R. 54 (a) and was in order. The Government with the concurrence of the Auditor General have decided that F. R. 54 applies to departmental punishment and not to cases of punishment by a court of law for an alleged offence which has nothing to do with his official duties. The case should be decided with reference to the provisions in Section IV of Appendix 3 of the compilation of the Fundamental and the Supplementary Rules (Volume II). In such cases the proceedings might be considered to have terminating on the date preceding the date on which the official was reinstated and the action of the reinstating authority in granting him full pay for the entire period of his absence treated as in order.

Director General's Instructions:- (1) The phrase "termination of proceedings" does not mean a decision of all the various appeals which are open to the convicted man. The intention of the clause is that in cases where the competent authority considers that dismissal of the Government servant concerned should follow his conviction and the dismissal should have effect from the Court's order of conviction, i.e. immediately on the termination of the first final. Dismissal cannot be ordered retrospectively with effect from the date of arrest.

(I, G. of P. and T's Memorandum No. 1200-A. R./25 dated the 17th September 1926. letter No. 166/Staff. B./99 dated the 28th February 1929, to All Heads of circles, etc.. and letter No. Es. B.III.2/40, dated the 2nd April 1940 to the A.G., P. and T)

(2) A Government servant was convicted by a magistrate under Section 409. I. P. C. He preferred an appeal against his conviction to the High Court which set aside the conviction and ordered a retrial of the case by the Magistrate. In a retrial also the official was convicted.

(3) A question arose as to which date viz, the date of first conviction or the date of conviction on retrial should be taken as the date of termination of the first final. It has been decided that in such case the date of termination of the first final should be the date of issue of the orders on retrial.

CSR 194:

(CSR 194 substituted and CSR 194-A omitted vide Finance Division S.R.O No.25(KE)/97, dated 4.2.1997)

A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government Servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government Servant or is likely to embarrass him in the discharge of his duties or involve moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under FR-53.

SUSPENSION OF A GOVERNMENT SERVANT ACCUSED OF CRIMINAL OFFENCES.

O.M No.4/12/74-DI, dated the 10.03.1980

In cases where Government servants are accused of criminal offences, frequent references are made to the Establishment Division on issues such as:

- (i) Whether, on their committal to prison, they are to be suspended by a specific order or their suspension is automatic;
 - (ii) Whether or not on their release on bail after arrest, they can be reinstated in service;
 - (iii) Whether their continued suspension requires approval of the authority after every three months.
2. The matter has been considered in the Establishment Division in consultation with the Law Division. It has been held that cases of the above nature are to be dealt with under Article 194 and 194-A of the Civil Service Regulations which are existing rules and which cannot be over-ridden by administrative instructions contained in section IV of the Appendix-3 of Fundamental Rules and Supplementary Rules Vol.II.
3. In the context of the points mentioned in paragraph I, the position that emerges from Article 194 and 194-A of CSR is explained below:-
- (a) A Government servant committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest and until the termination of the proceedings against him i.e his suspension is automatic from the date of arrest till termination of proceedings against him;
 - (b) A Government servant against whom a criminal charge or proceeding for arrest for debt is pending should also be placed under suspension by the issue of specific orders to this effect during periods when he is not actually detained in custody or imprisoned (e.g whilst released on bail) if the charge made or proceedings taken against him is connected with his position as a Government servant or is likely to embarrass him in discharge of his duties as such or involves moral turpitude; and
 - (c) The requirement of obtaining approval of authority for extension of suspension period after every 3 months laid down in Government Servants (Efficiency and Discipline), Rules, 1973 applies to suspension ordered under these rules. Articles 194 or 194-A do not mention any such requirement.
4. In view of the position stated above, the answers to the queries mentioned in Para-1 are as follows seriatim:-
- (i) suspension under Article 194 is automatic. Suspension under Article 194-A requires specific approval of the competent authority;
 - (ii) in the light of what is stated in the preceding paragraph, the competent authority can, in case the accused official is no longer detained in custody,

reinstate him in service unless it like him to continue to be under suspension on the consideration that the charges against him are connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involve moral turpitude. From the date of reinstatement onwards, the Government servant will no doubt be paid full pay. However, adjustment of allowances for the period he remained under suspension will be made as Article 194 and 194-A envisage after the termination of the proceedings;

- (iii) approval of competent authority for suspension under Article 194 or 194-A is not required after every 3 months.

5. With reference to (i) and (ii) in the preceding paragraph, the following administrative instructions may also be followed:-

- (a) a report may be made immediately to the "competent authority" whenever a person is committed to prison and is considered to be under suspension under article 194 CSR in order to ensure that the competent authority remains in touch with the position of the official and his case; the fact of suspension may also be notified under advice to all concerned including the audit authorities in terms of Article 194 CSR; and
- (b) a report on the progress of the criminal case leading to the suspension of a Government servant under Article 194 or 194-A. CSR, as the case may be, be submitted to the authorized officer every three months for his information to ensure that he remains in touch with the position of the official and his case.

6. The O.M, issues with the concurrence of the Ministry of Finance.

DISMISSAL OR REMOVAL OF GOVERNMENT SERVANTS ALLOWANCES ON REINSTATEMENT

S&GAD letter No.S(R)-13/58/SOXII, dated 10.1.1959)

In continuation of this Department letter No.S(R)-13/58/SOXII, dated the 30th September, 1958, I am directed to say, that according to Rule 152(a) of the Sind Civil Service Rules, Volume-I, (which corresponds to Rule 7.3 of Civil Service Rules, Punjab, Volume-I) when a Government servant is honourably acquitted in a departmental enquiry or trial in Court, the period of absence from duty on account of the suspension, dismissal or removal from service, has to be treated as period spent on duty. If the acquittal is otherwise than honourable, the period of absence on account of suspension, dismissal or removal will not be treated as period spent on duty unless the revising or appellate authority so directs. In this connection a question has arisen whether an acquittal on technical grounds or caused by lack of evidence should be deemed to be honourable acquittal and whether such acquittal leaves any discretion to decide whether the acquittal was or was not honourable for the purposes of determining the pay and allowances payable to such servant during the said period of absence.

2. Government have considered the whole question and it has been decided that for the purposes of pay and other service matters, it is primarily necessary to consider whether or not an acquittal is honourable. When a servant is suspended he does not work for his master and should obviously get no salary for the period during which he has rendered no service. Service Rule, however, make provision for payment of a subsistence allowance during the period so that the servant does not starve. Where the servant might have been falsely involved in the case or inquiry, the State is prepared to compensate him fully,

provided he satisfies that he has been honourably acquitted. The burden of proof is on him. In certain cases, it may be difficult for him to discharge this burden as in the case of a discharge on technical grounds where the merits of the case have not been discussed or gone into. It should be borne in mind that payment of salary during the period of suspension is a matter of favour and not a right even though the servant is finally acquitted. It may be noted that by his conduct he contributed to his implication in the case even though he was not guilty of the offence. Therefore, he will not be entitled to salary during the suspension period unless he satisfies Government that the case against him was absolutely false and that he has been honourably acquitted. On the other hand, it will not be presumed in every case of acquittal on technical grounds that the acquittal has not been honourable. Every case should, therefore, be decided on its own facts and circumstances and if the acquittal is held to be honourable the period of absence should be treated as spent on duty.

3. The ruling reported in A.I.R(33), 1946 Sindh 121 is not relevant. That was a case for expunction of remarks. But even in that case the Chief Court held that it was not inconsistent for a Judge to give benefit of doubt to an accused and will point a suspicious finger at him. All that it says is that having acquitted him, the court cannot proceed to suggest that his innocence had not been established.

DETENTION OF GOVERNMENT SERVANTS UNDER THE PUBLIC SAFETY ACTS.

Office Memorandum No.F/19/11/49-Ests(SE), dated the 20th December, 1949

A question has arisen whether an employee of the Federal Government who is detained in prison for a period of time under the provisions of the Sind Maintenance of Public Safety Act, 1948 or a similar enactment and is released without any trial loses his service under the Government and whether such a person is entitled to any leave salary or subsistence allowance for the period he remained under detention. As some doubts seemed to exist in the matter, the question has been fully considered in consultation with the Law Division and it has been decided that the following procedure should be adopted to regulate cases of detention in prison and subsequent acquittal or conviction:-

- (i) As soon as it comes to notice that an employee has been detained in prison, action should be taken to place him under suspension, the period of the employee's detention ¹⁰⁶[should be treated as period spent under] committal to prison within the meaning of Article 194 C.S.R. and the pay and allowances during suspension should be regulated under F.R.53;
- (ii) If the employee is subsequently acquitted honorably he should be reinstated forthwith. He will be entitled to receive full salary for the entire period of his absence from duty under F.R.54(a);
- (iii) If on the other hand the acquittal is not honorable, then the provision of F.R.54 (b) will apply;
- (iv) If the employee is released from detention without any trial, it is open to the competent authority to take disciplinary action against him if good and sufficient reasons exist from such action. In that case the procedure prescribed in the Efficiency and Discipline Rules must be observed;

¹⁰⁶ as amended vide Office Memorandum No.27/41/52-SE II, dated the 7th December, 1954

- (v) If the employee is convicted, he may be dismissed from service if his retention in service is not desirable. In that case the procedure prescribed in the Efficiency and Discipline Rules, need not be observed. He will be entitled to nothing more than the subsistence allowance up to the date of his dismissal from which date the pay and allowance will cease under F.R.52.

RULES FOR THE ACCEPTANCE AND DISPOSAL OF GIFTS BY GOVERNMENT SERVANTS

O.M.No.8/19/77-TK dated, 30.3.1978 SORII(S&GAD) 5(2) 79 dated 11.8.1986

The Government of Pakistan has partially modified the existing Rules regarding the acceptance and disposal of gifts received by Government Servants' etc. The decisions taken by the Government in this regard are given below:-

- (1) The responsibility for reporting the receipt of the gift shall continue to devolve on the individual recipient. All gifts received by a Government servant, irrespective of their prices must be reported to the Toshakhana in the Cabinet Division, Government of Pakistan.

The gifts are generally given when foreign dignitaries or delegations come to Pakistan or our VIPs or delegations go abroad. If the Chief of Protocol or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply a list of the gifts together with the names of the recipients to the Cabinet Division. In the case of the delegations or visiting dignitaries, with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs. In the case of outgoing delegations or visits abroad of our VIPs, it shall be the responsibility of the Ambassador of Pakistan, in the country concerned to report the receipt of the gifts together with the name of the recipient to the Cabinet Division through the Ministry of Foreign Affairs. If on checking the list it is found that an individual has not reported the receipt of a gift, appropriate action will be taken against him under the relevant rules.

- (2) Government officials except those belonging to Grades 1 to 4, are prohibited from receiving cash awards offered by the visiting foreign dignitaries. These may please be politely refused. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount should be immediately deposited in the treasury under the head given hereafter.

- (3) Government officials are prohibited from receiving gift of any kind for their person or for members of their families from diplomatic, Consular and other foreign Government representatives or their employees, who are stationed in Pakistan. As the Heads of Missions in Pakistan have been caused by the return of the gift. If, however, due to very exceptional reasons the gift cannot be returned, it should invariably be deposited in the Toshakhana. These instructions, however, would not apply to gifts/donations made to institutions.

- (4) The value of the gifts will be assessed by the Cabinet Division which will devise an improved and practical system of assessing, in the country, wherever possible, the value of all gifts received.

- (5) The monetary limits upto which the gifts could be retained by the recipient have been revised. The new limits are as follows:-

- (a) Gifts valued upto Rs.1000/- may be allowed to be retained by the recipients.
 - (b) Gifts valued between Rs.1000/- and Rs.5000/- may be allowed to be retained by a recipient if he is willing to pay 25% of the value of the gift after deducting Rs.1000/- from its assessed value.
 - (c) Gifts of the value beyond Rs .5,000/- may be allowed to be retained by a recipient if he is willing to pay 25% of the value between Rs.1000/- and Rs.5,000/- and 15% of the value above Rs.5,000/-.
- (6) The Head of Account of Toshakhana in which the amounts are to be deposited is "1390-Others(NES)Receipts of Darbar Presents (Central). Misc.
- (7) Presents deposited in Toshakhana which are fit for display, shall be properly catalogued and then displayed in the public rooms of the Foreign Office and in the residences of the Head of the State, the Head of the Federal Government and the Governors. Such articles would be properly entered in the Toshakhana register and in the stock registers of the respective offices. An annual verification preferably in the first week of January shall be carried out in respect of such articles and a report submitted to the Cabinet Secretary.
- (8) Gifts, which are not fit to be retained or displayed, shall be disposed of by periodical sales to be arranged by the Cabinet Division, Government of Pakistan. The Cabinet Division will ensure a wider circulation of the periodic restricted sale of such gifts. Such sales could be negotiated also on the basis of a reserve price, if no buyers are available in the restricted auctions. These auctions will be held once or twice a year. The list of gifts to be sold in such auctions will be circulated to all Federal Government officers and officers of the Armed Forces.
- (9) These rules also apply to the employees of the Government controlled Corporations, autonomous and semi autonomous bodies and all nationalized institutions.

PROCEDURE FOR THE ACCEPTANCE AND DISPOSAL OF GIFTS

SO(Policy)E&AD/2-16/2016 dated December 26, 2018

¹⁰⁷I am directed to refer to the subject noted above and to further refer to the office memorandum No.8/5/2017-TK dated 13.10.2017 issued by Cabinet Secretariat, Cabinet Division, Islamabad, wherein the Government of Pakistan has made the following procedure for acceptance and disposal of gifts received by Government / Public functionaries, which may be strictly complied in letter and spirit:-

1. The responsibility for reporting the receipt of the gifts shall devolve on the individual recipient. All gifts received by the Government / Public functionaries irrespective of their prices, must be reported and deposited immediately in Toshakhana of the Cabinet Division, Government of Pakistan. If it is found, on checking, that an individual has not reported the receipt of a gift, appropriate action will be taken against him under the relevant rules.
2. If the Chief of Protocol, Ministry of Foreign Affairs, or his representative has

¹⁰⁷ No.SO(Policy)E&AD/2-16/2016 dated December 26, 2018

been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply the list of the gifts received, together with the names of the recipients, to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol or his representative is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division. In the case of outgoing delegations or visits abroad of our dignitaries, it shall be the responsibility of the Ambassador of Pakistan and/or Head of the Pakistan mission in the country concerned to report the receipt of the gifts, together with the name of the recipients, to the Cabinet Division through the Ministry of Foreign Affairs.

3. Government/Public functionaries, except those in BPS-1 to BPS-4, are prohibited from receiving cash award offered by the visiting foreign dignitaries. Such gifts may be politely refused. In case, however it becomes impossible to refuse without causing offence to the visiting dignitary, the amount shall be immediately deposited in the Government treasury and copy of Treasury Challan shall be provided to the Toshakhana Incharge, Cabinet Division.
4. Government / Public functionaries, except the President and Head of the Government, are prohibited from receiving gifts of any kind for their person or for members of their families from diplomats, consular and other foreign government representatives who are stationed in Pakistan or from any public organization or private individual and firm within the country. However, if due to very exceptional reasons the gift cannot be declined, it shall invariably be deposited in the Toshakhana. These instructions do not apply to gifts and donations made to institutions.
5. (i) Cabinet Division will get the value of the gifts assessed from Government Sector experts in FBR, Taxila Museum, National Council of the Arts depending upon the nature of the gifts. Cabinet Division will also get the value of gifts assessed by the private appraisers borne on its approved panel.
 - (ii) If the difference in value of gifts assessed by two categories of appraisers is less than 25% the high value will be accepted. However, if the difference in value is 25% or more, a Committee to be constituted by the Cabinet Secretary shall decide the final value.
 - (iii) Private Appraisers borne on the approved panel of the Cabinet Division and the nominee of the All Pakistan Jewelry and Gem Stones Association will be paid 2% of the evaluation cost of each gift or Rs.2000/-, whichever is less.
6. The monetary limits upto which the gifts can be retained by the recipients are as follows:-
 - (i) Gifts upto a value of Rs.30,000/- (Rupees thirty thousand only) may be retained free of cost by the recipient.
 - (ii) Gifts valued above Rs.30,000/- may be allowed to be retained by the recipient on payment of 20% of the value exceeding the basic exemption of Rs.30,000/-.

- (iii) The President/Head of the Government and their families are entitled to retain gift(s) received from foreign dignitaries during visit abroad or their visit to Pakistan, as the case may be on payment of 20% of the assessment value of the gift(s). However, the gift comprising distinct articles, but gifted in a single transaction could be retained by the recipient subject to the condition that part of an article will not be allowed to be taken. This exemption shall however not be available in case of antiques and gifts of intrinsic historical value.
 - (iv) For gift of value in excess of Rs.30,000/- received by all Government servants (Civil and Military) as well as categories mentioned in Para 13 of the procedure shall also be entitled to the same principles and policy laid down in Para-6 (iii) for the President and the Head of the Government.
7. The recipient should collect the gifts after payment of retention price within four months failing which it will become the property of the Toshakhana and will be disposed of as per Toshakhana Rules. The Head of Account of Toshakhana in which the amounts are to be deposited is “1300000- Others (NES)Misc. Receipt of Darbar Presents (Central)”.
 8. Gifts deposited in the Toshakhana which are fit for display, shall be properly catalogued and then displayed in the public rooms of the Foreign Office/Cabinet Division and in the residences of the Head of the State and the Head of the Government. Such articles shall be properly entered in the Toshakhana register and in the stock registers of the respective offices.
 9. An annual physical verification shall be carried out in respect of such articles by an authorized officer of the Cabinet Division in the first quarter of each calendar year.
 10. Gifts which are not fit to be retained or displayed shall be disposed of by periodical sales to be arranged by the Cabinet Division, Government of Pakistan. These sales shall be held once or twice a year. The list of gifts to be sold shall be circulated to all Federal Government officers and officers of the Armed Forces. The articles not purchased in two consecutive auctions by the Government servants should be disposed of to the public through sealed bids.
 11. Antique items and vehicles shall not be allowed to be purchased by the recipients. Antiques shall be placed in the museums or displayed in official building owned by the Government. Vehicles shall be given to the Central Pool of Cars of the Cabinet Division.
 12. Gifts, other than those in the nature of antiques or of intrinsic historical value, given to but not retained by the President, the Head of the Government and the Governors, will be sold in accordance with sub-para (10) above. The gifts in the nature of antiques or of intrinsic historical value shall be put on display in accordance with sub-para (8) above.
 13. These rules also apply to the employees of the government controlled corporations, autonomous and semi-autonomous bodies and all nationalized institutions.

ENGAGEMENT IN TRADE AND BUSINESS, ETC. BY SPOUSES OF GOVERNMENT SERVANTS.

letter No.SORII(S&GAD)10-1/78(KC 2), dated 3.10.1979

Establishment Division, Government of Pakistan O.M No. 7/1/79-D.IV, dated 1/9/1979 on the subject noted above and to say that the Government of Khyber Pakhtunkhwa have also decided to obtain a certificate from its civil servants similar to that asked for by the Federal Government for its employees in respect of engagement in trade or business of their spouses. All those employees of the Provincial Government working under your control, whose spouses are employed in private enterprises or engaged in business or other profession should render a certificate to the effect that the profession, trade or business in which such a civil servant; spouse is engaged is in no way under his/her official influence.

2. Such certificates in the case of Grade-16 and below civil servants shall be retained by the Head of Attached Departments concerned. In the case of Grade-17 and above Government Servants such certificates will be retained in the Administrative Department concerned.

ENGAGEMENT IN TRADE AND BUSINESS, ETC. BY SPOUSES OF GOVERNMENT SERVANTS

O.M No.7/1/79-D.IV, dated 1.9.79 & No.SORII(S&GAD)10-1/78, dated 03.10.79

Under the Government Servants (Conduct) Rules, 1964, no Government servant is allowed to engage in any trade or undertake any employment or work, other than his official duties, except with the previous sanction of the Government. There is, however, no bar to the spouses of Government servants taking employment or engaging in any trade or profession. It has come to the notice of Government that the wives of some Government servants have been engaging in trade and business where influence of the husband could possibly be misused. In such cases, the possibility of public interest being jeopardized cannot be ruled out.

2. In order to safeguard the public interest in such cases, it has been decided that all Government officials whose spouses have undertaken some private job or are engaged in business and trade may be directed to render a certificate to the Secretary of the Ministry / Division or the Head of the Department concerned that the profession, trade or business in which his or her spouse is engaged in no way under his/her official influence.

ACCEPTANCE OF GIFTS.

letter No.SORII(S&GAD)10-1/77(KC No.1) dated 3.10.1979

Instances have come to the notice of the Federal Government that some civil servants in utter dis-regard of the provisions of Rule-5 of the Central, Government Servants (Conduct), Rules, 1964 have been accepting gifts not only from Government Organizations but even from private firms and factories which could be safely refused without offending anyone. Rule-5 of the West Pakistan Government Servants (Conduct), Rules, 1966, which rules are applicable to the civil servants of the Government of Khyber Pakhtunkhwa, lays the same embargo on the Provincial Civil Servants in the acceptance of gifts. In order to preclude the possibility of occurrence of such irregularity in the Provincial sphere, it may be emphasized on the officials working in the Provincial Government Departments / Institutions and Autonomous Bodies/Corporations of the Provincial Government that they should exercise much greater caution and restraint in the

acceptance of gifts. Contravention of rules and instructions on the subject may lead to severe disciplinary action against the defaulter.

2. These instructions may please be brought to the notice of all concerned for strict compliance.

ACCEPTANCE OF GIFTS.

No.SORII(S&GAD)5(2)79, dated 11.8.1986

According to the instructions contained in the Cabinet Division's Office Memorandum No.8/19/77-TK, dated the 30th March, 1978, the responsibility for reporting receipt of gifts devolves on the individual recipient. All gifts received by a Government official irrespective of their prices, are to be reported to the Toshakhana in the Cabinet Division, Government of Pakistan. Government officials are also barred from receiving gifts of any kind for their person or for members of their families from the Diplomatic, the consular and other foreign Government representatives and their employees.

2. Cases have come to notice of the Cabinet Division where some recipients did not intimate the receipt of the gifts, on their own or they did so very late. It has also been observed that Government officials have been accepting gifts not only from Government organizations but also from private firms/parties in contravention of the existing instructions.

3. All Ministries/Divisions are, therefore, once again requested to advise the officials working in the Government Departments/Agencies/Corporations/other Organizations under their control to observe the rules on the subject in their own interest.

RECEIPT OF CASH AWARDS FROM FOREIGN DIGNITARIES.

S&GAD letter No.SOS.III(S&GAD)3-11/77 dated 07.02.77

Instances have come to notice of the Federal Government that Cash Awards offered by the visiting foreign dignitaries to various officers and staff were readily accepted by them. The Prime Minister of Pakistan is not in favour of acceptance of such awards by officers. It is requested to inform all officers working under your control not to accept Cash Awards from the foreign dignitaries and refuse the same to them politely.

PARTICIPATION OF GOVERNMENT SERVANTS IN ASSOCIATIONS / ORGANIZATIONS, PROMOTING PROVINCIALISM, PAROCHIALISM ETC.

letter No.SORII(S&GAD)10-1/78 dated 25.11.1979

The West Pakistan Government Servants (Conduct) Rules, 1966, which are applicable to the civil servants of the Government of Khyber Pakhtunkhwa, rule 26 & 29 thereof forbid Provincial civil servants to indulge in activities of fostering provincialism, parochialism etc. Therefore, in order to prevent such elements in Provincial Services, from taking part in such activities, it is requested that the provision of rule 26 & 29 of the Conduct Rules mentioned above may please be brought to the notice of the all civil servants and employees of the Government controlled Organizations, under your control, to refrain from taking part in such activities and also sever their connection with Associations of the kind; failure to do so will make them liable to severe disciplinary action.

**DECLARATION OF PROPERTY UNDER GOVERNMENT SERVANTS
(CONDUCT) RULES, 1987.**

No.SORII(S&GAD)5-2/79 dated 21.12.1981

The undersigned is directed to say that Government servants are required to furnish details of their assets and liabilities, whether in their own names or in the names of their wives, children and other dependents, on the prescribed proforma, in terms of Rule 12(2) of Government Servants (Conduct) Rules, 1964 in accordance with procedure already circulated from time to time by the Establishment Division, reproduced below:-

- i) The declarations of assets of the officers of Grade-17 and above belonging to All Pakistan Unified Grades i.e (DMG, Police Group, TAG, Sectt: Group) including DMG, should be submitted in duplicate to the Secretaries of the Ministries / Divisions etc. under whom they are for the time being employed.
- ii) The Ministries/Divisions concerned should retain a copy of the declaration of the officers mentioned in (i) above and furnish the original ones to the Estt: Division for retention.
- iii) These instructions also apply to Government employees under the Federal Government on deputation to Provincial Governments. Such deputationists shall submit declarations to the S&GAD of the concerned Province, who will retain a copy and pass on the original one to the Establishment Division in case of an officer belonging to APUG/DMG and in other cases to the Secretary to the Ministry/Division which is administratively concerned with the group/service of the officer filling the declaration.
- iv) The declaration of the officers belonging to services/groups other than the services/groups controlled by the Establishment Division should be furnished to the Heads of Departments where the officers are working, who would maintain a copy of declaration in each case and pass on the original one to the Ministry/Division administratively concerned with the service/group to which the officer belongs.
- v) The declaration in the prescribed proforma should also be obtained by the Ministry/Division concerned from those Government servants who are on deputation to the statutory and autonomous bodies, CDA, WAPDA etc. controlled by the Ministries/Divisions.
- vi) The declarations shall be submitted in double sealed covers. On each cover full particulars of the officer making the declarations must be clearly indicated at the left hand top, such as name of the officer, designation, group/service to which he belongs, declaration for the year ending etc.
- vii) The declaration of assets are required to be submitted to the respective authorities by 30th September every year according to fiscal year ending 30th June and not calendar year ending 31st December.
- viii) Declaration of assets from all Government servants in grades 1-16 should be obtained by Ministries/Divisions concerned and should be kept in the custody of Ministries/Divisions/departments concerned.
- ix) Declarations should be opened only under the authority of Secretaries of the Ministries/Divisions in respect of Grades upto 16 and in respect of 17 and above, these should be opened under the authority of Secretary, Establishment

Division. The Chairman, CBR is, however, authorised to open the declaration of assets of Custom Officers and scrutinize them as directed by the President vide directive No.430 of 1980.

2. It has been observed that declarations of officers of Grade 17 and above belonging to services/groups other than the groups controlled by the Establishment Division are also being sent for maintenance in the Establishment Division. Since this practice is against the instructions issued from time to time, all Ministries/Divisions are required to strictly follow the said procedure.

EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS.

No.SORII(S&GAD)5/2/79, dated 06.05.1982

It has been observed that Government servants, at times, attempt to bring extraneous influence in respect of service matters, such as posting transfer, deputation etc. These acts are not only in breach of Government Servants (Conduct) Rules, 1964 as amended but also constitute Misconduct in terms of Rule 2(4) of the Government Servants (Efficiency and Discipline) Rules, 1973, reproduced below:-

"'Misconduct' means conduct prejudicial to good order or service discipline or contrary to Government Servant (Conduct) Rules, 1964 or unbecoming of an officer and gentleman and includes any act on the part of a Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government Servant".

2. The Civil Servants are, therefore, advised in their own interest to scrupulously observe the provisions contained in the Government Servants Conduct and Discipline Rules. In future if any Civil servant attempts to bring extraneous influence in respect of his posting, transfer, deputation etc., a note to this effect will be placed in his CR dossier, unless of course, proposals on these matters are made by the Ministries / Divisions / Departments themselves formally to the Establishment Division.
3. These instructions may please be brought to the notice of all civil servants working in various Ministries/Divisions/Departments etc.

EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS.

No.SORII(S&GAD)5(2)79, dated 05.11.1985

Certain Government Servants continue to bring extraneous influences in respect of their service matters such as appointment, posting, transfer, promotion, deputation, retirement, punishment or other conditions of service. As already explained, such practice is against the spirit of good order of or service discipline and provision of Rule 29 of the West Pakistan Government Servants(Conduct) Rules,1966 and rule 2(e) of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules,1973.

2. It is directed to reiterate the instructions already issued and request you to kindly ensure that all concerned strictly abide by the relevant provisions failing which departmental proceedings may be initiated against defaulting civil servants.

ISSUANCE OF STATEMENTS/LETTERS TO THE PRESS BY GOVERNMENT SERVANTS.

No.SORII(S&GAD)5(2)79, dated 14.12.1983

Under the provision of West Pakistan Government Servants (Conduct) Rules, 1966 , no Government Servant shall, except with the previous sanction of Government or any other authority empowered by it in this behalf, participate in a Radio broadcast, contribute any article or write any letter, either anonymously or in his name or in the name of another person, to any newspaper or periodical, to publish any document, to deliver any public utterance or radio broadcast, or to make any statement of fact or opinion, which is capable of embarrassing the Federal or any Provincial Government.

The above instructions may be brought to the notice of all concerned under your Administrative control for compliance.

ISSUANCE OF STATEMENTS/LETTERS TO THE PRESS BY GOVERNMENT SERVANTS.

No.SORII(S&GAD)5(2)79 dated 14.9.1985

It has come to notice that certain Government servants continue to contribute to newspaper columns which tend to be critical of the Government and its policies occasionally or on a regular basis, in their own names or under pseudonymous.

2. As already explained, such public criticism of Government policies is inadmissible under the West Pakistan Government Servants (Conduct) Rules, 1966.

3. The President has been pleased to direct that all persons in the Service of the Government or of an Organization financed from the public exchequer be made to observe the relevant provisions on the subject in the West Pakistan Government Servants (Conduct) Rules, 1966.

4. I am accordingly directed to reiterate the instructions already issued and request you to kindly ensure that all concerned abide by the relevant provision i.e rule 21 of the West Pakistan Government Servants (Conduct) Rules, 1966.

UNAUTHORISED INTERVIEWS BY GOVERNMENT SERVANTS TO LOCAL OR FOREIGN NEWS MEDIA.

No. SORII(S&GAD)5(2)79 dated 11.08.1986

It has come to the notice of the President that certain officers gave interviews to a Team of foreign News Organization during the course of which they made certain observations that created an adverse effect and did not correctly portray the Government's position in the matter. The President has taken a serious view of this incident particularly when the officers concerned had neither been formally permitted to give the interview nor duly briefed before-hand.

2. It may be pointed out that under the rules, no Government servant is to grant interviews to local or foreign media unless specifically permitted to do so. According to Rule-18 of the West Pakistan Government Servants (Conduct) Rules, 1966, no Government servant shall, except in accordance with any special or general orders 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. Similarly, Rule-22 of the rules ibid lays down that no Government servant shall, in any document published, or in any public utterance, or radio broadcast delivered by him or Television programs or in any manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government; provided that technical staff of all categories may publish research papers or 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.

3. The above rules and instructions may kindly be brought to the notice of all Government servants with a view to ensure that no Government servant grants an interview to local or foreign media unless specifically permitted to do so. And when such a permission is granted, the Government servant concerned should be thoroughly briefed and parameters of interview should be clearly laid down by the competent authority. Violation of the above instructions is liable to attract disciplinary action against the Government servant concerned.

ACCEPTANCE OF FOREIGN AWARDS BY GOVERNMENT SERVANTS.

No.SORII(S&GAD) 5(2)79 dated 31.10.1988 and 8.11.1988

Article 259(1) of the Constitution of the Islamic Republic of Pakistan provides that no citizens shall accept any title, honour or decoration from any foreign State except with the approval of the Federal Government. Similarly, in terms of Rule-6 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 contain similar provisions to the effect that no Government servant shall except with the approval of the Governor of Khyber Pakhtunkhwa accept a foreign honour, title or decoration. It has, however been noticed by the Federal Government with great concern that contrary to the laid down rules, there have been several instances where Government servants have accepted title, honour or decoration from foreign states. Invariably the excuse for having accepted awards by Government servants is ignorance of the rules. The competent authority has accordingly taken a serious notice of this tendency and has been pleased to direct that the rule position may be disseminated to all the Government Servants for strict compliance.

2. I am accordingly directed to request that the relevant provision of rules ibid may please be brought to the notice of all Government Servants for strict compliance failing which they shall render themselves liable to strict disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

ACCEPTANCE OF GIFTS.

No.SORII(S&GAD)5(3)79(KC) dated 18.04.1989

In terms of Rule-5(4) of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, "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".

2. I am therefore, to request that strict compliance of the above provision of the rules may please be ensured.

ACCEPTANCE OF GIFTS/CASH AWARDS/TICKETS FOR AIR TRAVEL ABROAD.

No.SORII(S&GAD)5(3)79 dated 12.06.1991

In terms of Rule 5(4) of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, read with this Department Circular letter of even number dated 18th April, 1989, Government servants are prohibited from receiving gifts 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. Similarly, sub-rule (5) of the rule ibid, prohibits Government servants (except those drawing pay in BPS 1 to 4) from accepting cash awards offered by the visiting foreign dignitaries.

2. Instances have come to the notice of the Provincial Government that awards in the shape of tickets for Air Travel abroad for Hajj and Umra or any other private visits abroad offered by the representatives of foreign Governments to various officers and staff were readily accepted and utilized by them without reporting the same to the Government.

3. I am directed to request you to please inform all Government servants working under your control not to accept Gifts, Cash Awards (except in accordance with the prescribed procedure) or tickets etc. for air travel abroad from diplomats, consulars, other foreign Government representatives or their employees or other International Agencies, without the previous sanction of the Government and refuse the same to them politely. Any contravention of the rules and instructions on the subject may lead to severe disciplinary action against the defaulter.

ACCEPTANCE OF GIFTS.

No.SORII(S&GAD)5(3)79(KC) dated 20.04.1992

Rule 5 of Khyber Pakhtunkhwa Civil Servants (Conduct) Rules, 1987 read with this Department Circular letters of even number, dated 18.4.1989 and 12.6.1991 on the subject noted above, where under Civil Servants are prohibited from receiving gifts of any kind for their person or for members of their families from diplomats, consulars and other Foreign Government Representatives or their employees stationed in Pakistan. It was also clarified that if due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the Services and General Administration Department. However, the Cabinet Division has advised that the gifts which are not allowed to be retained by Civil Servants(Federal, Provincial or All Pakistan), should invariably be deposited in the Toshakhana of the Cabinet Division as no Provincial Government has set up a Toshakhana of its own so far.

2. It is requested that the matter of receipt of any gift (irrespective of its price) and cash award should invariably be reported by the recipient to Services and General Administration Department immediately so as to approach Cabinet Division well in time for necessary instructions in the matter.

3. It is further requested that these instructions may please be brought to the notice of all employees (including those working in the Autonomous/Semi-Autonomous Bodies) under your administrative control for their information, guidance and strict compliance.

PROJECTION OF GOVERNMENT ACTIVITIES THROUGH RADIO PROGRAMME.

No.SORII(S&GAD)5(2)79 dated 24.03.1987

Radio Pakistan has embarked upon a new pattern of broadcasting from 1st January, 1987. The major objectives of the new concept is to make broadcasting people oriented and life-related. In this way, not only are aspirations of the listeners met but the programs also provide an opportunity to project development activities of the Government, particularly the measures taken by the present democratic Government in different sectors and steps taken for the implementation of the Prime Minister's Five Points Programme.

2. The programmes over a period of nearly two months have come in for favourable comments for airing public views on various civic issues. Full opportunity is provided to official Agencies also to put forth their points of view on difficulties being faced by them. In this manner, the Programmes are intended to serve the public and could act as a catalyst of public opinion and official response for the general benefit of all concerned. This will help closing the gap between official view-points and of general public.

DIRECT CORRESPONDENCE WITH FOREIGN MISSIONS AND AID GIVING AGENCIES.

No.SORII(S&GAD) 5(2)79 dated 10.08.1987

Sub-rule(1) of rule 35 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, provides that 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. Sub-rule(2) of rule 39 of the Khyber Pakhtunkhwa Rules of Business, 1985 and Instruction No.133 of the Manual of Secretariat Instructions allow only the Administrative Departments of the Provincial Government to conduct normal correspondence with the Government of a Foreign country or a Pakistan Diplomatic Mission abroad or a Foreign Mission in Pakistan or International Organization through the Ministry of Foreign Affairs of the Federal Government provided that by means of general or special orders, direct correspondence may be allowed under such conditions and circumstances as may be specified by the aforesaid Ministry.

2. An instance has been brought by the Economic Affairs Division to the notice of the Provincial Government wherein an officer instead of routing his request to that Division through his parent Department, directly approached the Chief of a Foreign Aid Giving Agency requesting him for his nomination on a course in a specific field. This conduct on the part of an officer is prejudicial to good order and service discipline and is contrary to the provision of Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

3. I am accordingly directed to request that the relevant provision of law may please be brought to the notice of all Government servants for strict compliance failing which a defaulter shall render himself liable to strict disciplinary action under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules,1973.

**GRANT OF INTERVIEWS TO OFFICIALS BY CHIEF MINISTER AND
MINISTERS IN KHYBER PAKHTUNKHWA.**

No.SORII(S&GAD) 5(27)79 dated 07.03.1988

Under the existing instructions, Government servants are expressly forbidden to wait upon the Chief Minister and other Ministers without prior permission of the competent authority in connection with their personal/official problems or to exert pressure through Members of the Provincial or National Assemblies in violation of Rules 22 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

2. While the Chief Minister or the Ministers are on tour, they can send for any officer through proper channel viz. the local Head of the Department or the higher senior officer present in the station. The District level officers or the senior most officers at the spot could seek an interview with the Ministers without the permission of the Head of the Department at Peshawar if the permission for interview could not be obtained previously due to shortage of time. But in case a Government servant wishes to see the Chief Minister or a Minister for laying any personal matter before him either at the Provincial headquarters or otherwise, prior sanction of the Head of the Department must be obtained. I am to clarify that submission of representations, appeals or complaints directly to the Chief Minister and other Ministers, without observance of the prescribed channels, is also a serious act of 'misconduct'.

3. I am directed to request you to please inform all concerned that the Chief Minister and other Ministers are accessible to everyone and are anxious to remove all legitimate grievances but where a Government servant has to wait upon them for any personal problems, he must obtain prior written permission of the competent authority.

**FRATERNIZATION BETWEEN GOVERNMENT SERVANTS AND THE
FOREIGN MISSIONS IN PAKISTAN.**

No.SORII(S&GAD)5(2)79 dated 23.05.1990

Instructions have been issued from time to time, explaining the parameters within which a Government servant could cultivate contacts with the personnel of the foreign missions in the country. In this connection, attention is invited to this Department Circular letter of even number dated 10th August, 1987. It has, however, come to the notice of the Government that despite clear orders, there exists a tendency amongst Government officials to approach the foreign missions, directly or indirectly, for personal favours as well as consular facilities. Such acts, obviously, are clear violation of Rule-35 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and the aforesaid instructions issued thereunder.

2. The Government has taken a serious view of the above tendency amongst Government Servant and it has, therefore, become imperative to circulate the following Government instructions on the subject once again for strict compliance by the Government servants:-

- 1) Government servants should exercise great caution and restraint in the matter of social contacts with the members of foreign missions in Pakistan and inter-alia abstain from extending invitations to them for private lunches/dinners at their residences etc.
- 2) Official of the level of Deputy Secretary and below should not receive the officials of the Foreign missions, except with the express permission of the Secretary.

- 3) Government Servants are also prohibited from contacting or making direct approaches, to the foreign missions in Pakistan, in connection with their private business. All such approaches should be made through proper channel i.e the Chief of Protocol of the Ministry of Foreign Affairs.
 - 4) Invitations extended by the foreign missions on the occasions of their National Days, to the officers below the status of Secretaries, may be accepted only after obtaining permission from the Secretary.
 - 5) The participation of officers, below the status of Secretary, in private functions, arranged by the foreign diplomats, should generally be discouraged. Secretaries and officers of equivalent status will, however, do so with the prior approval of the Chief Secretary.
 - 6) Repeated and frequent attendance by the officers, at private functions held by the same foreign diplomats must be avoided.
 - 7) As a general rule, only those officers who come into official contact with the foreign diplomat concerned, should accept this invitation.
3. You are requested to kindly ensure compliance of the above instructions, at all levels, and that no one approaches, directly or indirectly, any foreign missions in Pakistan or any foreign aid-giving agency, for favours. It may also be brought to the notice of all concerned that any violation of the rules as well as the instructions issued on the subject from time to time, will be dealt with severely under the Khyber Pakhtunkhwa Government Servants(Conduct) Rules,1987 and the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

¹⁰⁸Instructions have been received from Government of Pakistan, Cabinet Secretariat, Establishment Division vide letter No. 6/17/72-D-IV/D-3 dated 24.12.2014

It has come to notice that various Government officials working in the Ministries/Divisions/Departments of Pakistan as well as in the Provinces directly approach members of foreign diplomatic missions and discuss the topics pertaining to the governance and public administration, without approval of the competent authority.

Instructions have been issued from time to time, the latest one was circulated by Establishment Division, Cabinet Secretariat, Islamabad on 17.05.2012 whereby, Government servants were prohibited from establishing social/official contacts with the Foreign Missions in Pakistan but the same are not being implemented.

It has once again informed by the Establishment Division, Cabinet Secretariat, Islamabad that in future Ministries/Divisions/Offices may initiate disciplinary proceedings, under the Government Servant (E&D) Rules, 1973, against those Government officials violating the said instructions, while the names of the Government officials belonging to the groups of PAS, PSP, Secretariat and OMG as well as BS-20 and

above officers of other than the said groups may be forwarded to Establishment Division, Cabinet Secretariat, Islamabad, for similar action.

GRANT OF INTERVIEWS TO OFFICIALS BY CHIEF MINISTER AND MINISTERS IN KHYBER PAKHTUNKHWA.

No.SORII(S&GAD)5(27)79 dated 11.01.1989

This Department circular letter of even number, dated 7th March, 1988, on the subject noted above in which it was requested to inform all concerned that Government Servants, wishing to wait upon the Chief Minister and other Ministers in connection with their grievances, must obtain prior written permission of the competent authority.

2. It has come to notice that the Government Servants continue to wait upon the Chief Minister and other Ministers without prior permission of the competent authority in connection with their personal/official problems or exert pressure through the Members of the Provincial or National Assemblies in violation of Rules 24 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, as well as the aforesaid instructions.

3. I am directed to request you once again to warn all concerned that in future strict disciplinary action would be taken against the defaulters under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

SUBMISSION OF APPEALS/PETITIONS/REPRESENTATIONS ETC. BY CIVIL SERVANTS.

No.SORII(S&GAD)5(27)79 dated 17.05.1989

It has been pointed out by the Prime Minister's Secretariat (Public) that certain Government Servants (Federal as well as Provincial) submit applications/petitions direct to the Prime Minister in respect of various subjects, including their service matters. Instances have also been noticed where relatives of Government Servants or their friends have approached the Chief Executive on behalf of Government Servants about their service matters. This is against the spirit of the instructions issued by the Federal Government as well as the Government of Khyber Pakhtunkhwa from time to time. In this connection attention is also invited to the S&GAD's recent Circular letters No.SOR.II(S&GAD)5(27)/79, dated 7.3.1988 and 11.1.1989 wherein inter alia it was clarified that submission of representations, appeals or complaints directly to the Chief Minister and other Ministers without observance of prescribed channel is a serious act of misconduct. However, it appears that the above instructions have either been lost sight of or the Departments have taken a lenient view thereof.

2. I am accordingly directed to request that the relevant instructions on the subject may please once again be brought to the notice of Government Servants for strict compliance. It may please be ensured that in future all appeals/petitions/representations by the Government Servants are addressed to the prescribed authority only and through proper channel failing which strict disciplinary action would be taken against the defaulters under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

USE OF INFLUENCE BY GOVERNMENT SERVANTS IN SERVICE MATTERS.

No.SOR.II(S&GAD)5(27)/79 dated 9th July 1990.

The Establishment Secretary, Government of Pakistan vide his D.O letter No.5/4/82-D.I, dated 27.5.1990 on the above subject has observed that despite clear instructions, Government servants have developed a tendency to bring extraneous influence for redressal of grievances to bear upon the Government while such action not only violates Rule 22 of Khyber Pakhtunkhwa Civil Servants (Conduct) Rules,1987, but also constitutes 'Misconduct' in terms of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules,1973. In this connection, attention is also invited to the S&GAD circular letters No.SORII(S&GAD)5(27)/79, dated 7.3.1988, 11.1.1989 and 17.5.1989, wherein inter alia it was clarified that submission of representations, appeals or complaints through MNAs, MPAs and Ministers without observance of the prescribed channels is also a serious act of 'Misconduct'. Nevertheless, it appears that these instructions have either been lost sight of or the departments have taken a lenient view thereof.

1. It is requested that the instructions contained in the Establishment Secretary's D.O letter and the S&GAD letters quoted above, may be brought to the notice of all Government servants serving under your control that in future, any attempt to bring to bear political influence in service matters will be construed as 'Misconduct' and will be dealt with in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, and other instructions issued thereunder. Besides a note to this effect may also be placed in the Character Roll dossiers of the defaulters.

USE OF EXTRANEous/POLITICAL INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS.

No.SORII(S&GAD)5(27)/79 dated 24.11.1990

This Department letters of even number dated 07.03.1988, 11.01.1989, 17.05.1989 and 09.07.1990 regarding above noted subject wherein inter-alia, it was clarified that exercise of political influence in service matters or submission of representations, appeals or complaints through public representatives and Ministers without observing prescribed channel constitutes a serious act of 'Misconduct'. Accordingly, it was requested to advise all concerned to refrain from using political pressure in their service matters. It was reiterated that meeting with Chief Minister and Ministers in connection with personal / official problems without prior permission of the Competent Authority or exerting of pressure through Members of Provincial or National Assembly is violation of Rules 22 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

2. It has however come to notice that Government Servants continue to exert political pressure in service matters and un-authorisedly wait upon the Chief Minister & Ministers in violation of Rules 22 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 as well as the aforesaid repeated instructions.
3. The Chief Minister Khyber Pakhtunkhwa has taken a serious notice of this state of affairs and has been pleased to direct that in future strict disciplinary action should be taken against the defaulters under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 and a note to this effect be also placed in the Character Roll dossier of the defaulters.

USE OF INFLUENCE BY GOVERNMENT SERVANTS IN SERVICE MATTERS.

No.SORII(S&GAD)5(27)79 dated 05.09.1995

It has been observed that despite clear instructions, Government servants have developed a tendency to bring extraneous influence in service matters such as Posting, Transfer and Promotion etc. I am to clarify that such an action not only violates Rule 22 of Khyber Pakhtunkhwa Civil Servants (Conduct) Rules, 1987 but also constitutes 'Misconduct' in terms of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 1973. In this connection attention is also invited to the S&GAD Circular letters No.SORII(S&GAD)5(27)/79, dated 7.3.1988, 11.1.1989, 17.5.1989, 9.7.1990 and 24.11.1990 wherein inter-alia it was clarified that submission of representations, appeals or complaints through MNAs, MPAs and Ministers without observance of the prescribed channels is also a serious act of 'Misconduct'. Nevertheless, it appears that these instructions have either been lost sight of or the departments have taken a lenient view thereof.

It is requested that the instructions contained in the Establishment Secretary's D.O letter and the S&GAD letters quoted above may be brought to the notice of all Government Servants serving under your control that in future, any attempt to bring to bear political influence in service matters will be construed as 'Misconduct' and will be dealt with in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, and other instructions issued there under. Besides a note to this effect may also be placed in the Character Roll dossiers of the defaulters.

EXTRANEous INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS.

No.SORII(S&GAD)5(27)/79(C) dated 16.12.1996

Establishment Secretary's D.O letters of even number, dated 5th July, 1995, and 18th April, 1996 on the subject noted above.

2. In order to curb the general tendency among the Civil/Government servants to the extraneous influence in contravention of Rules 22 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, the present Government has decided to take effective steps on the subject. This includes suspension of any civil/Government servant accused of the said contravention followed by expeditious E&D proceedings.

3. It is accordingly requested that, henceforth, all cases of contravention of the said rules must be dealt with by placing the defaulter under suspension, in the first instance, with the approval of the concerned competent authority. It may be ensured that this action is taken without loss of time.

4. It is further requested that copies of suspension orders and in due course, the final orders in such E&D proceedings, may also be forwarded to this Division.

5. This D.O. letter may please be brought to the notice of all Federal Civil/Government Servants working in various Ministries/Divisions/Departments/ Provincial Governments.

DIRECT CORRESPONDENCE BY THE CIVIL SERVANTS/GRANT OF INTERVIEWS TO OFFICIALS BY THE CHIEF MINISTER AND MINISTERS ETC./ EXTRANEOUS POLITICAL AND NON POLITICAL INFLUENCE IN SERVICE MATTERS.

No.SORII(S&GAD)5(27)79 dated 22.12.1991

It was repeatedly directed to ensure that all civil servants should refrain from use of extraneous/political influence, submission of appeals/Petitions/ Representations etc. without proper channel, wait upon the Chief Minister and other Ministers etc. without prior permission of the competent authority in connection with their personal /official problem(s) and to exert pressure through the Members of the National and Provincial Assemblies.

2. Instances, have, however, come to notice that despite the aforesaid instructions, Civil Servants still on their own or through their relatives/friends or political personalities continue to submit representations/appeals regarding their service matters individually or jointly which is obviously against the rule of law and fair discipline.

3. I am accordingly directed to request that all civil Servants serving under your control may be directed once again to strictly observe provisions contained in the Government Servants Conduct Rules and (Efficiency and Discipline) Rules as well as the instructions. In future if civil servant(s) is/are found deviating from the provisions of the rules and laid down procedure and the aforesaid instructions, severe disciplinary action shall be initiated against them and a note to this effect shall also be placed in their ACR Dossiers. Authorities ignoring such in-discipline and not initiating disciplinary action against the defaulters shall also render themselves liable to disciplinary action under the Efficiency & Discipline Rules.

4. The aforesaid instructions may be brought to the notice of all concerned and ensure strict compliance.

SEEKING PRIOR PERMISSION BY PROVINCIAL GOVERNMENT OFFICIALS FOR ATTENDING MEETINGS WITH CHAIRMAN SENATE/SPEAKER NATIONAL ASSEMBLY.

No.SO (O&M-I)S&GAD)/10-5/91 dated 27th February,1992

It has been observed that the Provincial Government Officers who attend the meetings with the Chairman Senate and Speaker, National Assembly do not obtain prior permission of the Competent Authority for firming up the views of Provincial Government in connection with the matters deliberated upon in such meetings. It has therefore been decided that no officer of the Provincial Government or the Autonomous/Semi-Autonomous Body of the Province shall attend a meeting with the Chairman Senate or Speaker National Assembly without obtaining prior permission of the Provincial Government and getting his brief cleared from the Chief Secretary/Chief Minister.

2. The aforesaid instructions may please be brought to the notice of all concerned for strict compliance in future.

**GOVERNMENT EMPLOYEES AND THEIR ILLEGAL INVOLVEMENT IN
RADIO-BROADCAST AND COMMUNICATIONS TO THE PRESS.**

No.SORII(S&GAD)5(2)79(B) dated 10.6.1992

Under Rules 21, 24 and 25 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, no Government Servant is to grant interviews to local or foreign media unless specifically permitted to do so. Besides, no Government Servant shall, except in accordance with any special or general orders 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.

2. It has, however, come to the notice that certain Civil Servants do not abide by the requirements of law and the aforesaid instructions. The Governor, Khyber Pakhtunkhwa has, therefore taken a serious view of this indiscipline and has been pleased to direct that the said illegal practice should be stopped forthwith.

3. Factual position of rules and policy instructions referred to above may once again be brought to the notice of all Government servants for strict compliance.

**CONDUCT OF CIVIL SERVANTS-TAKING PART IN POLITICS AND
ELECTIONS.**

No.SORII(S&GAD)5(2)79(C) dated 11.5.1993

Rules 27 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987, which inter-alia provides as under:-

TAKING PART IN POLITICS & 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 any election to such body.

2. The above mentioned provisions obligate that civil servants would always exercise utmost care and caution for the strict observance of the prescribed rules for their behaviour and conduct, not only necessary in their own personal interest but also keeping in view the supreme national interests.

3. I am, therefore, directed to request to please bring the above position to the personal notice of all officers/officials working under you and remind them of their service and constitutional responsibilities.

TAKING PART IN POLITICS BY GOVERNMENT SERVANTS AND EMPLOYEES OF CORPORATIONS AND OTHER INSTITUTIONS SET UP BY OR UNDER THE MANAGEMENT OR CONTROL OF GOVERNMENT.

No.SOR.II(S&GAD)10-1/78 dated 01.07.1978

The West Pakistan Government Servants (Conduct) Rules, 1966 which are still applicable to the Civil Servants of the Government of Khyber Pakhtunkhwa categorically prohibit the Civil Servants and their dependents to take part in politics or to canvass for candidates in elections. However, such a prohibitory clause does not appear to have been made in the Service Regulations of Autonomous/Semi Autonomous Bodies/Corporations of the Provincial Government. It is, therefore, imperative that as in the case of Provincial Civil Servants, a prohibitory clause is provided for the employees of Autonomous/ Semi Autonomous Bodies and Corporations of the Provincial Government and their dependents in the Service Regulations of the Body/ Corporation concerned. It is requested that in case no prohibitory clause to the above mentioned effect already exists in the charter of Autonomous Body/ Corporation under your Administrative Control, the same should be incorporated in the relevant rules now and compliance reported to the S&GAD by 31st July, 1978 at the latest for onward transmission to the Federal Government.

CONDUCT OF CIVIL SERVANTS-TAKING PART IN POLITICS AND ELECTIONS.

No.SORII(S&GAD)5(2)/79(C) dated 12.08.1993

This Department Circular letter No.SORII(S&GAD)5(2)/79(C), dated 11th May,1993 wherein it was requested that the civil servants working under you be directed to exercise utmost care and caution for strict observance of Rule-27 of the Khyber Pakhtunkhwa Government Servants(Conduct) Rules,1987 which inter-alia prohibits the Government servants and their family members depending on them to indulge in any political activity including canvassing or use of influence in connection with elections to a legislative body.

2. The General Elections of the National and Provincial Assemblies are going to be held in the month of October this year. All the Government Servants working in various Government Departments should be reminded once again to refrain from taking part in politics either directly or indirectly.

3. It is, therefore, requested that these instructions may please be brought to the personal notice of all officers/officials working under you to strictly observe Rule 27 of the Government Servants (Conduct) Rules, 1987. Any breach of the standing instructions shall be viewed seriously and action against the defaulting Government Servants should be taken under the Government Servants (Efficiency and Discipline) Rules,1973, under intimation to this Department.

PROMOTION OF SIMPLE LIVING

West Pakistan S&GAD letter No.S.VIII-3-102/59 dated 15.07.59 and 29.07.59

In pursuance of the Government's determination to effect reforms in all spheres of national life, they have among others decided to focus public attention on the need for simple living and to enforce it where necessary through Governmental action. The President has recently been pleased to emphasize the necessity of simple living as a pre-requisite to our living within our individual and national resources. Broadly speaking, the reasons for promoting simple living are:-

- (a) Living beyond our means has serious economic consequences for the individual as well as for the nation. The individual is unable on account of over-spending, to build for the future while the nation suffers in a two-fold way; firstly, it is not able to accumulate capital for investment and secondly, it loses valuable foreign exchange which would otherwise, be spent on building up its industry or improving its agriculture or in buying other things essential for the health and general well being of the population.
 - (b) The craze for ostentatious living leads to unhealthy competition and a race for making money by any means, fair or foul. This can corrupt the public and social life of the country and demoralize public servants.
 - (c) The desire to be in line with the latest fashion leads to imitating, in the minutes, details the latest trends in Europe in the matter of dress, food, drink, etc. This involves loss of national individuality and self-respect which are very necessary pre-requisites for evolving a distinct national out-look and character pattern.
2. In order that the wasteful effects of over-spending and artificially high standards of living are eliminated, a movement has already been launched by the Women Voluntary Group to induce ladies to cut down waste in dress, food and entertainment. Some steps have been taken to popularise the movement among men, particularly Government servants. The following specific measures should be adopted by all Pakistani and particularly by Government servants:-

(a) Dress-

- (i) For summer Bush-shirt (include an open collar shirt i.e without tie) and trousers, and for winter trousers, jacket and necktie or Sherwani and trousers may be worn.
- (ii) For formal and ceremonial occasions the dress as already prescribed may be worn by all Pakistanis.

(b) Drinks and Edibles-

- (i) The use of alcoholic drinks should be discouraged at Public functions and parties.
- (ii) The import of foreign ingredients for the preparation of edibles should be discouraged.
- (iii) Government may convey its displeasure to officers who live beyond their means.

(c) Miscellaneous-

- (i) Expenditure in the Tiffin rooms of Secretariat Offices should be decreased to minimum.
- (ii) Home products must be used and popularized.

3. Understanding of real values of life must result in discarding the ostentatious and superfluous. The obligation to make full contribution towards national development can be based only on fervent patriotism. The Government expect all Pakistanis to rise to this test of patriotism and to practice it to the limit that it merits. In the context of the greater obligation practicing of austerity in every sphere of life should be a small matter. Government hopes that Government servants who constitute the largest educated group in the country will set an example in this respect to their fellow-citizens and with sacrifice and determination make Pakistan strong, prosperous and respectable in the eyes of the world. It is requested that contents of this letter may be brought to the notice of all concerned and particularly Government servants working under you. The process in the case of the later should be repeated every quarter of the year until the object is achieved.

GOVERNMENT SERVANTS – ATTENDANCE AT EVENING CLASSES.

S&GAD letter No.S(R)3571/26/58/SOXII, dated 21.6.60

In supersession of previous instructions on the above subject, the West Pakistan Government has decided as under:-

- (a) Government servants should not under any circumstances be allowed to attend any classes or courses during office hours.
- (b) Outside office hours, they may attend classes/courses. No formal permission is necessary in such cases. They may only inform the Head of their Department that they are attending such classes/courses. If, however, it is found that by attending such classes/courses, the work of the Government servant is suffering, the Head of the Department may, by an order, stop the Government servant from attending such classes/courses.
- (c) Administrative Secretaries/Heads of Attached Departments are requested to please report after a year the number of Government servants under their control who undertook such studies and how many of them left service after completing the course, and also whether the studies interfered with their efficiency. They may also suggest whether any modifications are necessary in this policy.

GOVERNMENT SERVANTS - ATTENDANCE AT EVENING CLASSES.

S&GAD letter No.S(R)153/1-26/58/SOXIII, dated 4.2.63

Reference correspondence ending with this Department circular memorandum No.S(R)1151/1-26/SOXII, dated the 27th April, 1962 on the subject noted above.

2. Since the public interest is paramount in all cases, the fact that a Government servant is attending evening classes cannot in itself be a reason for not transferring him. If his transfer can be avoided without causing any loss to the efficiency of the Department then such a Government servant may be allowed to continue at the station of his posting so long as his course of study requires.
3. The competent authorities, while allowing officials serving under them to study in evening classes, should, however, carefully go into the question whether the official is likely to be transferred from his station. If so, permission in his case should be refused.

DESERTION OF DUTY BY GOVERNMENT SERVANTS.

S&GAD letter No.SOCII-2-197/61, dated 24.12.60

Cases may have come to the notice of the competent authorities, where Government servants have applied for leave but before the leave was sanctioned they have absented themselves from duty and left their station without permission, while Government dues were payable by them on various accounts. In some cases, Government servants may have proceeded on short leave and subsequently applied for extension of leave, which was not granted whereupon they may have resigned their appointment without clearing the Government dues outstanding against them.

2. Such behavior on the part of Government servants is not only undesirable, but also contravenes the provisions of the West Pakistan Essential Services(Maintenance)Act, 1968, which make all employment under Government an essential service.

3. If any Government servant, without reasonable excuse abandons his employments or absents himself from work, he is liable on conviction to be punished with imprisonment and fine under section 7 read with section 5 of the Act.

4. It is pointed out that a Government servant abandons his employment if he ceases to serve without the previous consent of the competent authority.

5. It is, therefore, requested that the attention of all Government servants may kindly be drawn to the provision of the Act and they may be warned that any contravention of the act renders them liable to prosecution.

6. It is pointed out that under section 7(3) of the Act, no court shall take cognizance of an offence under the Act except upon complaint in writing made by an officer empowered by the Government in this behalf. The Provincial Government have already issued Notification No.SOXII-1-61/57, dated 29th May, 1958 published in the Extraordinary Gazette of West Pakistan, dated the 30th May, 1958 according to which the Superintendents of Police of all the District of West Pakistan (except the Federal Capital and special areas) have been empowered to lodge complaints in writing in respect of the offences under the Act committed within their respective jurisdiction.

PERMISSION TO GOVERNMENT SERVANTS TO RAISE FUNDS FOR CULTURAL AND OTHER NON-OFFICIAL PURPOSES-CRITERIA TO BE FOLLOWED.

No.S(R)-153/1-26/58-SOXIII dated 4.2.1963

In continuation of the Establishment Division office Memorandum No.4/39/61-EVI, dated the 26th July, 1961, on the above subject, the undersigned is directed to say that the following further criteria have been laid down by Government to regulate the raising of funds by Government servants:-

- (i) The "next higher authority" for the purposes of permission should be the next higher officer of the Government servant concerned, but where the next higher officer is below the rank of a Head of the Department, the permission of the Head of the Department concerned should be obtained through the next higher officer.
- (ii) No coercion or pressure campaign should be used in the raising of funds. The basis of the campaign should be kept purely voluntary and every precaution should be taken to keep this entirely unconnected with the official matters.
- (iii) The Police and Income-Tax authorities should be prohibited from taking part in any collection of funds.
- (iv) Collection of funds should take place outside office hours and it should not interfere with or hamper in the performance of the official duties of the Government servants concerned.
- (v) The authority permitting the raising of funds, should satisfy itself that these are utilized for the purposes for which these have been collected.
- (vi) Fund should be collected to the extent it is necessary and care should be taken to see that the public are not unnecessarily burdened.
- (vii) Foreign establishments and firms should not be individually approached but if in response to a general appeal for funds, they voluntarily contribute, this should be accepted, and
- (viii) All subscription should be duly receipt of, accounted for and the accounts submitted to the higher officer for scrutiny.

ACQUISITION OF IMMOVABLE PROPERTY BY GOVERNMENT SERVANTS

No.S(R)66/1-3/58(III)-SOXIII dated 20.3.63

A question has arisen whether Government servants who have left immovable property, both residential and agriculture in India can acquire by allotment or exchange similar property in West Pakistan without obtaining the previous sanction of Government. Since such acquisition are made under a judicial process on the basis of claims, Government have decided that no permission is required in such cases. Such transactions should, however, be reported to Government in the prescribed form from time to time under the normal Government Servants Conduct Rules.

2. On the question whether the wife and dependents of Government servants are required to obtain the previous sanction of Government for acquiring immovable property by purchase or gift. I am to say that under the existing rules, the wife and dependents of Government servants except those who are governed by the Sindh Civil Service, Conduct, Discipline and Appeal Rules, are not required to obtain the prior permission of Government before acquiring such property. Rule 15 of the Sindh Rule specially lays down that the wife and dependents of an employee of the former Sindh Government are

not required to obtain the previous sanction of Government for acquiring immovable property by purchase or gift, and they shall continue to be governed by the rule even after integration.

3. In the case of Government Servants who are not governed by the Sindh Civil Service, Conduct, Discipline and Appeal Rules, it is obligatory to declare such acquisition of property.

GOVERNMENT SERVANTS CONDUCT RULES

No.SOS.III(S&GAD)3-95/70 dated 2.7.74

It has come to Government's notice that Government servants make approaches through Ministers, Chief Ministers, M.N.As and M.P.As or other means for issue of permit to buy transportation vehicles or other important material and for purchase and sale of property.

2. Such acts are not only in serious breach of Government Servants Conduct Rules, but also contrary to all tenants of property and are totally unbecoming of Government servants. Government has, therefore, taken serious notice of such acts on the part of Government servants. In future, if any such case comes to notice a stern action will be taken against those involved. It is, therefore, requested to draw the attention of the Government servants, working in your Ministries/Divisions and Attached Subordinate offices and Autonomous Institutions to the Government Servants (Conduct) Rules, 1964, and direct them to refrain from making such requests in future.

RECOGNITION OF THE NEW EMPLOYEES ASSOCIATION

No.SOS.I(S&GAD)3-52/70 dated 1.11.76

In supersession of all previous instructions on the subject, the Governor of Khyber Pakhtunkhwa, has been pleased to order that an Association formed by employees, who are civil servants within meaning of the Khyber Pakhtunkhwa Civil Servants Act, 1973, in order to communicate their representations to Government for consideration, may be recognized by the concerned appointing authority of the Civil Servants forming the Association provided the members/applicants agree to give in writing to abide by the following conditions:-

- (i) Each such Association shall consist of persons in one and the same "functional unit"(Till new "functional unit" are formed in the context of Administrative Reforms, an Association may be formed by persons borne on a specific single cadre in or under a Department).
- (ii) Office-bearers shall be elected from amongst members of the Association actually serving. Persons who retire or dismissed or removed from service shall cease to be members.
- (iii) The Association shall neither affiliate nor associate with any other body or Association.
- (iv) The Association shall confine its representations to matters of general interest and shall not involve itself in individual cases of its members. Also, the officer-bearers and members of the association shall not participate in the activities of the Association at the cost of their official duties.
- (v) The Association shall not engage in any activity or pursue a course of action which the members are individually prohibited to engage in or pursue under any instructions of the Government, or any law or rules concerning conduct

- of civil servants and service discipline.
- (vi) The Association shall not engage in any political activity, or contribute to, or seek the support of any political party.
 - (vii) The Association shall get its bye-laws or rules approved from the appointing authority who may at any time require any modification thereto or to propose rules or bye-laws, in a particular manner. The Association shall also submit lists of its members, office bearers and annual statement of accounts to appointing authority.
2. Government in the Administrative Department concerned shall be competent to order withdrawal of the recognition if, in its opinion, an Association has violated any of the conditions of recognition stated above. Orders passed by the Government regarding withdrawal of recognition shall be final.
3. In case of cadre which consists of higher and lower grades, the appointing authority for purposes of these instructions shall be the appointing authority of the highest grade and shall exercise powers under these instructions.
4. Each Association shall submit its representation to the concerned appointing authority and decisions on such representations shall also be communicated by the appointing authority which may, if it cannot decide the matter itself, obtain orders of the next higher authority or through it refer the matter to Government for decision.
- 5 A civil servant who deals with establishment matters pertaining to the functional unit or cadre in which he holds a post shall not become office bearer of the Association representing that functional unit nor shall take part in any activities of such an Association..
6. Nothing in these instructions shall be construed to fetter the discretion of the Government or appointing authority to refuse to receive the deputation of any association.

¹⁰⁹I am accordingly directed to clarify that officers, whose kiths and kins are candidates for posts, are members of the interview panel which leads to nepotism and favouritism in recruitment process. In this regard attention is invited to Rule 4A(b) of the Khyber Pakhtunkhwa Government Servants conduct Rules, 1987 which is reproduced below:-

“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 inforce, including the North-West Frontier Province 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”

Similarly Rule-30 of the Rules ibid states as under:-

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

Likewise, Rule 32(2) of Khyber Pakhtunkhwa Public Service Commission Regulation 2003, states that:-

"When a near relative of the Chairman or a member is being interviewed he shall not be present during the interview of such candidates."

I am accordingly directed to inform that no officer shall sit as member of Departmental Selection Committee or Board where his relative is to appear before such body(ies) as candidate.

These instructions/provisions of the rule may please be brought to the notice of all concerned for strict compliance. In case of violation the concerned officer will render himself liable to disciplinary action under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

¹¹⁰I am accordingly directed to clarify that the instructions regarding direct communication with Honorable Chief Minister, Khyber Pakhtunkhwa were issued from time to time vide (former) S&GAD letter No. SOR-II (S&GAD)5(27)/79 dated 11-01-1989, and Establishment Department's Circular letter No. SOR-VI/E&AD/2-16/2005/Vol-II dated 02-12-2009, but inspite of the same, instances have come to notice that the Government Servants submit applications/petitions directly to the Chief Minister, Khyber Pakhtunkhwa pertaining to various subjects including their service matters, which is against the laid down procedure for an official communications. The competent authority has taken serious notice of this irregularity.

I am accordingly directed to inform that strict compliance of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules 1987 may be ensured. Henceforth strict disciplinary action shall be initiated against those who violate the prescribed channels of an official communication.

¹¹¹I am accordingly directed to clarify that Government servants exert political influence/pressure in their service matters in contravention of Rules-22 & 34 of the Khyber Pakhtunkhwa Government Servants (Conduct Rules), 1987 and instructions issued thereunder from time to time. For this act on part of the Government servants, they render themselves to be proceeded against for misconduct defined under Rule-2 (1) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

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¹¹⁰ Authority No. SOR-VI/E&AD/2-16/2005/Vol-II dated 07.11.2013

¹¹¹ No. SOR-VI/E&AD/2-16/2015/Vol-III dated 02.12.2015

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPEAL) RULES, 1986.

Statutory provision

Section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973

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.

1. Short title, commencement and application:- (1) These Rules may be called the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986¹¹².

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service in connection with the affairs of the Province.

2. Definitions:- In these rules, unless there is anything repugnant in the subject or context;

- (a) "Appellate Authority" means the officer or authority next above the competent authority;
- (b) "Competent Authority" means the authority or authorized officer, as the case may be, as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and
- (c) "Penalty" means any of the penalties specified in rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

3. Right of Appeal:- (1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

¹¹² Published in the Khyber Pakhtunkhwa Government Gazette, Extraordinary, dated 2.6.1986 at Pages 1290-93

¹¹³Provided further that the appellate or the reviewing authority, as the case may be, may condone the delay in preferring the appeal or the review petition, if it is satisfied that the delay was for the reasons beyond the control of the appellant or that the earlier appeal or review petition was not addressed to the correct authority.

Explanation:- For the purposes of the first proviso, the expression "appeal", where the context so requires, shall mean the "review petition" as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

4. **Form of Memorandum:-** (1) Every memorandum of appeal shall-

- (a) contain full name and address, official designation and place of posting of the appellant;
- (b) state in brief the facts leading to the appeal;
- (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

Explanation:- Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the Head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The Head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

5. **Action by the appellate authority:-** (1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine-

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive, adequate or inadequate and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

¹¹³The second proviso of sub-rule(1) of rule 3 substituted by Notification No.SORII(S&GAD)3(4)/78/Vol.II dated 3.12.1989.

(2) The competent authority against whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority and shall cause the order so passed to be communicated to the appellant without undue delay.

6. Withholding of appeal in certain cases:- An appeal be withheld by the competent authority if-

- (a) It is an appeal in which no appeal lies under these rules;
or
- (b) it does not comply with the requirements of rule 4;
or
- (c) it is not preferred within the time limit specified in sub-rule(1) of Rule 3 and no reason is given for the delay;
or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of Rule 4 or clause (d) of this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under Rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall lie against the withholding of an appeal under this rule.

7. Disposal of appeal:- (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority alongwith the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under Rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these rules which has been withheld by the competent authority and may pass such order thereon as it considers fit.

8. Savings:- Nothing in these rules shall operate to deprive any person of any right of appeal which he would have if these rules had not been made, in respect of any orders passed before they came into force.

9. Pending appeals:- All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. Repeal:- The Khyber Pakhtunkhwa Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.

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**DISPOSAL OF APPEALS, REPRESENTATION, OR REVIEW FROM
GOVERNMENT SERVANTS**

SORII(S&GAD)3(4)/74-Vol:II Dated 29.02.1988

I am directed to say that Section 22 of the NWFP Civil Servants Act, 1973, read with rule 3 of the NWFP Civil Servants (Appeal) Rules, 1986, envisages only one appeal or representation or review etc. from a civil servant in respect of a particular departmental Order passed or penalty imposed by the competent authority relating to the terms and conditions of his service by which he is aggrieved. When a civil servant has filed an appeal, review etc before a departmental authority, under Section 4 of the NWFP Service Tribunal Act, 1974, he has two choices before him:-

- 1) He can either wait for such authority to pass the final Order on his appeal, review etc no matter how long it takes. He can then file an appeal against the final Order before the Service Tribunal within a period of 30 days; or
 - 2) after mandatory waiting for 90 days, if the departmental authority has not yet passed the final Order on his appeal or review etc. he can file an appeal directly against the earlier Order of the departmental authority before the Service Tribunal within a period of 30 days after the right to file an appeal has accrued to him.
2. The law on the point of limitation is well settled that after the prescribed period of limitation has elapsed, the door of justice is closed and no plea of injustice, hardship or ignorance can be of any avail unless the delay is properly explained and substantiated. The appellate authority may, on a formal request made to him in this behalf, at his discretion, condone the delay in preferring the appeal or review petition, if it is satisfied that the delay was for reasons beyond the control of the appellant. However, the exercise of discretion to condone the delay has to be reasonable and not arbitrary. It can be resorted to in very special circumstances and only when the delay of each day stands accounted for.
3. It has, however, been observed that hopelessly time-barred and years old cases which have since attained finality are sometimes reactivated and reviewed or referred to S&GAD by certain departments on compassionate grounds in the form of mercy petition (which can best be treated as miscellaneous petition) rather than on legal grounds. It is a well-established principle of law that once an order has become final and a Civil Servant has exhausted his legal remedy, the subsequent applications/mercy petitions etc. are not entertainable, otherwise the theory of finality of decisions shall disappear. Then one can move a mercy/miscellaneous petition to the appellate authority/next higher authority or to still higher authorities any time he likes and when it is dismissed, he would go in to revoke the jurisdiction of the Service Tribunal and file appeal claiming that the last order in the field is the final order within the meaning of Section 4 of the NWFP Service Tribunals, Act, 1974
4. The Chief Minister NWFP has been pleased to direct that all concerned dealing with matters relating to terms and conditions of service of civil servants be directed to understand with immediate effect that before taking a decision or dealing with the matter in

hand, they are under legal obligation to ensure that the following important and basic requirements are kept in view:-

- i. The appeal or review petitions provided by Law.
- ii. That they are competent to deal with the matter.
- iii. The appeal, representation, review has been moved within the prescribed limitation.
- iv. The appellant has not earlier availed departmental remedy of appeal or representation or review against the final impugned order in the matter in hand

5. I am directed to request you to please ensure that all concerned abide by the aforesaid directive of the Chief Minister in letter and spirit.

اپیلوں اور نظرثانی کی درخواستوں میں نامناسب اور غیر ناشائستہ زبان کا استعمال۔

(نمبر افسر صیغہ ضوابط ۶ (ای اینڈ اے ڈی) 6-2/2007 مورخہ 23 جولائی 2007)

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ شمال مغربی سرحدی صوبہ کے سول ملازمین کے (اپیل) کے قواعد مجریہ 1986 کے قاعده (3) ذیلی قاعده (1) کے مطابق سول ملازم اپنی شرائط ملازمت سے متعلق حاکم مجاز کی طرف سے سزا کے احکامات کے خلاف احکامات ملنے کے تیس دن کے اندر اپیل کر سکتا ہے۔ تاہم قواعد مذکورہ کے قاعده 4 ذیلی قاعده (3) کے مطابق غیر مہذب اور ناشائستہ زبان والی اپیل پر کوئی کارروائی نہیں کی جائے گی۔

۲۔ یہ بات مشاہدے میں آئی ہے کہ بسا اوقات سرکاری ملازمین اپنی اپیلوں یا نظرثانی کی درخواستوں میں نہ صرف بے جا الزامات لگاتے ہیں بلکہ اپنے سینئر افسران کے خلاف ناشائستہ، غیر مہذب اور گھٹیا زبان بھی استعمال کرتے ہیں۔ تادیبی کارروائی یا سزا کے خلاف سرکاری ملازمین کو مجوزہ طریقہ کار اور ضوابط کے اندر رہتے ہوئے اپیل کا حق حاصل ہے تاہم یہ بات ذنب نشین رکھنی چاہئے کہ ناشائستہ زبان کا استعمال "بداطواری" (Misconduct) کے ضمرے میں آتا ہے۔ لہذا ضروری ہے کہ آپ اپنے زیر انتظام کام کرنے والے تمام ملازمین کو یہ باور کرائیں کہ وہ شائستگی کے اطوار اپنائیں اور ہتک آمیز زبان کے استعمال سے پرہیز کریں۔ بصورت دیگر نہ صرف ان کی اپیلوں /نظرثانی کی درخواستوں پر مزید کارروائی روک دی جائے گی بلکہ ان کے خلاف "غلط روی" (Misconduct) کی بنا پر تادیبی کارروائی عمل میں لائی جائے گی۔ اگر سینئر افسران کے خلاف لگائے گئے الزامات انکوائری کے بعد ثابت نہ ہو تو غلط بیانی کے مرتكب ملازمین کے خلاف بھی تادیبی کارروائی عمل میں لائی جائے گی۔

۳۔ ہدایات درجہ بالا کو تمام متعلقین کے نوٹس میں لایا جائے تاکہ ان کی رابنمائی ہو سکے۔

**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.

¹¹⁴2(1) Nothing in these rules shall apply to the appointment [¹¹⁵against 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.

¹¹⁶2(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 ¹¹⁷ [and beyond five years upto 10 years by the Chief Minister of the Khyber Pakhtunkhwa]

¹¹⁴ Added vide Notification No. SOE-III/E&AD/2-1/2007, dated 03rd March, 2008

¹¹⁵ Added vide Notification No. SOE-III/E&AD/2-1/2021/Policy, dated 15.03.2021

¹¹⁶ Amended vide Notification No.SOE-III(E&AD)2-1/2007, dated 09th December, 2010

¹¹⁷ Substituted vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 26th 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
¹¹⁸ 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.
¹¹⁹ 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;

¹²⁰Provided 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.

¹²¹⁵. 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.

¹¹⁸ Added vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 29th January, 2011

¹¹⁹ Amendments vide Notification No. SOE-III/E&AD/2-1/2021 dated 20.12.2021

¹²⁰ Proviso added vide Notification No. SOE-III/E&AD/2-1/2021, dated 20.12.2021

¹²¹ Substituted vide Notification No. No.SOE-III(E&AD)2-1/2007, dated 26th October, 2011

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

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 1st 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.



AGE RELAXATION RULES/POLICY

No.SOE-III(E&AD)2-1/2016 Dated 09.06.2016

I am directed to refer to the subject noted above and to state that instances have come to the notice of this Department that Administrative Departments and their subordinate offices entertain applications of candidates whose age comes within the prescribed age limit for the posts advertised by them and are reluctant to entertain applications of overage candidates. Moreover, some authorities ask overage candidates to provide age relaxation at the time of submitting applications for the posts advertised. Resultantly, a large number of such candidates, belonging to different areas of the Province, are compelled to approach Establishment Department for clarification.

2. I am further directed to clarify that the spirit of Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008 notified on 1st March, 2008 is to give equal opportunities to all eligible candidates applying to the posts advertised by Departments of Khyber Pakhtunkhwa whether are within age limit or overaged.

3. Age relaxation of overaged candidates are entertained when they succeed in competition and their names are reflected in the merit list issued by concerned authorities or when Departmental Selection Committees recommend their names for appointment subject to the condition of obtaining age relaxation or when Khyber Pakhtunkhwa Public Service Commission issue letter to a candidate declaring him/her overage for a post.

4. I am therefore directed to request to circulate these instructions to all subordinate offices/attached formation for strict compliance in letter and spirit.

WEST PAKISTAN CIVIL SERVICES (APPLICATIONS FOR POSTS) RULES,
1957

(West Pak.No.SRI/14-57 dated 26.4.1957)

In exercise of the powers conferred by sub-clause(b) of clause(2) of Article 182 of the Constitution of Pakistan and in supersession of all previous orders on the subject, the Governor of West Pakistan, is pleased to make the following rules:-

1. **Short title:-** These rules may be called the West Pakistan Civil Services (Applications for Posts) Rules, 1957.
2. **Eligibility:-** No Government Servant shall be eligible for appointment to any service of the Province or to any post in connection with the affair of the Province, other than the service of the post to which he is for the time being appointed, unless he applies with the permission, in writing of the head of office or department in which he is employed.
3. **Application for competitive examinations:-** If any Government servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by a Provincial (or the Central) Public Service Commission, his application shall be forwarded:
 - (a) always, if it is in connection with an examination for recruitment to a ministerial service; and
 - (b) twice, but not more than twice, if it is in connection with any other examination.
4. **Release on Selection for Appointment to a post for which application has been forwarded:-** When a person whose application has been forwarded to the appointing authority or a Public Service Commission in accordance with these rules, is selected for appointment, he shall ordinarily be released.
5. **Application made before joining Government Service:-** If any person, who before appointment to any service of the Province or to any post in connection with the affairs of the Province, has appeared at any competitive examination or has applied for a post elsewhere and is, as a result, offered a post higher than the one to which he is for the time being appointed, he shall be released to join such service or post.
6. **Employment in other Departments of Government or under another Government:-** A Government servant shall not apply for any appointment in another office or department of Government or under another Government unless the head of such office or department or such other Government has invited applications for the post, provided that in the case of an appointment for which applications are not ordinarily invited, a Government servant may inform the authority, which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.
7. **Temporary Government servants:-** If a temporary Government servant (other than an Accountant or Stenographer) or employee of the Health, Irrigation, Electricity or Building and Road Department who is not likely to be employed permanently in the office or department in which he is employed, applies for a permanent post elsewhere his application shall not be withheld.

8. Permanent Government Servants and Certain Temporary Government Servants:- A permanent Government servant employed in any service of the Province, who is not covered by any of the foregoing rules and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Road Department may ordinarily be permitted to apply twice, and not more than twice, in any calendar year for a post to appear in an examination for a post or for the transfer of his services to a post in the Central Government or a Statutory Corporation constituted by the Government of West Pakistan or any other Provincial Government or the Central Government, unless the head of that office or department in which he is employed considers that the grant of permission would be inconsistent with the public interest.

9. Circumstances in which advance copies of application may be sent:- Ordinarily an application for a post in respect of which selection is to be made by a Provincial (or the Federal Public Service Commission) shall be accompanied by permission in writing of the authority referred to in Rule(2). When however, there is likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained an advance copy may be submitted to the Commission. The candidature of such applicant will be treated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Public Service Commission concerned will be informed immediately of the decision, so that the Commission may cancel the candidature of the applicant.

10. Application for a higher post in the service or department:- If a Government Servant, whether permanent or temporary, applies for a post advertised by the West Pakistan Public Service Commission, which is included in the same service in which he is for the time being employed or in a higher service of the same nature, his application shall not be withheld.

10A. Application for service in Local bodies:- A permanent Government servant employed in any service of the Province to any post in connection with the affairs of the Province, and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Roads Department may ordinarily be permitted to apply for service under Local bodies unless the head of the office or Department in which he is employed considers the grant of permission would be inconsistent with the public interest.

11. Application for private employment :- (1) A Government Servant shall not apply or accept private employment, without the previous permission, in writing of the appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that no such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

(3) If a Government Servant who is refused permission to apply for private employment wishes to resign his appointment under the Government, the authority competent to accept his resignation, subject to any general or special law or order on the subject, may ordinarily accept the resignation but, where the authority is satisfied that the Government servant in securing the private employment has taken advantage of his official position, it shall not accept the resignation.

(4) A Government Servant who is permitted to apply for private employment, must, on accepting it, resign his appointment under Government. After such acceptance, he shall not be allowed any leave, nor shall be permitted to retain his lien on his appointment under Government.

APPLICATION FOR POSTS RULES 1957 INTERPRETATION

S&GAD Deptt: No. SOXX-11/1-1 dated 21.12.1959

A question has arisen whether a Government Servant, who has been permitted to apply for a competitive examination under Rule-3 of the West Pakistan Civil Services (Application for Posts) Rules, 1957, or has been permitted to apply elsewhere, should on release under Rule-4 ibid be required to abide by the condition of his existing employment contracted by him, that on resigning his post, he will either give one month's notice in writing or surrender one month's salary in lieu of the notice.

The correct position is that if the second employment is a private employment, the condition of one month's notice is enforceable but when the second employment is also employment, under Government as envisaged by---Pakistan Civil Services (Application for Posts) Rules, 1957, it will be a case of virtual transfer from one Government appointment to another and no question of resignation or notice would arise in such case.

SELECTION OF DEPUTATIONISTS FROM GOVERNMENT SERVANTS TO AUTONOMOUS BODIES

SOR.III(S&GAD)6-25/83 dated 26.03.1986

I am directed to refer to rule-11 of the West Pakistan Civil Services (Application for Posts) Rules, 1986

- a. S&GAD letter No.SOXII (S&GAD)2-86/63 dated 9-11-1965.
- b. S&GAD letter No.SOXII (S&GAD)2-86/63 dated 22-4-1967
- c. S&GAD letter No.SOXII (S&GAD)2-86/63 dated 27-9-1969

and the instruction issued on time to time vide marginally noted above and to reiterate

the instruction that Government servant who is permitted to apply for post advertised by the autonomous bodies and who secures posts in open recruitment would be treated a direct it resign his appointment under the Government. He should not be allowed to claim right or lien on his parent Government Department.

ACCEPTANCE OF RESIGNATION

No.SORVI(E&AD)1-11 Dated 02.07.2012

I am accordingly directed to invite attention to this department letter No.SOR.VI(E&AD)1-11/2003, Dated 29th July, 2006 wherein it has been reiterated that Civil Servant, selected for appointment in autonomous/semi-autonomous bodies is considered as fresh/direct appointment and as such has to tender resignation from Government Service before joining the autonomous/Semi-autonomous bodies.

I am further directed to invite your attention to Rule 11 of the West Pakistan Civil Services (Application for the Post) Rules,1957 which provides:-

"A Government servant who is permitted to apply for private employment, must, on accepting it, resign from his appointment under the Provincial Government. After such acceptance, he/she shall not be allowed any leave, nor shall be permitted to retain his lien on his appointed under Government.

Furthermore before issuance of NOC to Civil Servants while applying against the post in autonomous/semi-autonomous bodies, it should be clearly mentioned that in case of selection, the applicant shall have to tender resignation and shall have no right of lien.

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)¹²² 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.

¹²² Para II sub-para (b) substituted vide Notification No.SO (Policy)/E&AD/1-16/2017 dated 05.12.2017

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.

- (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) ¹²³Marks 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 ¹²⁴ 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) ¹²⁵A 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

¹²³ Para III sub-para (b) substituted vide Vide letter SO(Policy)E&AS/1-16/2018 dated 09.04.2018

¹²⁴ 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)

¹²⁵ Para III sub-para (c) substituted vide Vide letter SO(Policy)E&AS/1-16/2018 dated 09.04.2018

the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in table-A below:

TABLE-A
Old PASC & NIPAs

Category	Range	Weighted Average	Points of PASC @ 60%=9	Points of 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) ¹²⁶For calculation of CEI in respect of promotion of Doctor, Teacher, Professors, Research Scientists and incumbents of purely technical post within their

¹²⁶ Para III sub-para (e) substituted vide letter No.SO(Policy)E&AD/1-16/2018 dated 09.04.2018

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”

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 th June, 2008	From 12 th 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) ¹²⁷Officer 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

¹²⁷ Para III sub-para (k) substituted vide circular letter No. SORIV/E&AD/1-16/2018, dated 28.08.2020

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 calendar PER.¹²⁸The 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) ¹²⁹In 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)¹³⁰If 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

¹²⁸ Words added in para IV sub-para (a) vide Notification No.SO(Policy)/E&AD/1-16/2017 dated 05.12.2017

¹²⁹ Para IV sub-para (c) substituted vide circular letter No. SORIV/E&AD/1-16/2006, dated 19.4.2010

¹³⁰ No. SOR-VI/E&AD/1-16/2011 dated 07.03.2014

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.
- 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) ¹³¹The 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) ¹³²LPR 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.

¹³¹ Para IV sub-para (i) inserted vide Notification No.SO (Policy)/E&AD/1-16/2017 dated 05.12.2017.

¹³² Authority letter No. SOR-VI/E&AD/1-16/2011 dated 17.03.2014.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if¹³³
 - (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 above¹³⁴ 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.
- (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

¹³³ 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

¹³⁴ 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

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 28th 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. Average marks	$\frac{(2 \times 7) + (1 \times 5)}{3} = 6.33$ $\frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 6.33}{7} = 6.76$

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

BS-17:	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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Mean for 2 Good and =
$$\frac{(2 \times 7) + (1 \times 5)}{3} = 6.3$$

1 Average grading

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

BS-18:	1 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
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Mean for 1 Good and =
$$\frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

1 Average grading

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

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

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

1 Average grading

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

Moral Integrity

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

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

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

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

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

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

BS-19:	1 Very Good, 5 Good of which 2 Good grading are earned in one calendar year.
---------------	--

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

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

Intellectual Integrity

BS-17:	1 Very Good, 4 Good and 4 Average grading of which 1 Good and 2 Average gradings are earned in one calendar year.
---------------	---

$$\text{Mean for 1 Good and } = \frac{(1 \times 7) + (2 \times 5)}{3} = 5.67 \\ \text{2 Average grading}$$

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

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

$$\text{Mean for 2 Good grading} = \frac{(2 \times 7)}{6} = 72 \\ \text{Average Marks} = \frac{(3 \times 7) + (2 \times 5) + 7}{6} = 6.33$$

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

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

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

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

$$\begin{aligned} &= (5 \times 7.35) + (3 \times 6.83) + (2 \times 7.22) \\ &= 36.75 + 20.49 + 14.44 \\ &= 71.68 \end{aligned}$$

Deduction

On account of adverse entry in BS-18 = 1

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

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										
20						Score				
<u>Average Marks:</u> B – 17 B – 18 B – 19 B – 20 Score						INTEGRITY (GENERAL/MORAL)				
Marks for ACRS: Addition for Serving in a Training institution						No. of Gradings				Mean Score of broken periods
From to : Deduction for Penalty/adverse						VG	G	A	BA	
Remarks : Final Score :										
						Score				
						INTEGRITY (INTELLECTUAL)				
						No. of Gradings				Mean Score of broken periods
						VG	G	A	BA	
						Score				

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

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

Quantified score for BS-19 = 36.75

$$\text{Score out of 42 @ 60\%} = \frac{33.75 \times 42}{50} = 30.87$$

$$\text{Marks for quantification of PERs} = 19.00 + 30.87 = 49.87$$

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	Upto 11th June, 2008	From 12th June, 2008
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.

QUOTA RESERVED FOR INITIAL / DIRECT RECRUITMENT - STRICT OBSERVANCE

No. SOR-III(S&GAD)3(27)/89 dated 12.02.1990.

I am directed to refer to the subject noted above and to state that request reference are being received from some of the Administrative Department soliciting advice for utilizing initial recruitment quota for promotion. The matter has been examined in consultation with Law Department and it has been decided that quota reserved for initial appointment should not be allocated to promotions and vice-versa.

I am therefore, directed to request that the aforesaid position be brought to the notice of all concerned.

SERVICE APPEAL NO.1057/2007 AND 1057-2/2007 FILED BY NAZIR MUHAMMAD ASSOCIATE PROFESSOR GOVT. SUPERIOR SCIENCE COLLEGE PESHAWAR AND DILSHAD KHAN AGAINST THE GOVERNMENT WHEREBY ANTEDATED PROMOTION TO BS-18 HAS BEEN REFUSED FOR NO GOOD GROUNDS.

SOR-I(E&AD/3-79/95(Vol-II) dated 29.06.2009

I am directed to refer to the subject noted above and to say that the Khyber Pakhtunkhwa Service Tribunal in appeal No.1057/2007and 1057-2/2007 filed by Mr. Nazir Muhammad and Dilshad Khan Associate Professors, versus Government of Khyber Pakhtunkhwa has given the following Judgment. A copy of which is enclosed for information/compliance:

“Before parting with the judgment, the official respondents could be well advised to prepare roster of vacancies from 19-12-1991, when 20% quota for initial recruitment and 80% quota for promotion was prescribed. The first vacancy of the first cycle and every first vacancy of the next cycles of each set of five vacancies had to be reserved for the initial recruitment only. Five vacancies had to make a cycle, and no person could be promoted against the vacancy reserved for initial recruitment. In the same way, no person could be appointed on initial recruitment on the 2nd to 5th vacancies in a cycle. The promotees over and above four persons in a cycle had to be declared appointed on officiating/acting charge basis till the direct recruit was adjusted against the every 1st vacancy in the next cycles. The senior most four persons posted on officiating/acting charge basis or promoted had to be adjusted against the vacancies of their turn on regular basis, after the adjustment of one person on initial recruitment in each cycle. More than one person appointed on initial recruitment, in the same way, could not be adjusted in one cycle, and had to be

adjusted against the first vacancy of the next cycles. This system of roster and cycle would have brought clarity regarding the vacancies before the appointing authorities, and the officers dealing with those vacancies, such vacancies having arisen from time to time, or may arise in future. This exercise appears to be necessary for all the departments who have their service rules for appointment/promotion of their staff members. Copies of this judgment be sent to the concerned Secretary and to the Secretary Establishment also”.

2. I am accordingly further directed to request that the above Judgment of the Khyber Pakhtunkhwa Service Tribunal may kindly be brought to the notice of all concerned serving under your kind control for information and compliance.

PSB-I

WORKING PAPER FOR PROVINCIAL SELECTION BOARD
DEPARTMENT:

i.	Nomenclature of the post / Basic Scale:				
ii.	Service Group/Cadre:				
iii.	Sanctioned strength of the cadre:				
iv.			Direct	Promotion	Transfer
	(i)	Percentage of share			
	(ii)	No. of posts allocated to each category			
	(iii)	Present occupancy position			
	(iv)	No. of vacancies in each category			
v.	How the vacancy did (lies) under Promotion quota accrue and since when?				
vi.	Recruitment Rules:				
	(i)				
	(ii)				
	(iii)				
vii.	Required length of service:				
viii.	Whether to be promoted on Regular basis or appointed on Acting charge basis?				
ix.	Mandatory training, if any:				
x.	Minimum required score on EI:				

Signature _____
Designation _____
Dated _____

PSB-II

PANEL OF OFFICERS FOR CONSIDERATION

PSB-III**PANEL PROFORMA FOR
PROVINCIAL SELECTION BOARD**

In respect of Mr. _____

Personnel No. _____

 Picture

Domicile:		Service/Group:			Sen. No.
Educational			Date of Birth	Date of Superannuation	
SERVICE PARTICULARS					
Date of Joining/ Service	Date of Promotion in		Length of Service		Eligibility for consideration
	Present Scale	Lower Rank		Total	In Present Scale
		17	18		
<u>Important appointments held in the present Rank/Post:</u>					
1					
2					
3					
4					
5					
6					
<u>Penalties (if any)</u>					
<u>Training Courses (other than mandatory Training)</u>					
<u>Number of PERs</u>					
<u>Basic Scale</u>	<u>Outstanding</u>	<u>Very Good</u>	<u>Good</u>	<u>Average</u>	<u>Below Average</u>
					<u>Adverse Report/Remarks in</u>
<u>Awaited Reports (PERs)</u>			<u>Additional Information (if any)</u>		
<u>EFFICIENCY INDEX</u>					
<u>Required Threshold</u>	<u>Score of PERs + Training Reports</u>			<u>Marks awarded by PSB</u>	<u>Total</u>
<u>Recommendations of PSB</u>					
<u>Promoted</u>	<u>Deferred</u>			<u>Superseded</u>	

PSB-IV**PER GRADING AND QUANTIFICATION FORM FOR REGULAR PROMOTION
TO BS-18****SENIORITY NO.**

Year	Period of PER		Pen Picture		PERs Assessment	Fitness for Promotion	Score
	From	To	Reporting Officer	Countersigning officer			
Present Scale (BS-17)							

COMPREHENSIVE EFFICIENCY INDEX

PERs Quantified Score 60:40 @ 100%	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
	Present Scale		10	
	Previous Scale			
	(i) Additions *			
	(ii) Deletions**			
	Total (A):			

Required threshold on CEI for promotion to BS-18 is 50.

Average Score: Total Score/No of PERs

Quantification Formula: Average Score X Constant (A=10) = 8.8X10

Total quantified final score:

Signature of the competent authority: _____

* 2 marks shall be added 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.

** 5, 3 & 1 marks shall be deducted for each major, minor penalty and adverse remarks respectively.

PSB-V**UPDATED SENIORITY LIST OF BPS-17 OFFICERS ISSUED VIDE
NOTIFICATION**

S. No.	Name of officer with academic qualifications	Date of birth and domicile	Date of 1 st entry into Govt. Service	Regular appointment/ Promotion to present Posts			Present appointment	Remarks
				Date	BPS	Method of recruitment		
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								

Certificate: - Certified that the Seniority is final, notified and undisputed.

SENIORITY NO.

Year	Period of PER		Pen Picture		PERs Assessment	Fitness for Promotion	Score
	From	To	Reporting Officer	Countersigning officer			
Previous Scale (BS-17)							
1995	1-1-95	31-12-95			V. Good		
1996	1-1-96	31-12-96			V. Good		
1997	1-1-97	31-12-97			Good		
1098	1-1-98	31-12-98			Good		
1999	1-1-99	31-12-99			Average		
Previous Scale (BS-18)							
2000	1-1-2000	31-12-2000			Good		
2001	1-1-2001	31-12-2001			V. Good		
2002	1-1-2002	31-12-2002			V. Good		
2003	1-1-2003	31-12-2003			V. Good		
2004	1-1-2004	31-12-2004			V. Good		
2005	1-1-2005	31-12-2005			V. Good		
2006	1-1-2006	31-12-2006			Good		
2007	1-1-2007	31-12-2007			Good		
2008	1-1-2008	31-12-2008			V. Good		
Present Scale (BS-19)							
2009	1-1-2009	31-12-2009			V. Good		
2010	1-1-2010	31-12-2010			Good		
2011	1-1-2011	31-12-2011			V. Good		
2012	1-1-2012	31-12-2012			Good		
2013	1-1-2013	31-12-2013			Good		
2014	1-1-2014	31-12-2014			Good		
2015	1-1-2015	31-12-2015			V. Good		
2016	1-1-2016	31-12-2016			V. Good		
2017	1-1-2017	31-12-2017			V. Good		
2018	1-1-2018	31-12-2018			Good		

COMPREHENSIVE EFFICIENCY INDEX

PERs Quantified Score 60:40 @ 100%	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
	Present Scale			
	Previous Scale			
	(i) Additions *			
	(ii) Deletions**			
	SMC Report -= 75%			
	Total =			

FRAMING OF SERVICE/RECRUITMENT RULES.

No.SOR-II(S&GAD)2(9)/98 dated 24.12.1998

I am directed to refer to this Department letter of even number dated 15-10-1998 on the subject noted above and to say that ever since the re-organization of the Standing Service Rules Committee, the Administrative Departments, fix/schedule of the Standing Service Rules Committee meetings without consulting S&GAD and Finance Department. Needless to point out that representatives of those Departments do have other important official engagements/commitments.

Furthermore the working papers/proposals for framing of service/recruitment rules are forwarded to this Department shortly before the meeting. As such it becomes difficult to examine the proposals properly.

I am, therefore, directed to request you to kindly ensure that proposals/working papers for framing/amending the rules shall be furnished to the S&GAD and Finance Department at least seven days, before the date of the meeting. The above instructions may be brought to the notice of all concerned for strict compliance.

WORKING PAPERS FOR THE PROVINCIAL SELECTION BOARD/DEPARTMENTAL PROMOTION COMMITTEE.

SOR-I(S&GAD)1-29/75(Vol.II) dated 12.01.1992

I am directed to invite attention to this department circular letters of even number dated 31.07.1986 and 07.02.1991 whereby a model working paper for Provincial Selection Board/Departmental Promotion Committee was circulated for initiating proposals for promotion/move over etc. for consideration by the PSB/DPC which is required to be signed by the Administrative Secretary concerned.

It has, however, been noticed that the working papers received from some of the Administrative Departments are signed by the Section Officer of the concerned department or an officer of the Attached Department, which is incorrect.

I am, therefore, to request that al working papers for promotion, move over to posts in BS-17 and move over to BS-18 should invariably be signed by an officer not below the rank of Deputy Secretary in the Administrative Department concerned.

TIMELY SUBMISSION OF WORKING PAPER/AGENDA FOR PROMOTION / SELECTION.

S.O.VI(E&AD)1-16/2008(Vol-IX) dated 18.03.2010.

I am directed to refer to the subject and to state that the Administrative Departments and other institution/autonomous bodies fix schedule for meetings without consulting Establishment & Administration Department and Finance Department. Needless to point out that representative of Establishment & Administration Department and Finance Department are to attend almost all such meetings and more often than not situation beyond control is faced in attending these meetings. Furthermore the working paper/agenda for promotion/selection are forwarded to Establishment & Administration Department and Finance Department just at the eleventh hour and as such it becomes quite difficult to examine the working paper /proposal in proper perspective.

2. I am, therefore, directed to request once again to kindly ensure that the schedule of meeting(s) are arranged carefully in coordination with Establishment &Administration Department as far as possible and working paper/agenda be furnished to Establishment & Administration Department and Finance Department at least seven (07) days, before the fixed date of such a meeting.

INSTRUCTIONS ON WELL DEFINED SERVICE STRUCTURE AND FAIR CHANCES OF PROMOTION

SOR-VI/E&AD/1-16/2011 dated 25.09.2012.

I am directed to refer to the judgement of the Peshawar High Court in Writ Petition No.14/2011/ dated 07-02-2012 on the subject and to state that it is the responsibility of the Administrative Departments in the light of Rule 3(2) of Government of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989, to ensure that a well-defined service structure for all employees exist with fair chances of promotion. However in some of the departments and attached departments this responsibility is not being properly discharged.

2. The Provincial Government therefore has been pleased to issue the following policy instructions:-

- i. All the Administrative Departments and Attached Departments shall look into the service structures of all their employees to ensure that no discrimination exist in service rules of similarly placed cadre/posts and fair promotion chances to different sections of employees are provided therein.

- ii. In order to ensure improvement in service delivery, promotion may be linked to performance and tangible targets of achievements and where possible, performance should be clearly be assessed.
- iii. All the Administrative Departments and their sub-ordinate/attached departments may expedite all pending promotion cases.

STREAMLINING OF PROVINCIAL SELECTION BOARD MEETINGS

SO (PSB)/1-25/KC dated 11.12.2017.

I am directed to refer to the subject noted above and to state that the Provincial Selection Board in its meeting held on 8th November, 2017 decided to hold three PSB meetings periodically in a calendar year and lay down following instructions to regulate these:

- i. 1st meeting of PSB will be held in the month of April, 2nd in August and 3rd in the month of December.
- ii. The PSB meeting will normally be held on 20th of April, August and December. No separate notification regarding convening of the PSB meeting will be issued.
- iii. In case of public holiday on the 20th, the PSB meeting will be held on the very next working day. Similarly if convening of the PSB meeting is not possible on scheduled date due to any other un-avoidable contingency the date will be fixed by the Establishment Department and communicated to all the Administrative Departments accordingly.
- iv. The Administrative Departments shall submit working papers to the Establishment Department latest by 10th of each of the specified month for placement before the relevant meeting of the PSB.
- v. No working paper that is received after the cut off date will be included in the agenda of PSB for the respective month. However, such working papers will be included in the agenda of next PSB meeting.
- vi. It would be the responsibility of Administrative Department to ensure that working papers are complete in all respects and quantification of PER is properly worked out as per criteria laid down under promotion policy.
- vii. Only those cases should be submitted to the Establishment Department which are clear in all respects.
- viii. The Administrative Department will submit presentation in error-free soft version to the PSB Section of Establishment Department five days prior to the PSB meeting.
- ix. The Establishment Department will return the ambiguous cases to the concerned Administrative Department preferably 7 days before the PSB meeting.

- x. In case a department makes clarification regarding ambiguity to the entire satisfaction of the Establishment Department and Establishment Department finds it in order, the concerned Administrative Department will include the same in the presentation accordingly.
- xi. The department should examine promotion related to court cases and only those promotion cases should be referred to the PSB where directions are issued explicitly to PSB for implementation of any decision.
- xii. Officers retired/died may be excluded from the panel.
- xiii. Promotion cases may be submitted only against clear vacancies.

CHECK LIST FOR PROPER EXAMINATION OF WORKING PAPER(S) FOR PROVINCIAL SELECTION BOARD.

SO(PSB)ED/1-25/2019 dated 06.03.2019

In continuation to this Department letter of even No. dated 31.10.2018, the undersigned is directed to enclose herewith a revised check list devised for examination of the working paper(s) received to Establishment Department for consideration of the Provincial Selection Board.

2. The undersigned is further directed to request that the examination of working paper(s) meant for placing before the Provincial Selection Board may be incorporated in the note portion on the prescribed check list.

WORKING PAPER FOR PROMOTION IN PURSUANCE OF COURT JUDGMENTS.

SO(PSB)ED/1-6/2018 dated 18.06.2019

It has become an undesirable practice that the dealing hands in various departments, for one reason or the other, display in-ordinate delays in dealing with promotion related Court cases. Incomplete working papers for PSB are forwarded in the nick of time and in haste to avoid Contempt of Court. Due to deficiencies in such working papers, Establishment Department is forced to return the same for rectification and as such on the record of the Department is shown that the working paper was sent for placement before the PSB, but irreality, it is an attempt, which indirectly maligns the Establishment Department. The aggrieved petitioners are thus forced to go back to the Court for implementation purpose.

2. It is requested that in future working paper complete in all respects may be forwarded well in time in Court cases failing which the Department itself will be answerable to the Courts.

**IMPORTANT DIRECTIONS ISSUED BY THE PROVINCIAL SELECTION BOARD
IN ITS MEETING HELD ON 23.09.2019**
SO(PSB)ED/1-25/2019 dated 15.11.2019

I am directed to refer to this department letter of even No. dated 09-10-2019 on the subject and to say that it has been noted with concerned that the posting/transfer notification of the recommended officers for promotion in PSB Meeting held on 23-09-2019 have not yet been finalized in-spite of directions of the Board to finalize it within 15 days positively after receipt of the PSB minutes communicated in the above quoted letter.

It is therefore requested that the posting/transfer notifications of the promoted officer(s) may be finalized without any further delay.

**DOCUMENTS REQUIRED WITH THE WORKING PAPERS OF PROMOTION
TO BE PLACED BEFORE PSB.**

No. SO(PSB)ED/1-25/2020/(1) Dated 05.03.2020

I am directed to refer to the subject and to say that the following eligible attested documents are required to be attached with the working paper of promotion to be placed before PSB for its consideration.

- i. Availability of post (s).
- ii. Budgetary proof for confirmation of total sanctioned strength.
- iii. Details of incumbents with posting presently working in a cadre to which promotion is made.
- iv. Notified seniority list of the current year.
- v. Service Rules.
- vi. Reasons of missing PER(s) reflected against a panelist officer in PSB-II proforma.
- vii. Details of enquiry /NAB/VR /Departmental cases of a panelist officer in PSB-II proforma with latest position.
- viii. Courts judgment (if any), including details of CPLA/Scrutiny Committee minutes, etc.
- ix. Presentation to PSB in soft along-with the working paper.
- x. Photos/ profile of the panelist officer(s) on the relevant proforma.
- xi. Certificates of training/examination mandatory for promotion according to the Service Rules.
- xii. Research papers with a list-containing name of the officer, title of the research paper and the year in which it has been published and Evaluation Report of the Research paper where required.
- xiii. Any other document which the department considers necessary for perusal of the Board.

2. It is requested that any working paper received without any of the above documents shall not be entertained.

**REQUEST FOR PROVISION OF WORKING PAPERS FOR THE MEETING OF
THE PROVINCIAL SELECTION BOARD**

SO(PSB)ED/1-25/2021//KC dated 15.10.2021.

I am directed to refer to the above subject and to state that meeting of the Provincial Selection Board is expected to be scheduled shortly. Few department have already submitted working papers regarding promotion of officers to this department which have either been examined and observations thereon communicated to the departments or are under consideration in this department.

2. I am, therefore, directed to request that:

- i. Working papers (complete in all respect) for promotion of eligible officers may be furnished to this department for consideration of the Provincial Selection Board.
- ii. Deficiencies in the already forwarded working papers, as pointed out by this department may be rectified on urgent basis and revised working paper, complete in all respect, may be furnished to this department.
- iii. Working papers must be supported by all the relevant documents like (a) copies of budget books duly authenticated and countersigned by Secretary of the department for ascertaining the number of sanctioned posts in a cadre (b) retirement orders of the officers to ascertain as to how vacancy has occurred (c) budget books copies in case of new posts creation (d) inquiry reports and final outcome if any inquiry conducted against an officer (e) judgment(s) in court cases/CoC cases with regard to promotion and whether CPLA has been filed or not along-with eligibility of the candidate(s) for promotion at that point and time when he filed writ petition or service appeal any other relevant paper. The letter of this department dated 05.03.2020 is also enclosed for further guidance.

3. Since examination of working papers need sufficient time, therefore, it is requested that working papers may be furnished by 25th October, 2021 positively. The department will not entertain any request beyond this deadline.

STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.

SO(PSB)ED/1-25/2021//KC dated 15.10.2021.

I am directed to refer to this Department letter of even No. dated 23.12.2021 on the subject and to say that the PSB meeting has been scheduled to be held in 1st week of March 2022. The working papers (complete in all respects) for promotion to be placed

before the PSB meeting may be furnished well before the cut off date which is fixed as 18.02.2022. Most importantly, working papers of the officers who are at the verge of retirement and falling in the promotion zone must be forwarded on priority basis.

2. I am further directed to say that no working paper will be received after the mentioned cut off date and that the Administrative Department will be responsible for any delay in submission of working papers and the resultant deprivation of any officer from promotion/consideration.

STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.

SO (PSB) ED/1-25/2021/KC dated 17.01.2022

I am directed to refer to the above subject and to state that Provincial Selection Board in its meeting held on 2nd December 2021 decided to hold four PSB meetings periodically in a calendar year and has desired to issue the following instructions:

- i. 1st meeting of PSB will be held in the month of March, 2nd in June, 3rd in September and 4th in the month of December every year.
- ii. The Administrative Departments shall submit working papers to the Establishment Department latest by 1st day of each of the specified month for placement before the relevant meeting of the PSB.
- iii. No working paper that is received after the cut-off date shall be entertained. However, the department should not wait for the cut-off date and submit working paper as early as possible.
- iv. The working paper may be submitted following the instructions contained in this department circular dated 05.03.2020 (copy enclosed).

The Court related promotion cases should be processed at an early date to avoid Contempt of Court.

**REQUEST FOR TIMELY PROVISION OF WORKING PAPERS ALONG-WITH
REQUISITE DOCUMENTS FOR CONVENING OF MEETING OF THE
DEPARTMENTAL SELECTION COMMITTEE / PROJECT SELECTION
COMMITTEE AND DEPARTMENTAL PROMOTION COMMITTEE.**

SO(Policy)/E&AD/Misc/2022 dated 01.11.2022.

I am directed to refer to the above cited subject and to state that as per provisions of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and Project Policy, 2008 as amended from time to time, Establishment Department is a permanent member of the Departmental Selection Committee, Departmental Promotion Committee and Project Selection Committee as well as Shortlisting Committee as the case may be. Despite this department's instructions issued from time to time for timely provision of working papers of the said committees well in advance, it has been observed that meetings of the aforesaid committees are convened on a very short notice and usually working papers are not shared with this department in advance which are required for proper examination of the case. In such a situation neither the cases are properly examined nor can proper input be given during discussion in the meeting.

2. I am, therefore, directed to request that henceforth, complete working papers may be provided to this department as well as other relevant departments who are members of DSC/DPC and shortlisting committee at least five days before the date of the meeting so as to examine the case properly. Working papers must contain the following details/papers:

S.#	Nature of meeting.	Documents required
1.	Departmental Selection Committee, Project Selection Committee and Shortlisting Committee for recruitment against regular / project post.	<ul style="list-style-type: none"> i. Copy of advertisement published in two leading newspapers. ii. Copy of budget book/PC-I (showing details of posts, requisite qualifications, age and experience) iii. List of candidates containing their names, qualifications, age, for recruitment against experience and pay package etc.
2.	Departmental Selection Committee.	<ul style="list-style-type: none"> i. Final seniority list duly approved by competent authority. ii. Documentary evidence of occurrence of posts (i.e. retirement, promotion or death) iii. Court judgment if any, status of CPLA if filed.

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) ¹³⁵[deleted]
- vi) ¹³⁶While 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

¹³⁵ 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.

¹³⁶ Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010

settled areas to FATA and vice versa, specific approval of the Governor, Khyber Pakhtunkhwa shall be obtained.

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) ¹³⁷[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) ¹³⁸The 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.

¹³⁷ Sub-para vi (a) of para 1 deleted vide Notification No. SO (Policy)/E&AD/1-4/ 2010/Vol:IX dated 24.11. 2017

¹³⁸ Para (viii-A) added vide circular NO. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 07.08.2012

- 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.
- 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
¹³⁹DCOs 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) ¹⁴⁰Officer in BPS-17 and above should not be posted in district of their domicile.[¹⁴¹Doctors, 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) ¹⁴²Cancellation 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:

Outside the Secretariat		
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-17and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-

¹³⁹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

¹⁴⁰ (xi-A) added vide Circular No. SOR-VI /E&AD/1-4/2010/Vol-VIII dated 11.11.2013.

¹⁴¹ Text added vide Circular No. SOR-VI /E&AD/1-4/2010/Vol-VIII dated 21.03.2014.

¹⁴² (xi-B) added vide Circular No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 14.02.2014.

3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief Secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) 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.
- b) 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.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
 - ii) 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:

- a) Transfer the holder of tenure post before the completion of his tenure or extend the period of his tenure.
 - b) 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.

143 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:-

¹⁴³ 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

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) 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.
- iii) 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.
- 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&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 send 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&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.

USE BY GOVERNMENT SERVANTS OF EXTRANEous PRESSURES FOR POSTINGS/TRANSFERS

PSO/CS/NWFP/3-11/2008 dated 19-04-2008

Contrary to all clear and strict rules and policy directions forbidding government servants and all those serving in/under any other Agency, Body, Authority, it is being observed that government servants/officials are rampantly involved in mustering extraneous pressures and 'Sifarish' in order to secure posts of their choice. Whether it is the Revenue Department (Patwaris / Naib Tehsildars / Deputy District Officers (Revenue) / District Officers (Revenue), the Works & Services Department/(Draftsmen / Overseers / Superintendents / Assistant Director (Works) / Deputy Director (Works) /Director (Works) etc, the Police Department (Constables, Lower Subordinates / Upper Subordinates / SHOs / DSPs and others), The Education, Health, Agriculture, Excise & Taxation, Prison, Accounts, Information, Services & Administration, (Additional Secretaries / Deputy Secretaries / Section officers / Superintendents / P.Ss/P.As / Assistants, etc, Local Government, DCOs/EDOs/APAs/PNTs/DPOs/Khassadars or Levies service employees, project

employees, Social Welfare, Minorities, Auqaf-- infact officials from each and every quarter of government are engaged in this activity which amounts to serious misconduct.

2. This has made the conduct of efficient governance impossible, has brought unsolicited and unbearable obstruction in the important duties of MPAs / MNAs / Senators / Provincial Ministers and may virtually bring government work to a standstill -- effecting development and delivery of services to the common man -- besides introducing a culture and government based not on merit but mediocrity and denying the deserving their constitutional and legal rights.

3. I am directing that wherever any such case takes place or comes to the notice of the respective Competent Authorities / Secretaries / Heads of Attached Departments / Inspector General of Police etc, the particulars of officials/government servants / others who indulge in such practices must be immediately taken note of and recorded and brought to the notice of the Establishment Department which shall maintain a computerized record of all such cases. These particulars with all details should be fed into computerized Record of all Government Servants / officials and at the time of writing of the PERs /ACRs of such persons, mention/entry must be made therein by the Reporting Officers/Countersigning Officers who shall be held personally responsible for the same. At the time of promotions / moveovers / Selection for Foreign Training & Foreign postings by Selection Committees/Departmental Selection Committee / Provincial Selection Board this shall be taken into account as an important factor and such officials / government servants shall not be considered for selection/promotion / moveover / foreign training / foreign postings.

POSTING/TRANSFER (MISCELLANEOUS)

SO(O&M)E&AD/3-15/2007 Dated 26.07. 2013

I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to direct that the posting/transfer of the officers upto BPS-18 may be made at the level of the Department concerned in consultation with Minister Incharge. However, the posting/transfer of the officers of BPS-19 and above may be made after seeking prior approval of the Chief Minister, Khyber Pakhtunkhwa.

I am, further, directed to request that the above directions of the competent authority should be strictly complied with.

POSTING/TRANSFER POLICY

SOR-VI/E&AD/1-4/2010/Vol-VIII dated 11.11.2013

I am directed to refer to the subject cited above and to state that the Chief Minister Khyber Pakhtunkhwa has been pleased to direct that officers in BPS-17 and above should not be posted in district of their domicile.

The Posting/Transfer Policy of the Provincial Government circulated vide circular No. SOR-VI/E&AD/1-4/2003 dated 15.02.2003 shall be treated modified to the above extent and shall be complied with in letter and spirit

OFFICERS TRANSFERRED FROM THEIR POSITIONS TO PROPERLY BRIEF THE INCOMING OFFICERS.

SOR-VI/E&AD/1-4/2010/Vol-VII dated 18.06.2014

It has been brought to notice that officers transferred from their posts usually relinquish the charge without proper briefing the incoming officer which is not desirable.

I am accordingly directed to clarify that all officers shall properly brief the incoming transferred officers while vacating their position in future.

POSTING OF OFFICERS UNDER INQUIRY.

SOR-VI/E&AD/2-6/2014 dated 04.03.2015

It has been brought to notice that the competent authority has taken serious notice of instances in certain departments of the officers (under inquiry) holding important positions.

I am accordingly directed to clarify that henceforth all concerned shall not consider such officers for posting against important posts as long as they are under inquiry.

MAKING DIRECT CORRESPONDENCE WITH FEDERAL GOVERNMENT REGARDING POSTING/TRANSFER OF OFFICERS AGAINST SCHEDULED POSTS.

SOR-VI/E&AD/1-4/2010/Vol-VIII dated 01.09.2015

It has been brought to notice that direct correspondence is made with Federal Government regarding posting/transfer of officers against schedule posts without observing rules/policies and getting approval of the competent authority.

I am accordingly directed to clarify that no direct correspondence regarding posting/transfer should be made with Federal Government and rules/policies should strictly be observed/followed.

POSTING/TRANSFER

SO(O&M)E&AD/3-15/2007 dated 26.07.2013

I am directed to the subject noted above and to state that the competent authority has been pleased to direct that the posting/ transfer of the officers' upto BPS-18 may kindly be made at the level of the department concerned in consultation with Minister Incharge. However, the posting/transfer of the officers of BPS-19 and above may be after seeking prior approval of the Chief Minister, Khyber Pakhtunkhwa.

POSTING/TRANSFER

SO(Policy)/E&AD/1-4/2023 dated 02.05.2023

I am directed to this department Letter No. SO(O&M)E&AD/3-15/2007 Dated Peshawar, the 26th July, 2013 on the above cited subject and to state that competent authority i.e. the Hon'able Chief Minister Khyber Pakhtunkhwa has been pleased to approve that the said circular may be withdrawn with immediate effect.

POSTING/TRANSFER

SO(O&M)E&AD/3-15/2022-Vol-I dated 21.06.2022

I am directed to refer to the above cited subject and to state that in order to further improve efficiency and quick disposal of official business, the Chief Minister Khyber Pakhtunkhwa has been pleased to direct that henceforth the cases of posting/transfer of Additional Deputy Commissioner (General) / (Relief and Human Rights) / (Finance and Planning) and all other officers in BPS-19 and above (except Administrative Secretaries/Commissioners/DCs/Heads of Attached Departments and District Heads of Attached Departments in BPS-19/20) shall be disposed of at the level of Chief Secretary Khyber Pakhtunkhwa.

2. I am, therefore, directed to request that in pursuance of above directions of the competent authority, all the departments may process the cases of posting/transfers of officers through Summaries for Chief Minister and Note for Chief Secretary, as the case may be.

TRANSFER OF OFFICE BEARERS OF ASSOCIATIONS

SOR-I(S&GAD)3-4/86 dated 25.03.1986

I am directed to refer to this Department letter No.SOS-III(S&GAD)/1-57/73, dated 18-03-1973 on the subject noted above and to reiterate that the office bearers of the Service Associations should not ordinarily be transferred for the year for which they are office bearers as such.

.....

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 1st 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.

¹⁴⁴“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 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.

¹⁴⁴ Provisos added after Para-3 vide letter No.SOR-VI(E&AD)/4-5/2011 dated 13.11.2014

(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:-

- a. 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.
- b. On completion of approved tenure he shall report to his parent department failing which his services shall be terminated.
- c. He shall neither acquire citizenship of the borrowing country nor shall marry any foreign national without the prior approval of the competent authority.
- d. 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.

- e. 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.
 - (I) 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: -

1. 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.
2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.

7. 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 _____
 - b) Scale of pay _____
 - c) Present emoluments with broader details _____
 - d) Are the responsibilities in this post higher than those in that post mentioned against 5(a) above?
 - e) 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.

DEPUTATION OF CIVIL SERVANTS TO FOREIGN SERVICES IN PAKISTAN - TERMS AND CONDITIONS OF SERVICES.

SOR-II(S&GAD)1-14/82 (Policy), dated 03.04.1994

I am directed to refer to this Department's circular letter No. SOR-II(S&GAD)1(23)/86(B), dated 10-1-1991, and to say that under the existing policy, the terms and conditions of deputation of Government servants to foreign service in Pakistan are to be settled in advance with the concurrence of the Finance Department.

2. It has, however, been noticed that in certain cases terms and conditions of deputation were not settled in advance. In some other cases, the civil servants were deputed against posts in higher pay scale without obtaining prior concurrence of the lending Department, and the employees of the Autonomous/Semi-Autonomous Bodies were deputed against civil posts in the Government Department. This practice is against the rules and policy of the Provincial Government.

3. I am, therefore, directed to request that the existing policy of the Government may be adhered to in letter and spirit and no violation thereof may be allowed in future. I am further to request that in future deputation of the employees of Autonomous/Semi-Autonomous Bodies may not be allowed against civil posts under the Government. In cases where special justification exists for such deputation, the S&GAD may invariably be consulted by the Administrative Department/Finance Department before considering such proposals.

DELEGATION OF POWER FOR GRANT OF N.O.C OF S&GAD IN INTER-PROVINCIAL TRANSFER AND DEPUTATION CASES OF GOVERNMENT EMPLOYEES.

SORI(S&GAD)2-27/86 dated 13.10.1998.

I am directed to refer to the subject noted above and to say that the competent authority has been pleased to authorize the Secretary S&GAD for according necessary approval for grant of N.O.C of S&GAD in Inter-Provincial transfers and deputation cases of Provincial Government employees working in BPS-1 to 16.

TRANSFER ON DEPUTATION BASIS/INTER PROVINCIAL TRANSFER TO FEDERAL GOVERNMENT/PROVINCIAL GOVT.

SO-I(S&GAD)1-14/82(A) dated 04.06.2001

I am directed to refer to the subject cited above and to say that it has been decided that while considering the request of the Government servant for transfer on deputation or inter provincial transfer to the Federal Government or other Provincial Government, the Administrative Department may first get NOC/concurrence of that Government to which the Civil Servant intends to transfer before sending the case to this department for NOC.

**POSTING OF DIRECTORS FINANCE, AUDIT OFFICERS/ACCOUNTS
OFFICERS IN PROVINCIAL GOVERNMENT DEPARTMENTS -
/AUTONOMOUS INSTITUTIONS OF THE PROVINCE.**

SO(R-III)/FD/7-21/2012/, dated 28.04.2012

I am directed to refer to the subject noted above and to say that competent authority has shown great concern on posting/transfer of officers/officials of Federal Audit & Accounts Group against the posts of Director Finance, Audit Officers and Accounts Officer on deputation basis, to and from Provincial Government Departments/Autonomous Institutions of Khyber Pakhtunkhwa without consultation/concurrence of Provincial Government/Finance Department.

2. Keeping in view of above and to streamline the posting of officers against these Provincial posts, it has been decided that from now onwards, no specific quota shall be allocated to officers/officials of the Audit & Accounts Group in any of the Provincial Government Departments / Autonomous Institutions of the Province. The concerned department/ institution will take up the case with Finance Department, which will in turn, determine in consultation with Establishment Department whether officers of Provincial Government are available for posting or else permission is granted for requisitioning the services of officers of Audit/Accounts Group on deputation.

AMENDMENT IN DEPUTATION POLICY

SOR-VI(E&AD)/4-5/2011 dated 13.11.2014

I am directed to refer to the subject noted above and to inform that the Competent Authority is pleased to add the following provisos after Para-3 of the Deputation Policy for the purpose to remove the ambiguity as to whether the borrowing or lending department shall bear the retirement related expenses of the deputationist, who reach the age of superannuation:

"Provided that the deputationist shall be repatriated to the lending department well before the date of admissibility of leave preparatory to retirement, so as to lessen financial burden on 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 a civil servant for deputation in the last year of his service shall not be entertained."

2. I am further directed to request that the above instructions may strictly be complied with and brought into the notice to all concerned.

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 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&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 nd Professional	17	13	10	
	3 rd Professional	17	13	10	
	Final	19	14	12	
(ii)	<u>For three examination</u>				
	Ist Professional.	23	17	14	
	2 nd 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 2nd 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 3rd Division in Matric, 2nd 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>1st Division</u>	<u>2nd Division</u>	<u>3rd 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.

¹⁴⁵(h) The equation of grades versus division is as follows:-

- | | | |
|-------------|---|--------------------------|
| Grade A & B | = | 1 st Division |
| Grade C & D | = | 2 nd Division |
| Grade E | = | 3 rd Division |

Note:- Below 45% marks obtained in Grade-D will be considered as 3rd 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 st Division |
| (b) 45% - 59% marks | ... | 2 nd Division |
| (c) Below 45% marks | ... | 3 rd 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.

.....

¹⁴⁵ Substituted vide letter No.SORI(S&GAD)4-1/75, Dated 22.7.98.

146 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)¹⁴⁷
 - (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:

¹⁴⁶ Issued vide .S&GAD letter No.SOR.I (S&GAD)1-117/91(C), dated 12.10.1993.

¹⁴⁷ The post of Assistant has now been placed in BS-14 universally

- (1) Assistant Industrial Development Officer/
Assistant Price Stabilization Officer (B-11)
- (2) Royalty Inspector (B-11)
- (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) ¹⁴⁸[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.
- ¹⁴⁹In 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 ¹⁵⁰(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. ¹⁵¹[]
 - (i) ¹⁵²Change in the recruitment policy regarding maintaining of waiting list of the eligible candidates- judgment of the Supreme Court of Pakistan.

¹⁴⁸ 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.

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

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

¹⁵¹ Added vide policy instructions NO. SOR-VI (E&A)/1-10/2010 dated 19th March, 2013

¹⁵² 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 19th March, 2013.

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 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) ¹⁵³Three (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).
- ¹⁵⁴(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

¹⁵³ AddedNo. SOR-VI(E&AD)1-10/2010/Vol-VII dated 10th December, 2014

¹⁵⁴ The one percent substituted by Notification No.SOR.I(S&GAD)4-1/80, Vol.III dated 19.2.1999

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;*

¹⁵⁵(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:-

- *the percentage of vacancies reserved for recruitment on the basis of merit;*
- *Short term vacancies likely to last for less than ¹⁵⁶[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.

¹⁵⁷The 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.

¹⁵⁵ Sub- Para-JJ added vide circular No. SOR-VI (E&AD)1-10/(Min)05 (IV), dated 18-11-2008.

¹⁵⁶ 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 6th January, 2009.

¹⁵⁷ Instructions issued vide circular letter No. SOR-VI (E&AD)1-10/08 (X), dated 07-10-2008.

**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.

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 from 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 given 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.
-

CONSTITUTION OF PSB, DPC & DSC

NOTIFICATION

Peshawar, dated the 22nd August, 1991.

No.SORI(S&GAD)4-1/75(Vol.I):- In pursuance of the provisions contained in clause(d) and (g) of rule 2 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, read with rule 7(1) thereof and in supersession of this Department's Notification No.SOS-III (S&GAD)1-206/74-III, dated 16.5.1975, and No.SORI(S&GAD) 4-1/75, dated 18.9.1989, issued in this behalf, the Governor of Khyber Pakhtunkhwa is pleased to constitute the Provincial Selection Board and the Departmental Promotion Committees for making selection to various posts as under:-

A- PROVINCIAL SELECTION BOARD

2. The Provincial Selection Board shall consist of the following:-

(1)	Chief Secretary, Khyber Pakhtunkhwa	...	Chairman
(2)	Additional Chief Secretary, Khyber Pakhtunkhwa	...	Member
(3)	Senior Member, Board of Revenue, Khyber Pakhtunkhwa	...	Member
(4)	Administrative Secretary concerned	...	Member
(5)	Secretary Establishment Department	...	Member / Secretary

¹⁵⁸The Board shall make recommendations for appointment by promotion or transfer to all posts in Basic Pay Scale-18 and above and shall also assess fitness/suitability of officers for move-over to BPS-20 and make its recommendations.

B- DEPARTMENTAL PROMOTION COMMITTEES

1. For each Department, there shall be a Departmental Promotion Committee consisting of the following:-

(1)	Secretary of the Department concerned	...	Chairman
¹⁵⁹ (2)	Additional Secretary, E&AD.	...	Member
¹⁶⁰ (3)	Additional Secretary, Finance Department	...	Member
(4)	Head of Attached Department concerned	...	Member
¹⁶¹ (5)	Deputy Secretary of the Department concerned	...	Secretary

¹⁵⁸ Para 2 under A substituted by Notification No.SORI(S&GAD)4-1/75(Vol.II), dated 27.9.97.

¹⁵⁹ Substituted vide S&GAD Notification No.SORI(S&GAD)4-1/75(Vol.I), dated 5.12.1991

¹⁶⁰ Substituted vide S&GAD Notification No.SORI(S&GAD)4-1/75(Vol.I), dated 5.12.1991

¹⁶¹ Substituted vide S&GAD Notification No.SORI(S&GAD)4-1/75(Vol.I), dated 5.12.1991

2. ¹⁶²The Departmental Promotion Committee shall make recommendations for appointment by promotion or transfer to posts in BPS-16 and BPS-17 and shall also assess fitness/ suitability of officers for move over from BPS-15 to BPS-16, or BPS-16 to BPS-17 or BPS-17 to BPS-18,or BPS-18 to BPS 19 as the case may be, and make its recommendations.

3. In all cases, whether pertaining to promotion, transfer or move over, the Department concerned shall strictly adhere to the guidelines/policy instructions issued by the S&GAD from time to time.

4. No meeting of the Departmental Promotion Committee shall be held without representative of the S&GAD.

CONSTITUTION OF DEPARTMENTAL SELECTION COMMITTEES FOR POSTS IN BPS-16 AND BELOW

SO(Policy)/E&AD/1-3/2018dated 18.01.2019

¹⁶³I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to supersede this department letter No. SORI(S&GAD)4-1/75 (Vol-II) dated 13.06.1993 with immediate effect. The revised Departmental Selection Committee(s) are as under:

DEPARTMENTAL SELECTION COMMITTEE

For selection against the post in BPS-16 and below not falling in the purview of Khyber Pakhtunkhwa Public Service Commission for each Department, there shall be a Departmental Selection Committee consisting of the following:-

A- For posts in Khyber Pakhtunkhwa Civil Secretariat

- | | | |
|-----|---|-----------|
| (1) | Secretary of the Department concerned | Chairman |
| (2) | Rep. of Establishment Department
(not below the rank of Section Officer) | Member |
| (3) | Rep. of Finance Department
(not below the rank of Section Officer) | Member |
| (4) | Concerned Deputy Secretary of the Department | Secretary |

B- For posts in Attached Departments/Offices in Khyber Pakhtunkhwa

- | | | |
|-----|---|------------------|
| (1) | Appointing Authority | Chairman |
| (2) | Rep. of Administrative Department Concerned.
(not below the rank of BS-17) | Member |
| (3) | An officer to be nominated by the appointing Authority | Member/Secretary |

¹⁶² Para 2 under B substituted by Notification No.SORI(S&GAD)4-1/75(Vol.II), dated 27.9.97

¹⁶³ No. SO(Policy)/E&AD/1-3/2018dated 18.01.2019

3. This department letter No. SOR-V(E&AD)2-22/2003 dated 12.05.2015 regarding constitution of District Selection/Promotion Committees shall remain in field.

ATTACHED DEPARTMENTS/OFFICES AT DISTRICT IN KHYBER PAKHTUNKHWA

SOR-V(E&AD)/2-22/2003 dated 12.05.2015

I am directed to refer to the subject noted above and to state that Provincial Government has been pleased to substitute the circular letter No. SORV(E&AS)2-22/2003 Dated 12.06.2013 to the extent of the composition of Departmental Selection Committee and Departmental Promotion Committee as follow:-

- | | |
|---|----------|
| i. Appointing Authority | Chairman |
| ii. An officer to be nominated by
Administrative Deptt concerned (in case of Revenue Deptt,
the member to be nominated by the Commissioner of the
Division concerned). | Member |
| iii. An officer to be nominated by the Appointing Authority | Member |

DETERMINATION OF APPOINTING AUTHORITY FOR THE POSTS OF SUPERINTENDENT (BS-17), ASSISTANT (BS-16), AND COMPUTER OPERATOR (BS-16).

SO(Policy)/E&AD/1-3/2012/APT Rules dated 12.01.2017.

I am directed to refer to the subject noted above and to state that with regard to determination of appointing authority for the posts of Superintendent (BS-17) Assistant (16) and Computer Operator (BS-16) in District Government the following clarifications are hereby made:-

- i. The appointing authority for the post upgraded in BS-17 will be the Chief Secretary Khyber Pakhtunkhwa in terms of Rue-4(1)(6) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.
- ii. Appointing Authority for the posts upgraded in BPS-16 will be:-
 - a. In the case of Secretariat the Chief Secretary, Khyber Pakhtunkhwa in terms of Rules-4(2)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.
 - b. In the case of attached Department the Head of Attached Department, In terms of Rules-4(2)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and: any other case the Secretary of the Department concerned.

**DEPARTMENTAL PROMOTION COMMITTEE/ DEPARTMENTAL
SELECTION COMMITTEE MEETINGS.**

SO(Policy)/E&AD/1-10/2020 dated 21.07.2020

I am directed to refer to the subject and to state that representation of regulatory departments is ensured in Departmental Promotion Committee (DPC)/Departmental Selection Committee (DSC), Standing Service Rules Committee (SSRC), Board of Governors (BoGs) and Board of Directors (BoDs) and other such committees for their input in relevant rules, regulations and policies so as to decide the matter of importance with clarity and without any ambiguity. However, competent authority has noticed with great concern that in such meetings representatives sent by regulatory and other departments are junior/low ranked and unable to give valuable input based on concrete laws/rules/regulations, which results in ambiguous, unclear, vague decisions and resultantly leads to embarrassing situations.

2. I am therefore, directed to request that in future a well conversant officer/representative not below the rank of BS-18 be deputed for all such meetings in order to avoid any complicated or perplexed situations, please.

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:

Zone	District /Areas Included	Number of Vacancies allocated
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, Toghar, 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 are 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: -

Vacancy	Zonal Allocation
1st	Merit
2nd	<u>Zone-I</u>
3rd	Zone-II
4th	Zone-III
5th	Zone-IV
6th	Merit
7th	<u>Zone-V</u>
8th	Zone-VI
9th	Zone-I
10th	Zone-II
11th	Merit
12th	<u>Zone-III</u>
13th	Zone-IV
14th	Zone-V
15th	Zone-VI
16th	Merit
17th	<u>Zone-I</u>

18th	Zone-II
19th	Zone-III
20th	Zone-IV
21st	<u>Merit</u>
22nd	Zone-V
23rd	Zone-VI
24th	Zone-I
25th	Zone-II
26th	<u>Merit</u>
27th	<u>Zone-III</u>
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.

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PROVINCIAL LITIGATION POLICY

No. SO(POLICY)1-41/2018. Dated 26.03.2018 In order to streamline the processes and devise a policy based on standardized procedures for litigation, the Competent Authority is pleased to approve the Provincial Litigation Policy for all Administrative Departments and attached formations with immediate effect. The policy shall be followed in letter and spirit by all concerned.

1. **Purpose:** It has been the utmost priority of the Provincial Government to emphasize on welfare legislation and social reforms. The Provincial Litigation Policy is aimed to transform all government departments and attached formations into efficient and responsible litigants. This policy adheres to the responsibility of the government to protect the rights of citizens while strictly adhering to the laws, rules and regulations in vogue. The primary objective of this policy is to reduce unnecessary litigation workload of the departments in courts so as to avoid wastage of valuable time of the courts and government. This Policy will also enable the officers heading the litigation sections of the departments work more efficiently and objective oriented.

2. **Salient features:** The salient features of the policy are; litigation
- i. To ensure that section/cell of a department is as important as other sections. However, all other sections (internal or external if related to the case) are equally responsible to cooperate while filing/contesting cases.
 - ii. It guides to place correct facts, all relevant documents before the court/tribunal and not to mislead them.
 - iii. It guides about progress review of departments both internally and externally via notified departmental committees.
 - iv. It sensitizes the government departments in important cases for efficient and timely disposal.
 - v. To put in place an external monitoring mechanism to review progress of the line departments in terms of success/failure and determine responsibilities.
 - vi. To lay down a model for departmental litigation sections.
 - vii. To lay down incentives based litigation model.

3. Principles of Efficiency:

Competency	A Department to be represented by a competent and sensitive litigation officers or team of officers: competent on the basis of qualification, experience and skills (presentation/arguments) and sensitive to the facts that government is not an ordinary litigant and that a litigation does not have to be won at any cost.
Prioritization	The core cases which if decided in favour of the Government could either strengthen the government stance or result into revenue or both.
Management	Initiate litigation in a uniform and coordinated manner and ensuring that cases of public interest are won and otherwise are not needlessly persisted with.
Responsibility	<ul style="list-style-type: none"> • That litigation will not be resorted to for the sake of contesting. • That false pleas will not be taken and shall be voided in presentation before the court.

4. **Progress Review Committee (PRC):** In order to streamline working of litigation sections and make an efficient environment therein, it is direly needed to vigilantly review progress and efficiency of these sections both internally and externally. For the purpose, the following two tiers of Progress Review Committee are laid down;

- a. Departmental Progress Review Committee (DPRC)
- b. Provincial Progress Review Committee (PPRC)

a. Departmental Progress Review Committee (DPRC)

The DPRC Committee to be notified by the concerned department preferably under the Chairmanship of the Special Secretary concerned. However, those departments where the post of Special secretary does not exist shall notify the same under any well versed officer but not below the rank of Additional Secretary or BPS-19. The rest of composition shall include members from the concerned attached formations, litigation section, and any coopted expert(s).

ToRs:

- i. To conduct quarterly performance review of the litigation section of the department and that of the attached formations in terms total number of cases at different courts, progress made in cases, issues and the line of action adopted.
- ii. To recommend action to the next higher authority against the officer/official on account of poor performance and negligence of duty in a case or cases.

- iii. To review cases for possible resolution/settlement at the Committee's level or by means of negotiation with complainant/litigant to withdraw his case or cases accordingly.
- iv. To furnish minutes/reports of the quarterly meeting to Law Department regularly

5. Efficient Litigation Section: Despite significant role in safeguarding the public interest, the litigation sections of the departments/attached formations have always been marginalized. The Sections mostly suffer from issues like lack of qualified and experienced staff, necessary equipment, and transportation facility. Due to cumbersome and unattractive nature of work, the officers/officials avoid postings and resultantly either unwilling workers are posted or the positions are filled on additional charge basis. To address this ignored area for better service delivery, model of a strengthened and efficient litigation sections is laid down for implementation by the departments. The Administrative Heads are required to ensure the following;

a. Staffing

- i. There shall be no vacant position in the litigation section. It shall be ensured that the vacant positions are filled either by means of initial recruitment or transfer as the case may be. The Establishment Department shall prioritize and give special attention to the needs of line departments in this context.
- ii. The litigation sections shall be run by dedicated and full time staff and assigning of additional charge to any officer/official working in some other section be avoided and vice versa. In case of leave not exceeding 120 days, additional charge of the post as stopgap arrangement is permissible.
- iii. Staffing of litigation section shall not be taken for granted and in case of additional staff requirement (as per standardization) other than the sanctioned, the Department shall move SNE to Finance Department for creation of the same.

b. Equipment

A litigation section shall have all required equipment as per need. The following dedicated equipment shall be made available to each litigation section in the requisite quantity.

1. Computers
2. Scanners
3. Printers
4. UPS system
5. Photocopier
6. DSL Facility

c. Transportation

For timely attendance in outstation courts, submission of comments/replies, hearings, and meetings with line formations and other regulatory departments, every litigation section shall be provided with a good condition dedicated pool vehicle (to be authorized by administration department) with provision of necessary POL.

d. Computerization of Record

For instant and handy use as reference in other similar cases, the court decisions in different cases whether in favour or against the department shall be listed and preserved/scanned in the system. The record of cases shall be categorized and maintained on the given sample format.

i. Consolidation of Decided/Closed Case

Decision/Court	Services Tribunal	Civil Court		High Court		Supreme Court	
		Service Matter	other	Service Matter	other	Service Matter	Other
In Favour							
Against							
Total							

ii. Detailed Description

Court	Nature of Case	Decided in Favour of the Govt		Decided against the Govt.	
Services Tribunal	Service Matters	S.No	Title of case	S.No	Title of case
Civil Court	Service Matters	S.No	Title of case	S.No	Title of case
High Court	Others	S.No	Title of case	S.No	Title of case
Supreme Court	Service Matters	S.No	Title of case	S.No	Title of case
	Others	S.No	Title of case	S.No	Title of case

e. Scheduling & Coordination

For in time submission of para-wise replies in court cases and other requisite preparation/consultation, timely coordination with concerned sections is imperative. Thus, section officer litigation/in-charge of the section in the departments shall on regular basis share their monthly schedule of cases/hearings with all concerned sections.

6. Litigation Management Information System (LMIS)

Apart from record keeping and management of cases at departmental level, the overall load shall be supervised through Litigation Management Information System by the Law Department. All technical support to be provided by the PMRU.

7. Incentive Plan

While expecting best results in litigation, departments are required to carry out the litigant activities in an efficient and effective manner. To keep the litigation staff motivated and committed for best possible results, there shall be a mechanism whereby they can besides regular litigation-section allowance be rewarded on account of excellent performance. Pivotal in this reward concept is how and to what extent incentive be tied to litigation staff and specific types of performance. The incentive will not be treated the same way for every position. However, every department should be able to identify certain performance objectives it wants its litigation staff to fulfill.

a. The specific objectives of the plan are to:

- i. Encourage higher levels of performance by clearly identifying priorities followed by incentives paid for successful achievement of that performance.
- ii. Facilitate and ensure posting/retention of competent and willing officers/officials in the litigation sections.
- iii. Increase the level of accountability for tangible output.
- iv. Enable the litigation staff to adhere to best practices in planning, goal-setting, and performance management.
- v. Promote the attributes of hard work, focus, teamwork, and honesty.

b. Performance Based Incentives Structure

[A part from any other regular allowances], there shall be performance based incentive as well for the litigation staff only. This incentive shall be subject to performance of the section. This entails eligibility for honorarium @ three to four basic pays a year over and above any other routine incentive. However, the Administrative Secretary shall after recommendations of the Law department, may sanction the honorarium.

**FRAMING OF RULES AND REGULATIONS IN RESPECT OF LAWS PASSED
BY THE PROVINCIAL ASSEMBLY**

D.O.NO. ALD-III/Legis/LD/4-7/71 dated 01.02.2017

Please refer to minutes of the meeting circulated by Law Department on the above subject vide letter No. ALD-III/Legis/LD/4-7/71/790-826, dated 05.01.2017.

2. The Chief Minister has taken serious notice of delay in framing of Rules by the Administrative Departments vis-a-vis the Laws enacted by the present Government. He has desired to fix a cut-off date for finalization of Rules by all the departments.

3. Keeping in view, above directive of the Chief Minister, 25th Feb, 2017 has been fixed as a target date for framing of Rules for all the departments. It requires your personal supervision and strenuous efforts on part of your department. A report will be submitted to the Chief Minister accordingly. After the lapse of the due date.

4. You are, therefore, requested to finalize the task within the stipulated period and notify the Rules accordingly under intimation to Law Department.

**DIRECTION TO PROVINCIAL DEPARTMENT FOR IMPLEMENTATION OF
THE JUDGEMENT OF SERVICE TRIBUNAL**

SOR-I(S&GAD)1-83/89 dated 13.01.2001

I am directed to refer to the subject cited above and to say that the Chairman, NWFP Service Tribunal has conveyed that most of the department are not implementing the judgements of NWFP Service Tribunal/Supreme Court of Pakistan with the result that the appellants again approach the tribunal for implementation of its judgement. This cause further litigation with un-necessary wastage of funds and inconveniences to the tribunal/court, Government and the concerned Civil Servants.

I am further directed to requests that after finally of judicial procedure and exercise of legal option of the appeal in the higher court, the final orders/judgement should be implemented accordingly.

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SURPLUS POOL POLICY

POLICY FOR DECLARING GOVERNMENT SERVANTS AS SURPLUS AND THEIR SUBSEQUENT ABSORPTION/ ADJUSTMENT.

SOR-I(E&AD)1-200/98, Dated 8th June, 2001

I am directed to refer to the subject noted above and to say that the Provincial Government has been pleased to make the following policy for absorption/adjustment of Government Servants declared as surplus in view of the transition of District System and resultant re-structuring of the Government Organizations/Departments etc.

1. POWER WITH REGARD TO THE DECLARATION OF POSTS AS SURPLUS.

The Finance Department in consultation with Department concerned and with the approval of competent authority would decide with regard to the declaration of a particular organization, set up or individual post as redundant or inessential.

2. CREATION OF SURPLUS POOL

There will be a Surplus Pools cell in the E&AD. After abolition of such posts in the concerned department, duly notified by the Finance Department, equal number of posts in the corresponding basic pay scales would be created in the E&AD for the purpose of drawl of pay and allowances etc by the employees declared surplus as such.

3. IMPLEMENTATION/MONITORING CELL

For the purpose of coordination and to ensure proper and expeditious adjustment / absorption of surplus staff, the Government of Khyber Pakhtunkhwa has been pleased to constitute the following committee:-

- | | | |
|----|---|-----------|
| a. | Additional Secretary (Establishment) E&AD | Chairman |
| b. | Deputy Secretary LG&RD Department | Member |
| c. | Deputy Secretary Finance Department | Member |
| d. | Deputy Secretary (Establishment) E&AD | Secretary |

4. CRITERIA FOR DECLARING A GOVERNMENT SERVANT AS SURPLUS AS A RESULT OF ABOLITION OF POST

Consequent upon the abolition of a post in a particular cadre of a department, the junior most employee in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool as indicated in para 2 above for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment.

5. PROCEDURE FOR ADJUSTMENT OF SURPLUS EMPLOYEES

Notwithstanding anything contained in any other law, rules or regulation to the contrary, for the time being in force, the following procedure for the adjustment of surplus staff would be followed:-

- (a) Before transferring an employee to the surplus pool, he should be given option by the concerned department.
 - (i) to proceed on retirement with normal retiring benefits under the existing rules;

OR

 - (ii) to opt for readjustment/absorption against a future vacancy of his status/BPS which may not necessarily be in his original cadre/department.
- (b) Those who opt for retirement would be entitled for usual pension and gratuity according to the existing Government Servants Pension and Gratuity Rules of the Provincial Government. Those who opt for absorption / re-adjustment, a category-wise seniority list will be caused in the surplus pool for their gradual adjustment against the future vacancies as and when occurred in any of the Government Departments. These adjustments shall be on seniority-cum-fitness basis. For this purpose, the seniority list will be caused category-wise with reference to their respective dates of appointment in the cadre. In case where dates of appointment of two or more persons are the same, the person older in age shall rank senior and shall be adjusted first.
- (c) Adjustment shall be made on vacant post pertaining to initial recruitment quota from those in the surplus pool in the following manner:-
 - (i) In case of occurrence of vacancies in their corresponding posts in any Government Department/ Organization, the senior most employee in the surplus pool should be adjusted first.
 - (ii) In case of cross cadre adjustment, the persons with such minimum qualification as prescribed in the relevant Service Rules for the post in question shall be adjusted keeping in view their seniority position.
 - (iii) If an employee possesses the basic academic qualification but lacks the professional/technical qualification, he may be adjusted against such post subject to imparting the requisite training.
 - (iv) (a) The surplus employees holding such posts which fall to promotion quota in about all the Departments, he shall remain in

the surplus pool till the availability of a post in the parent department.

OR

- (b) Where no equivalent post is available the civil servant 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 post immediately preceding his appointment to a lower post shall remain protected.
- (v) ¹⁶⁴In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.
- (vi)¹⁶⁵ Surplus employees, who voluntarily opt, may be allowed adjustment in Autonomous/Semi-autonomous bodies with the concurrence of these bodies, where the job is pensionable. The Government will pay pension contribution for the period they rendered regular service under the Government.
- (d) If no suitable person is available in the surplus pool to be adjusted against the vacant/revised post, such a post would be filled up by initial recruitment manner after getting clearance from the E&AD.
- (e) ¹⁶⁶Surplus Staff in BPS-01 to 15 shall not be adjusted in the district other than their district of domicile.
- (f) To facilitate the adjustment of surplus staff, it will be incumbent upon the Administrative Department to take up the case with Finance Department for revival of the essential posts so retrenched as a result of general directive issued by Finance Department from time to time, giving cogent reasons/ justification. Against the resultant revival/restoration of the post, the concerned Department will place a requisition on the E&AD for transferring of suitable surplus employee against the said post.
- (g) Unless the surplus employees in Class-IV are fully adjusted/ absorbed against their respective graded posts in various Government Departments/ Organizations, the general policy of the Finance Department regarding conversion of BPS-1 & 2 posts to posts in fixed salary @ Rs.2000/- per month for contractual appointed should be restricted to the above extent.

¹⁶⁴ Sub para c (v) added to para 5 vide circular letter No.SORVI(E&AD)5-1/2005, dated 15.2.2006.

¹⁶⁵ Sub para c (vi) added to para 5 vide circular letter No.SORVI(E&AD)5-1/2005, dated 31.5.2006.

¹⁶⁶ Sub para (e) added to para 5 vide circular letter No.SORVI/E&AD/5-1/2005, dated 19.1.2007.

6. FIXATION OF SENIORITY

The inter-se-seniority of the surplus employees after their adjustment in various Departments will be determined according to the following principles:-

- (a) In case a surplus employee could be adjusted in the respective cadre of his parent Department he shall regain his original seniority in that cadre.
- (b) In case, however, he is adjusted in his respective cadre but in a Department other than his parent Department, he shall be placed at the bottom of seniority list of that cadre.
- (c) In case of his adjustment against a post in a corresponding basic pay scale with different designation/nomenclature of the post, either in his parent Department or in any other department, he will be placed at the bottom of seniority list.
- (d) ¹⁶⁷In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.

NOTE:-

In case the officer/official declines to be adjusted/absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall lose the facility/right of adjustment/absorption and would be required to opt for pre-mature retirement from Government service

Provided that if he does not fulfill the requisite qualifying service for premature retirement he may be compulsorily retired from service by the competent authority.

7. COMPETENT AUTHORITY TO NOTIFY/ORDER ADJUSTMENT/ABSORPTION.

After the transfer of services of surplus employee to a Department for adjustment/absorption against a vacant/revived post, the Competent Authority to notify/order his absorption/adjustment, shall be the respective appointing authority under the relevant rules for the post.

Provided that the decision of adjustment/absorption of surplus employees by the E&AD shall be binding upon the respective appointing authorities.

DECISION OF THE MEETING OF CHIEF SECRETARY WITH DISTRICT COORDINATION OFFICERS, ON THE ISSUE OF SURPLUS POOL

SOR-I(S&GAD)1-200/98 (Vol.I), Dated 13th August, 2001

¹⁶⁷ Sub para (d) added to para 6 vide circular letter No. SORVI(E&AD)5-1/2005, dated 15.2.2006

I am directed to refer to the subject noted above and to say that a meeting was held on 4.8.2001 in the Cabinet Room Civil Secretariat under the Chairman of Chief Secretary, Khyber Pakhtunkhwa to discuss the issues relating to adjustment of employees rendered surplus due to restructuring of the Government Departments and Devolution of Power Plan, 2000. The following decisions were taken in the said meeting:-

- i) Administrative Departments may reconsider adjustments already made against the available posts at District level. The guiding principle for reviewing the adjustment would be aimed at avoiding dislocation of the employees to the possible extent.
- ii) The DCOs will maintain the surplus pool of the employees, declared surplus in the District cadres and their subsequent adjustment against the vacant posts (District Cadres). It must be ensured that only the junior most employees in the scale in the cadre be declared surplus. At the stage of adjustment of Class-IV posts, the senior most be adjusted first. However, for the other posts besides seniority, the background of the individual and requisite experience of the posts shall be kept in view. The surplus pool of Divisional cadres be maintained by the DCOs posted at divisional headquarters.
- iii) The surplus pool of the employees of the Head Offices be maintained by the Head of the concerned Attached Department. Declaring employees surplus and their subsequent adjustment be made strictly according to the spirit of the policy of the Provincial Government issued vide circular letter No.SORI (S&GAD)1-200/98, dated 8.6.2001.
- iv) The surplus pool of the Secretariat be maintained by the Establishment Department in consultation with the Department concerned.
- v) The salaries of the surplus employees be disbursed through their relevant offices for the time being.
- vi) It was also felt that the sanctioned staff for the office of DCO and other offices is not sufficient. The ministerial staff has no appropriate tiers for the purpose of control and promotion i.e. Senior Clerk and Superintendent etc. The post of Chowkidar / Sweeper does not exist in the office of DCOs and other offices. Even the other required staff does not meet the bare minimum. The DCOs will, therefore, forward the required proposal for consideration of Finance Department. The budget for the same can be arranged from the available savings due to phasing away of magistracy etc.
- vii) The LG&RD Department may reconsider the adjustment of the employees of the Local Council Board, so as to find out whether any such employees

have been adjusted against the regular Government posts funded from the Provincial Consolidated Fund.

- viii) For adjustment of regular Class-IV (BS 1-4) Government Servant in surplus pool, Finance Department may consider conversion of fixed pay/ contract posts into regular.

2. It is requested that decisions taken during the meeting held on 04.08.2001 may kindly be implemented by all concerned in letter and spirit and compliance report be furnished accordingly.

¹⁶⁸I am directed to refer to the subject noted above and to state that a number of references have been received in this Department, seeking clarification pertaining to issuance of NOC prior to recruitment against the posts falling in the initial quota. It is clarified that after enactment of Local Government Act, 2014, the District Government does not exist but the functions of erstwhile District Coordination Officer and District Officer (Revenue & Estate) have been integrated in the office of Deputy Commissioner vide Notification NO.SO(E-I)E&AD/4-49/2012 dated 27-12-2012. However, so far Surplus Policy of Provincial Government is concerned it is clarified that the same has not been withdrawn so far and still it stands good.

I am further directed to state that the Surplus Policy circulated vide letter NO.SOR-I(E&AD)1-200/98 dated 08-06-2001 & subsequent amendments thereto and Notification No.SOE-V(E&AD)2-5/2007 dated 14-06-2007 issued by the Establishment Department, Govt. of Khyber Pakhtunkhwa still holds good and will remain intact till further order.

I am, therefore, directed to state that NOC for recruitment under initial quota in BPS-1 to BPS-15 will be issued by the Deputy Commissioner concerned, according to this Department Notification No.SOE-V(E&AD)2-5/2007 dated 14-06-2007 and NOC for recruitment under initial quota in BPS-16 and above will be issued by the Establishment Department, Govt. of Khyber Pakhtunkhwa according to the surplus policy quoted above, till further order.

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¹⁶⁸ No.SOE-V(E&AD)/2-5/2018 dated 21.3.2014

CONSTITUTION OF STANDING SERVICE RULES COMMITTEE**NOTIFICATION**

NO.SO(Policy)/E&AD/2-69/2022 dated 09.02.2022

In pursuance to Rule 3(2) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of this Department's Notification No. SOR-VI (E&AD)2-69/2009/Vol-I, dated 04-02-2015, the Competent Authority is pleased to reconstitute the Standing Service Rules Committee (SSRC) as under:

1.	Special Secretary (Regulation), Establishment Department.	Chairman
2.	Additional Secretary (Reg-II), Establishment Department.	Member
3.	Additional Secretary of the concerned Administrative Department.	Member
4.	Additional Secretary (Reg), Finance Department.	Member
5.	Additional Secretary, Law Department.	Member
6.	¹⁶⁹ Representative of Khyber Pakhtunkhwa Public Service Commission not below the rank of BS-18	Member
7.	Deputy Secretary (Policy), Establishment Department.	Member/Secretary
8.	A technical expert working in a government department or a Representative of the concerned University.	Co-opted Member

Terms of Reference:-

- i. SSRC will frame service rules and make amendments thereto in respect of Provincial Government Departments.
- ii. Concerned Administrative Department will prepare working paper on proper format (copy attached) and will circulate to all concerned departments at least one week in advance.
- iii. Establishment Department will convene meeting of SSRC on a convenient date and time. Minutes of the meeting will be circulated after obtaining signatures of all the members of the SSRC.
- iv. Meetings of SSRC will be held monthly. However, in case of some emergent need, the Meeting can be convened anytime.
- v. Administrative Department will prepare draft amendment notification and will get the same vetted by Law Department, send it to Secretary Establishment for approval on a Note for Secretary Establishment.
- vi. Rules or amendments thereto will be notified after obtaining approval of the Secretary Establishment.

¹⁶⁹ NO.SO(Policy)/E&AD/2-69/2022. Dated 23.03.2022

PROFARMA FOR NEW / EXISTING SERVICE / RECRUITMENT RULES**Annexure-I**

PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT APPLICABLE TO THE POST IN THE _____

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification appointment by promotion	Age limit	Method of recruitment
1	2	3	4	5	6

Annexure-II

PROFORMA SHOWING PROPOSED METHOD AMENDMENT IN EXISITING SERVICE RULES

Nomenclature of the post	Qualification	Age	Method of recruitment
(Existing) (Proposed)(Reasons)	(Existing) (Proposed)(reasons)	(Existing) (Proposed)(reasons)	(Existing) (Proposed)(reasons)
2	3	4	5

Sanction of the post/posts
by the Finance Deptt may
also be quoted and enclosed

AUTHORIZATION OF SECRETARY ESTABLISHMENT FOR THE APPROVAL RECOMMENDATION OF SSRC.

SO(Policy)/E&AD/2-69/2017 dated 28.12.2017

In exercise of the powers conferred by sub-rule (3) of the rule 9 of the Khyber Pakhtunkhwa Government Rules of Business, 1985, the Chief Secretary, being Incharge of the Establishment and Administration Department is pleased to authorize Secretary to Government of the Khyber Pakhtunkhwa Establishment Department, to approve the method of appointment, qualifications and other conditions applicable to a post, recommended by each Administrative Department in pursuance of the Standing Service Rules Committee, under sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, with immediate effect.

MINIMUM QUALIFICATION OF SSC FOR THE POST OF NAIB QASID.

SO(Policy)E&AS/1-3/2023/APT Rules dated 28.09.2023.

I am directed to refer to the subject noted above and to state that in the Secretaries Committee Meeting held on 04-09-2023 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa inter-alia it has been decided that minimum qualification of Secondary School Certificate (SSC) should be mandatory for the post of Naib Qasid in all Government Departments/Offices.

I am further directed to state that necessary action with regard to amendments in the relevant service rules of your respective departments/offices may be taken through Standing Service Rules Committee (SSRC) and case may be submitted for consideration/approval of SSRC at the earliest

CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

SOR.VI(E&AD)/1-4/2005/Vol-II dated 27.05.2013.

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:**

Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

(ii) **Tenure, Posting and Transfer:**

When the ordinary tenure, for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

(iii) **Illegal Orders:**

Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, Dissent.

(iv) **OSD:**

Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

REVISION OF THE POLICY FOR GRANT OF BS-21 AND BS-22 TO TECHNICAL AND PROFESSIONAL OFFICERS ON THE BASIS OF MERITORIOUS SERVICES.

SO(E-I)E&AD/9-133/09, Dated 3rd November 2009

I am directed to refer to the subject cited above and to state that in consonance with the procedure devised by the Federal Government with the approval of the Prime Minister of Pakistan, criteria for grant of BS-21 and BS-22 on account of meritorious Services to Technical and Professional Officers has been revised as follows:-

- a) Officers be considered for grant of BS-21 & BS-22 on the basis of meritorious service in order of seniority.
- b) P.E.Rs should be quantified in present and previous scales as per existing promotion policy and assigned a weightage of 70%.
- c) Training from NIPA, Staff College and National Institutes of Management may be given 15% weightage. In case the training information/requirements is not relevant, overall professional competence be judged and notional marks be assigned on the basis of his previous record.
- d) Minimum of 3 years active service in BS-20 for BS-21 & 5 year's active service in BS-20 & above including 3 years in BS-21 for BS-22 will be required excluding the period of long leave (4 months or more).
- e) The Special Selection Committee shall scrutinize Significant contribution of the Technical and Professional Officers in their relevant fields of specialization, consulting Secretary concerned and Head of Offices/ Organizations about the background, level of competence and general reputation and allocate marks out of 15 to the officers being considered for grant of BS-21 and BS-22 on the basis of meritorious services.
- f) Minimum threshold in this way shall be 75% marks.

- g) The Proforma I, II, III, are also forwarded to be filled in by the Departments with the request to furnish the same along with present sanctioned strength of the officers in BS-20.
 - (i) The Departments may also indicate the name, designation & date of availing BS-21 or 22 on meritorious basis (if availed previously).
2. I am further directed to request that working paper may please be prepared as per criteria and procedure of the Federal Govt and endorse Proforma and furnish to this Department alongwith sanctioned strength of the officers in BS-20 please. The above requisite information may also be forwarded to this Department.

Proforma-I

GOVERNMENT OF KHYBER PAKHTUNKHWA.
DEPARTMENT

**PROFORMA FOR SUBMISSION OF PROPOSALS FOR GRANT
OF BS-21 OR BS-22 TO TECHNICAL AND PROFESSIONAL
OFFICERS.**

Sanctioned Strength of posts

S.N O.	Particulars of posts/ officers as on	Department	Attached Department	Provincial Subordinate Offices	Total Col 3,4 & 5
1	2	3	4	5	6
I	Total number of technical/ professional posts sanctioned in BS-21.				
II	Total number of technical/ professional posts sanctioned in BS-20				
III	Total number of officers holding technical/professional posts in BS-21 on regular basis.				
IV	Total number of officers holding technical/professional posts in BS-20 on regular basis.				
V	Pool posts @ 12.5 of the total number of posts in BS-20 (i.e. of (ii) above)				

To be signed by Head of
Administrative Department

Proforma-II

**Panel Proforma for grant of BS-21/22 to BS-20/21
Technical and Professional officers on account of
meritorious Services as on _____**

Photo

Name of officer		Date of birth	
Domicile		Seniority No.	
Service/cadre to which he belongs		Nomenclature & BS of the post held & date of regular appointment	
Technical Qualifications and experience prescribed in the Recruitment Rules for the post.		Technical/Professional Qualifications & experience possessed by the officer.	Add as Annex-I if required
Job description of the post held by the officer.		Performance indicators prescribed for the post	Add as Annex-II if required
The achievements of the officer in specific measurable terms during last 03 years.	Add as Annex-III if required	Particulars of publications. Details of research papers/ books authored by the officer with the name of journals in which research papers were published.	Add as Annex-IV if required
Reasons for which the officer is to be considered as specially meritorious	Add as Annex-V if required	Details of significant contribution made by the officer in his field of specialization.	

SERVICE PARTICULARS

IMPORTANT APPOINTMENTS HELD IN THE PRESENT RANK

S.NO.	POST HELD		S.NO.	POST HELD		
1			2			
Penalties (if any)						
Training courses (other than Mandatory Training, if any)						
Grading of Mandatory Training at NIPA/SMC, if done						
NUMBER OF PERS						
Basic Scale	Outstanding	Very Good	Good	Average Reports	Below Average	Adverse Report/ Remarks in BS-19
Awaited Reports(PERs)			Additional Information			
EFFICIENCY INDEX						
Required Threshold	Score of PERs & Training Reports		Marks awarded by SSC		Total	
75						
Recommendations of Special Selection Committee						
Promoted	Deferred			Superseded		

Checked by
(Deputy Secretary or Equivalent)

Prepared by
(Section Officer or Equivalent)

PROFORMA-III
PER GRADING & QUANTIFICATION FORM

Name :

Year	Post held	Min/Divn/ Deptt	Period of PER		PER's Assessment		Fitness for promotion	Score
			From	To	By RO	By CO		
Previous Scale (Scale BS-19/20)								
Aggregate score								
CALCULATION OF SCORE								
A. PERs Quantified Score 60 : 40 @ 70%	Basic Scale			Aggregate Score		Weightage Factor	Points Obtained	
	Present Scale							
	Previous Scale							
	i. Additions ii. Deletions							
	Total (A)							
B. Training @ 15%	NIPA/NMC							
	LHR	KAR	QTA	PSH				

Checked by
(Section Officer or Equivalent)

Prepared by
(Superintendent or Equivalent)

Countersigned by
(Deputy Secretary or Equivalent)

RE-ALLOCATION OF POSTS FOR GRANT OF BS-21 ON MERITORIOUS SERVICE TO PROFESSIONALS/TECHNICAL OFFICERS.

SO(E-I)E&AD/9-133/2010, dated 03.05.2010

I am directed to refer to this Department's letter of even No. dated 3.11.2009 on the subject cited above and to state that the competent authority has desired to re-allocate the posts of BS-21 on meritorious service basis.

2. In view of the above, it is requested to kindly provide the following information with documentary proof for further necessary action:-

- (i) Number of sanctioned posts in BS-20 and occupancy report with necessary clarification.
- (ii) Proposals of the respective department (if any) regarding re-allocation of posts for grant of BS-21 on meritorious services basis.

MARRIAGES WITH FOREIGN NATIONALS

Short title, application and commencement.

- (1) These rules may be called the Government Servants (Marriage with Foreign Nationals) Rules, 1962.
- (2) They shall apply to every person who is a member of an All-Pakistan Service or who is serving in a Civil capacity in connection with the affairs of the Federal Government, but shall not apply to any person who is employed on contract.
- (3) They shall come into force at once.

2. **Definitions--** In these rules, unless there is anything repugnant in the subject or context:-

- (a) "Foreign National" means a person who is not a citizen of Pakistan;
- (b) "Government Servant" means a person in the service of Pakistan to whom these rules apply whether such person is, for the time being on foreign service or not,
- (c) "Marriage" means matrimonial relationship entered into in accordance with law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly.
- (d) (omitted).

3. **Marriage with foreign nationals prohibited :-**

- (1) ¹⁷⁰Subject to the provisions of sub-rules (2), a Government Servant who marries or promises to marry a foreign national shall be guilty of misconduct and render himself liable to any of the major penalties under the Government Servants (Efficiency and Discipline) Rules, 1973.
- (2) ¹⁷¹A Government servant may, with the permission of the Federal Government, marry or promises to marry a Muslim citizen of foreign national of any country recognized by Federal Government.
- (3) The grant of permission under sub-rule (2) shall be at the discretion of the Federal Government and may be subject to such conditions if any, as it may specify.

4. Supersession of previous rules, notifications etc. ----

These rules shall supersede all previous rules, notifications and instructions relating to the conditions of marriage of a Government servan.

¹⁷⁰ Amended vide Establishment Division's Notification No.2/7/81-D-IV, dated 26.5.1981, as published in the Gazette of Pakistan (Extra Ordinary) dated 27.5.1981.

¹⁷¹ No.SOR-VI/E&AD/1-3/2008 dated 16th March, 2011(No. SRO-10-83(1)2010 Islamabad dated 12.11.2010)

**THE WEST PAKISTAN GOVERNMENT SERVANTS
(RESTRICTIONS ON MARRIAGES WITH FOREIGN NATIONALS) RULES, 1963.**
No.2/7/81-D-IV, dated the 30th July, 1981, from Govt. of Pakistan Cabinet Secretariat
(Establishment Division.)

Short title, commencement and application :-(1) These rules may be called the West Pakistan Government Servants (Restrictions on Marriages with Foreign Nationals) Rules, 1963

- (2) They shall come into force at once.
- (3) They shall apply to all Government servants under rule making authority of the Governor of West Pakistan other than the persons employed on contract basis.

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

- (a) "Foreign national" means a person who is not a national of Pakistan.
- (b) "Government" means the Government of West Pakistan;
- (c) "Government servants" means a Government servant to whom these rules apply;
- (d) "Marriage" means the matrimonial relationship entered into in accordance with any law for the time being in force or in accordance with any religious, rites or ceremonies and its grammatical and cognate expressions shall be construed accordingly; and
- (e) "Misconduct" shall have the same meaning as assigned to it in the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

3. Prohibition on marriages with foreign nationals:- Save as provided in rule 4, a Government servant who marries or promises to marry a foreign national shall be guilty of mis-conduct and shall be liable to be removed from service.

4. Permission to marry a citizen of India:- *(1) A Government servant may, with the prior permission of Government marry or promise to marry a person who is a citizen of India.

(2) The grant of permission under sub-rule(1) shall be at the sole discretion of Government and shall be subject to such conditions, if any, as may be specified by Government.

***Note:-** This concession is also extended to the nationals of Bangladesh vide Khyber Pakhtunkhwa Notification No.SORI(S&GAD)4-1/80(Vol.III), dated 21.5.97

MARRIAGE WITH FOREIGN NATIONALS BY THE GOVERNMENT SERVANTS

I am directed to state that an amendment has since been made in the Government Servants (Marriage with Foreign Nationals) Rules, 1962, vide Establishment Division's Notification No.2/7/81-D-IV, dated 26.5.1981, as published in the Gazette of Pakistan (Extra-ordinary) dated 27.5.1981, vide SRO-497(i)/81, that no Government servant is allowed to marry a foreign national, except a Muslim citizen of India with prior permission of the Government.

2. It has been decided that:-

- (a) These Rules shall be equally applicable to the employees of the Provincial Governments, autonomous bodies of Federal and Provincial Governments and the taken-over organizations.
- (b) Exceptions may be made in the case of officers who are serving autonomous bodies on contract basis.
- (c) The statutory bodies like the State Bank of Pakistan etc. may be advised to adopt the Government Servants (Marriage with Foreign Nationals) Rules, 1962 as amended, for being made applicable to their employees.
- (d) For marrying a Muslim citizen of India, the authorities to grant prior permission in consultation with the concerned Police/ Intelligence agencies, shall be the following:-
 - (i) Establishment Division in the case of all Government Servants in the Federal Govt.
 - (ii) Secretaries of the Provincial Services and General Administration Departments, in respect of Provincial Civil Servants and the APUG Officers serving in Provinces.
 - (iii) Heads of autonomous and taken-over organizations, either under the Federal or Provincial Governments, in respect of their own employees.
 - (iv) Cases of Government servants serving in the autonomous bodies shall be referred to their respective Government.

3. Provincial Governments, and Ministries/Divisions in the Federal Government, are requested to take action accordingly,

4. This cancels the Establishment Division's O.M. No.6/8/63-D-II, dated 18.6.1965.

.....

COUNTING OF AD-HOC SERVICE

AD-HOC SERVICE / AD-HOC APPOINTMENT

West Pakistan Circular letter No.SOIV(S&GAD)16-14/64 (Policy), dated 1.10.1969

This Department's letter No.SOIV(S&GAD)16-14/64(Policy), dated 20th October, 1969, on the subject noted above , and to say that in view of the complaints of favoritism and irregularities in the making of Ad hoc appointments, a decision was taken by Government to withdraw these powers from the Administrative Departments. An Ad hoc Appointments Committee was constituted with the Chairman Public Service Commission as its head.

2. The position has since been reviewed by the Government. The Administrative Departments have been pressing for restoration of powers of making Ad hoc appointments. It has been urged that powers of making appointments on an emergency basis, would give greater operational freedom to executing agencies and would speed up the implementation of projects and programmes. The grant of these powers to the Administrative Departments will ensure that responsibility for failure to fulfill the prescribed targets rests squarely on the Administrative Departments. In view of the considerations mentioned above, it has been decided to restore the powers of making Ad hoc appointments to the Administrative Departments and other authorities. The Ad hoc Appointments Committee has been abolished with immediate effect.

3. To ensure that there is no repetition of complaints with regard to favoritism and irregularities, it has been decided that the following procedure/instructions shall be observed strictly by appointing authorities:-

- (i) **Requisition to Public Service Commission:-** a requisition must be sent to the Public Service Commission before action is taken to fill up the post on an ad hoc basis.
- (ii) **Advertisement of vacancies:-** The vacancies for direct recruitment should be filled up after proper advertisement only.
- (iii) **Appointment to conform to recruitment rules:-** The appointments should conform to the provisions of the service / recruitment rules and in particular, the regional quotas prescribed by Government should be strictly adhered to.
- (iv) **Criteria for selection-**
 - (a) The selection should be made on the basis of merit and objective criteria should be used.
 - (b) In the absence of any other important factor, the selection of direct recruits should be based on the marks obtained by the candidate in the examination for the degree/diploma, etc. which is prescribed as the minimum qualifications for the post.
 - (c) In the case of promotions, the selection should be based strictly on the service record.
 - (d) The particulars of all candidates applying for the post should be tabulated in appropriate form, and signed by the Chairman of the Selection Board. Where candidates have been eliminated on the basis

- of a qualifying minimum e.g. examination/grades (it would not be necessary to list all the particulars of the candidates).
- (v) Setting up of Selection Board - The Selection should be made by a Selection Board consisting of three officers and headed by an officer not below the rank of Secretary/Additional Secretary of the Administrative Department for class I and by the Regional Head/Divisional Commissioner for Class II. Immediate steps should be taken to constitute Selection Boards at the two levels.
 - (vi) Appointment Orders- The appointment order should certify that a requisition for direct recruitment or promotion has been sent to the Public Service Commission.
 - (vii) Appointment orders will indicate that it is subject to revocation at the discretion of the Review Board.
 - (viii) Appointment orders of Ad hoc appointment will be published in Gazette.
 - (ix) Special conditions with regard to Ad hoc Service-Ad hoc appointments will not confer any right on the Government servants in the matter of regular appointment to the same post nor the service will count towards seniority.
 - (x) Service in an Ad hoc capacity will count as experience for the purpose of minimum qualification of a post.
 - (xi) The Ad hoc appointment will only last till the recommendations of the Commission have been received and Government has approved the selection of a candidate for the vacancy. On this the services of Ad hoc appointees, if not approved by the Commission, shall be terminated.
 - (xii) Provision for disposal of representation-
 - (a) Class-I - Persons aggrieved by an Ad hoc appointment to a Class-I post may submit representations to a Review Board consisting of a Member, Board of Revenue and Additional Chief Secretary, Services and General Administration Department. The representation will be submitted within 15 days of the publication of the Gazette notifying the appointment. The Review Board would have the authority to pass appropriate orders including the revocation of an appointment already made. The revised order will also be published in the Gazette.
 - (b) Similarly, representations against orders of Ad hoc appointments to Class-II posts will lie to the Administrative Secretary. As in the case of Class-I, the representation will be submitted within 15 days of the publication of the appointment orders in the official Gazette. The Administrative Secretary would have the authority to pass appropriate orders, including the revocation of an appointment order. The revised order will also be published in the Gazette.

The nomenclature of the services and posts included in the Schedule are as under:-

- i) Services and Posts in Basic Pay Scale 16 to 20 except the following posts.
 - (a) Chairman and Members of the Commission;
 - (b) Additional District and Session Judges;

- (c) Comptroller, Governor's House, Peshawar.
- (d) Assistant Cypher Officer in the Provincial Cypher Centre.
- ii) Post of Assistant Sub-Inspectors of Police.
- iii) Naib Tehsildars.
- iv) Zilladars.
- v) Sub-Engineers.

ADHOC APPOINTMENT

SOR-VI/E&AD/1-14/2011 dated 19.09.2012

Rule-14 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, provides that when the appointing authority considers it to be in the public interest to fill a post falling within the purview of the Public Service Commission urgently, pending selection of candidate by the Commission, it may proceed to fill such post on ad hoc basis for a period not exceeding one year by advertising the same as in Part-III of the Rules ibid.

Rule-3 of the Khyber Pakhtunkhwa Public Service Commission (Functions) Rules, 1983, inter alia provides that the Commission shall conduct tests and examination, including Psychological test for initial recruitment to services and posts in connection with the affairs of the Province falling in the purview of Public Service Commission Khyber Pakhtunkhwa.

According to the provision of the aforesaid rules, no adhoc appointment is permissible against any post other than post in the Autonomous/Semi-Autonomous Bodies and Corporations which are outside the purview of the Khyber Pakhtunkhwa Public Service Commission as well as the posts falling in the purview of DPC.

It has, however, come to the notice of this Department that ad hoc appointments are being made by the Autonomous/Semi-Autonomous Bodies and by certain Government Departments against posts in BS-15 and below (other than those recruitment to which is within the purview of the Commission) despite the ban imposed by Government on making ad hoc appointments. This is not at all desirable.

I am, therefore, to reiterate to strictly abide by the aforesaid instructions and stop making such appointments on ad hoc basis. These instructions may kindly be brought to the notice of all concerned under your control with clarification that the defaulters shall render themselves liable to strict disciplinary action under the relevant rules.

COUNTING OF THE ADHOC APPOINTMENT TOWARDS MINIMUM EXPERIENCE PRESCRIBED FOR A POST

SORII(S&GAD)1(4)/84 dated 24.03.1985

I am directed to say that in terms of former Government of West Pakistan S&GAD letter NO. SORI(S&GAD)-16-14/64(Policy) dated 21.02.1970 (copy enclosed), the adhoc appointment period will count as experience for the purpose of fulfilling the requirements of the Service Rules. The aforesaid policy has been reconsidered in consultation with the Establishment Division, Government of Pakistan. Under Section 2(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, 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. The prescribed methods for appointment under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are, by initial appointment, by promotion and the by transfer. Appointment on adhoc basis is not a regular or recognized method of appointment.

Appointment on adhoc basis has been allowed to be made in the public interest, pending the availability of nominee of the Khyber Pakhtunkhwa Public Service Commission vide rule 19 of above rules. Under Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, the seniority in a post to which a civil servants is promoted takes effect from the date of regular appointment to that post. Seniority of initial appointment accrues from the date of joining a post under Government on the recommendations of the Public Service commission and approval of the competent authority.

It is thus evident that adhoc appointment/service does not count for fulfilling the requirement of service for the purpose of computing service for promotion to a higher post.

COUNTING OF THE ADHOC APPOINTMENT TOWARDS MINIMUM EXPERIENCE PRESCRIBED FOR A POST

SORI(S&GAD)-16-14/64(policy) dated 21.02.1970

I am directed to refer to para 3(x) of this Department letter NO. SOIV(S&GAD)-16-14/64(policy) dated 01.10.1969 regarding adhoc appointment, in which the existing instructions about adhoc experience were summarized. Some references have been received whether this amounts to modification of the earlier policy laid-down in this Department letter No. SOXII(S&GAD)2-38/66 dated 30.03.1967, on the subject noted above. It is explained that the intention is not to revise the policy. As already laid down the adhoc appointment period will count as experience for the purpose of fulfilling the requirements of the Service Rules. Adhoc experience in a junior post of a person subsequently selected by the Commission should be taken into consideration when determining his eligibility for a senior post or the same post. This would, however, be subject to the provision that his

seniors in the service are not ruled out as intelligible on the ground of shortage of experience. I am to request that these instructions may be noted for further guidance.

ADHOC APPOINTMENT AGAINST VACANCIES CAUSED DUE TO DEPUTATION/EMPLOYMENT ABROAD OF GOVERNMENT SERVANTS.

No. 2/9/76-D. 3/CP.5 dated 06.06.1985

I am directed to refer to the Government of Khyber Pakhtunkhwa Service and General Administration Department's letter No. SORII(S&GAD)1(3)84 dated 03.04.1985 and to state that appointments against the posts falling under the purview of a Commission, can be made by the appointing authority, without referring such cases to the Commission, only if the vacancy/post is for a period not exceeding six months.

However, all the vacancies exceeding the period of six months have got to be filled in through the Commission if the posts in question fall under its purview. Adhoc appointments against the vacancies for period longer than six months can therefore be made, but a requisition will have to be placed on the Commission.

In the instat case, the incumbent has been allowed to go on deputation for a period of 2 years, which is extendable for 5 years. The resultant vacancy will, therefore, be for a period between 2 and 5 years. The Public Service Commission will, therefore, have to be consulted for filling up such vacancy.

While referring the post to the Commission, it may be clarified in the requisition that the vacancy is of temporary nature. This fact may also be mentioned in the advertisement to be issued by the Commission and the offer of appointment to be issued later on so that the candidate/appointee know in advance that he will not have any right of lien or confirmation against the said post.

COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

SOR-I(S&GAD)-1-29/75 dated 27.11.1988

I am directed to say that under the existing rules, adhoc service does not reckon for the purpose of seniority. The point as to whether adhoc service rendered in a post, followed by regular appointment to that post, may be allowed to be computed towards length of service prescribed for promotion to higher post, was considered in consultation with the Establishment Division. It has been decided that with immediate effect the service rendered on adhoc basis in a post under Provincial Government, followed by regular appointment to a post on the same scale, shall be counted towards length of service, prescribed for promotion to a higher post provided there is no break between adhoc and regular appointments to the post concerned.

COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

SOR-II(S&GAD)1-29/75 dated 06.02.1989

I am directed to say that under this Department circular letter of even umber dated 27.11.1988, the services rendered on adhoc basis in a post under the Provincial Government, followed by regular appointment to a post in the same pay scale, has now been allowed to be counted towards length of service, prescribed for promotion to a higher post provided there is no break between adhoc and regular appointment to the post concerned.

In order to remove the confusion prevailing in the concerned quarters, I am to clarify that:-

a. The above instructions should be read in conjunction with sub-rule(4) of rule 7 and sub-rule (1) and (2) of rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 reproduced below:-

“7(4) No promotion on regular basis shall be made to posts in basic pay scales 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

9(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.

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

The adhoc service is countable towards the minimum length of service prescribed by Government vide S&GAD circular letter No. SORI(S&GAD)1-29/75 dated 23.02.1981, for promotion to various posts in BPS-18 to BPS-21. The continuous adhoc service shall not be reckonable the purpose of seniority.

COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

SOR-II(S&GAD)1(27)/86 dated 18.06.1989

I am directed to refer to this Department circular letter NO. SOR-I(S&GAD)1-29/75, dated 27.11.1988 and 06.02.1989, on the subject noted above and to say that the “adhoc appointment has not been defined in the Fundamental Rules. However, according to the definition given in the Khyber Pakhtunkhwa Civil Servants Act, 1973, an “adhoc 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. The “adhoc appointment” has always been treated as a temporary appointment and under proviso to FR-22, the service rendered against temporary post in the identical pay scales is counted towards increments.

2. The matter has been examined in consultation with Establishment Division, Finance Division as well as Finance Department, NWFP. It has now been clarified that there is no bar on the adhoc service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided there has been no break between adhoc and regular appointment.

3. I am, therefore, directed to request that the above instructions may kindly be brought to the notice of all concerned.

COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

SOR-II(S&GAD)1(27)/86 dated 25.03.1992

I am directed to refer to this department letter of even number dated 18.06.1986 and to say that vide our letter of 11.12.1990, it was proposed to the Finance Department that on the basis of adhoc service rendered by them in the same scale, the benefit of move-over may be allowed to accrue to regular Civil Servants from the date from which they became eligible for this benefit. The Finance Department has now clarified vide their letter No. FD(PRC)1-1/89 dated 08.03.1992 that the earlier decision contained in S&GAD letter dated 18.06.1989 was taken in consultation with Finance Department and hence no further action appears necessary.

The aforesaid decision is hereby circulated for information/guidance of all concerned.

EXTENSION OF THE CONCESSION OF MOVE-OVER TO CIVIL SERVANTS WHO HAVE INITIAL ADHOC SERVICE FOLLOWED BY REGULAR SERVICE IN THE SAME SCALE

FD(PRC)1-1/89 dated 08.03.1992

I am directed to refer to your letter No. SOR-II (S&GAD) 1(27)/86 dated 02.01.1991 on the subject noted above and to state that in view of the decision taken in consultation with the Finance Department and circulated by the Service and General Administration Department vide letter NO. SOR-II (S&GAD)1(27)/86 dated 18.06.1989. No further action appears necessary.

.....

CONFIRMATION AND LIEN

PROMPT DECISION ABOUT CONFIRMATION OF GOVERNMENT SERVANTS ON EXPIRY OF PROBATIONARY PERIOD.

No.SOXII(S&GAD)2-133/63,dated 12.8.1963

An identical provision regarding probation is being made in Service/Recruitment Rules of all the Services and posts. A copy of the standard rule relating to probation is enclosed.

2. A perusal of this rule will show that according to Explanation I of sub-clause 3 of the standard rule, a provision has been made that if no orders have been made by the date following the completion of the initial probationary period, the period of probation shall be deemed to have been extended. This provision has only been made to cover cases where an appointing authority cannot take a decision on account of unavoidable circumstances. The general rule should be that a decision regarding the confirmation of a probationer shall be taken before the expiry of the probationary period and it is only in rare cases that automatic extension of the probationary period under this explanation should be relied upon.

3. Another provision has been made in Explanation II of sub-clause 3 of the standard rule to the effect that if no orders have been made by the date on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended. This provision has also been made only to safeguard unavoidable delay by the appointing authorities to take a timely decision. It provides for automatic confirmation of the probationer for want of a proper order. But the proper course would be to assess the work of the probationer in time to form an opinion about his work, and take a proper decision instead of allowing the automatic confirmation of the probationer without proper assessment. The general rule in this case should be that there should be no occasion for the application of this explanation and timely action should be taken by the appointing authority regarding the fitness of a probationer for confirmation. I am to request that these instructions may kindly be strictly observed by all the appointing authorities.

4. There is still a number of Service/Recruitment Rules which have to be notified. In certain cases there are some existing Service Rules which fix the probationary period and the conditions for the confirmation. These rules should be strictly followed, especially about the time limit laid in each case. All cases of confirmation should be taken up well in time and decided before the expiry of the probationary period.

**PROMPT DECISION ABOUT CONFIRMATION OF GOVERNMENT SERVANTS
ON EXPIRY OF PROBATIONARY PERIOD.**

No.SOXII(S&GAD)2-133/63, dated 07.10.67

This Department's Circular letter of dated 12.8.1963 in which the importance of taking prompt decisions about the confirmation of the probationers before the expiry of the probationary period was stressed. It is a matter of regret that cases still continue to come to the notice of this Department in which the Administrative Department did not take any decision during the initials as well as the extended period of probation of the officers with the result that the probationers become entitled to automatic confirmation and their confirmation could not be withheld even when their work and conduct during the probationary period had been unsatisfactory. Government are gravely perturbed over this situation and have decided to make it obligatory on the Administrative Departments/ Appointing Authorities to pass an order on the completion of the initial probationary period, either (i) confirming the probationer; or (ii) extending the period of probation or (iii) dispensing with his services, if he was appointed by initial recruitment or (iv) reverting him to his former post, if he was appointed otherwise and if there is no such post dispensing with his services. In case the period of probation is extended, it would be binding on the Administrative Department/ Appointing Authorities to issue another order before the expiry of the extended period of probation, either confirming the officer or reverting him.

2. I am to add that Government would take serious notice of non-observance of these instructions and would take disciplinary action against the officers found responsible for not complying with them.

3. This letter will take effect from 1st January, 1968. In the meantime in all pending cases of the past appropriate orders may be passed.

RETENTION OF LIEN

No.SORI(S&GAD)1-62/80, dated 17.04.1989

Under the existing rules, lien of a civil servant can only be retained if he is a confirmed employee and is working against a permanent post. Despite completing the extended period of probation, the Government servants are not being confirmed for obvious reasons for no fault of theirs. As a matter of principle a regular Government servant who has completed his prescribed period of probation inclusive of the extended period of probation has a right to be confirmed.

2. It has been brought to the notice of this Department that a large number of unconfirmed employees on their selection for different jobs in Government and Autonomous Organizations ask for retention of lien and right of reversion to their parent Departments which is not permissible presently. Resultantly such employees hesitate to join the service elsewhere.

3. Keeping in view the acute un-employment in the country in general and in Khyber Pakhtunkhwa in particular it has been decided to give right of reversion initially for two years extendable by a further period of one year if a request in this behalf is received from those employees who are selected for appointment under Federal and other Provincial Governments provided they have served on regular basis for at least two years or who have completed the extended period of probation but could not be confirmed for obvious reasons.

CONFIRMATION OF LIEN

SOR.VI(E&AD)1-11/2003 Dated 2nd September 2003

I am directed to refer to the subject noted above and to state that the lien of a civil servant accrues when he is appointed substantively against a permanent post. Substantive appointment means confirmation. The confirmation of a Government servant in a cadre can be made against a permanent post. The definition of permanent post is given in FR-9 (22) and temporary post in FR-9 (30). Apart from this definition from practical point of view all posts on SNE are temporary posts and all posts converted into permanent in Revenue Budget are permanent posts. In terms of Rule 16 of the APT Rules, 1989 read with Section-7 (3) of Civil Servants Act, 1973, after successful completion of probation, confirmation of servant can be made but against a permanent post held by him substantively whereas temporary can be filled regularly but not substantively. As such Government servant after successful completion of probation period after his direct recruitment or promotion become a regular employee against that post but not confirmed unless permanent vacancy becomes available to him.

2. On availability of a permanent vacancy in a cadre, confirmation shall be made there against on the basis of seniority-cum-fitness. It may be mentioned that if that post when converted into permanent and becomes available for confirmation, not the existing incumbent of that permanent post but the senior most in the cadre is confirmed against it irrespective of the fact whether he is holding the charge of that post or not. Even if an officer or official retires before his confirmation in service and after his retirement it comes to knowledge that some vacancies were available for their confirmation while in service, so in terms of section 7(4) of the Civil Servants Act, 1973 they should be confirmed first w.e.f. the dates of availability of the vacancies in their favour. These vacancies will be treated available again for confirmation of others w.e.f., the dates of retirement or death of the employees who were confirmed as such there against.

3. All the Departments are therefore advised to be guided by the relevant rules as explained above and carry out the exercise for confirmation of their employees in the aforesaid manner.

RETENTION OF LIEN BY THE CIVIL SERVANTS/ ACCEPTANCE OF RESIGNATION ON EX-POST FACTO BASIS.

SOR.VI(E&AD)1-11/2003, Dated 29th July, 2006

I am directed to refer to the subject noted above and to state that instructions have been issued time and again that a Civil Servant, if selected for appointment in autonomous/semi-autonomous bodies remains no more a Civil Servant. Consequently, right of lien cannot be granted to such employees. Appointment of civil servants in the autonomous/ semi-autonomous bodies is considered as fresh/ direct appointment, therefore they have to tender resignation before joining the autonomous/semi-autonomous bodies.

2. The Provincial Government has noticed that civil servants are still making requests for retention of lien, which are being entertained by Administrative Departments. In certain cases, officers/officials have even been relieved on the condition of prior resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from civil service. Such civil servants do not tender resignation in the hope of getting right of lien. Subsequently, they apply for acceptance of resignation from retrospective effect after considerable time.

3. In view of the above all concerned are advised to note that Civil Servants selected for appointment in autonomous/semi-autonomous bodies shall tender their resignation prior to joining posts in the autonomous/semi-autonomous bodies and no one shall be relieved conditionally. Officers held responsible should be proceeded against under the Removal from Service (Special Powers) Ordinance, 2000.

4. Furthermore, before issuing NOCs to the Civil Servants while applying against the posts in autonomous and semi autonomous bodies, it should clearly be mentioned that in case of selection, the applicant shall have to tender resignation and shall have no right of lien.

RETENTION OF LIEN

SOR.I(E&AD)1-62/80 (Vol.I), dated 20.02.2002

I am directed to refer to the subject noted above and to state that as per instructions with regard to retention of lien circulated vide this Department letter No.SOR.I(S&GAD)1-62/80, dated 17.4.1989 if an employee joins the Federal or Provincial Government(s) he is eligible for repatriation to his parent Department if he fails to complete his probation period successfully. Such Provisions are already available under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. Instructions mentioned above might have been processed to facilitate candidates joining Autonomous and Semi Autonomous Bodies as envisaged from para-2 of the said letter but in Para-3 thereof the words autonomous and semi-autonomous bodies are not mentioned.

2. Due to acute un-employment in the country in general and in Khyber Pakhtunkhwa in particular it is advisable to allow all the civil servants to retain lien for a period of three years, so as if they are unable to adjust themselves in the Autonomous Bodies/Semi Autonomous Bodies they can rejoin their Parent Department. If their performance during probation period is not satisfactory they can be repatriated to respective Parent Department instead of terminating their services.

3. So far the issue of treating the period spent in a non-pensionable autonomous organization by the re-joining of a Govt. post is concerned, it can be dealt with on the analogy of persons who proceed on deputation abroad or to Foreign Service in Pakistan in which case the employees contributed proportionate pension contribution to Govt. otherwise this period could be treated as non-qualifying service for pension by converting the same as Extra Ordinary Leave (without pay). In-as-much as it is an exceptional facility extended to Government Servants, it may be dealt with in an informal manner as stated above.

خود مختار اور نیم خود مختار اداروں میں تقری کے بعد لین (Lien)

(انہارٹی: مراسلمہ نمبر افسر صیغہ ضوابط 6 (ای اینڈ اے ڈی) 1-1/2003، مورخہ 24 فروری 2004ء)

مجھے ہدایت کی گئی ہے کہ عنوان بالا کے سلسلے میں وضاحت کی جائے کہ لین (lien) کا تعلق سول ملازم کی حیثیت (Status) سے ہے اس لیے لین (lien) کی اجازت صرف اس صورت دی جا سکتی ہے جب سول ملازم کی یہ حیثیت برقرار رہے۔ اس لیے اس صوبائی حکومت کے ملازم کو لین کا حق صرف اُسی صورت میں دیا جا سکتا ہے جب موجودہ عہدہ جس پر وہ کام کر رہا ہو اُس پر مختص شدہ آزمائشی یا توسعی شدہ آزمائشی مدت کامیابی سے پوری کر چکا ہو اور یہ عہدہ باقاعدہ (regular) ہو اُس کی تقری اس صوبائی محکمے یا کسی دوسری صوبائی حکومت یا وفاقی حکومت کے کسی محکمے میں باقاعدہ بنیادوں پر ہو جائے۔ چونکہ سرکاری ملازم کی خود مختار/ نیم خود مختار اداروں میں تقری کی صورت میں وہ سول ملازم نہیں رہتا اس لیے اُس لین (lien) کا حق نہیں دیا جا سکتا۔ اس لیے وہ تمام سرکاری ملازمین جو اپنے محکمے کی اجازت سے خود مختار / نیم خود مختار اداروں میں براہ راست تقری تصور کیا جائیگا ایسے سرکاری ملازمین کو ایسی تقری قبول کرنے کو صورت میں سرکاری ملازمت سے استعفی دینا ہوگا۔ لہذا انہیں اپنی سرکاری ملازمت پر لین (lien) برقرار رکھنے کا حق نہیں دیا جانا چاہیے۔

حق دعوه ملزمت (lien) برقرار رکھنے کا دورانیہ

(انہارٹی: مراسلمہ نمبر افسر صیغہ ضوابط 6 (ای اینڈ اے ڈی) 1-1/2003، مورخہ 24 فروری 2004ء)

مجھے ہدایت کی گئی ہے کہ عنوان بالا کے سلسلے میں وضاحت کی جائے کہ محکمہ ہذا کے مراسلمہ نمبر 80/1-62/SOR-I(S&GAD) 17/2/1989 میں سول ملازمین (lien) رکھنے کا دورانیہ زیادہ تین سال تک مقرر کیا گیا ہے۔ لین کی سہولت حقدار ملازمین تمام شرائط کے ساتھ عرصہ دو سال تک حاصل کر سکتے ہیں۔ تاہم خصوصی طور پر مذکورہ سہولت کے عرصہ میں مزید ایک سال تک توسعی مجاز حاکم کے منظوری سے ہو سکتی ہے۔

ماجز حاکم کے نوٹس میں یہ بات لائی گئی ہے کہ بعض محکمہ جات میں سابقہ ملازمین کو قواعد و ضوابط میں مقرر شدہ دورانیہ سے نیادہ عرصے کیلئے لین کی اجازت دی گئی ہے۔ ملازمت کی کوئی قانونی حیثیت نہیں ایسے اقدامات حکومت کے لئے مسائل کا باعث بنتے ہیں لہذا فیصلہ کیا گیا ہے کہ غیر قانونی کارروائی میں ملوث اہلکاروں کے خلاف کارروائی کی جائے گی۔ اور یہ تاکید کی جاتی ہے کہ مقررہ عرصہ کے تکمیل کے بعد لین از خود ختم تصور کی جائیگی۔

مندرجہ بالا صورت حال کو مدنظر رکھتے ہوئے زیر دستخطی کو ہدایات کی گئی ہے کہ آپ کے نوٹس میں لائی جائے کہ لین کے سلسلے میں مجوزہ قواعد و ضوابط پر سختی سے عمل درآمد یقینی بنائے اور حکومتی اداروں کو قانونی پیچیدگیوں سے بچایا جا سکے۔

**WITHDRAWALS OF RESIGNATION/PREMATURE RETIREMENT /
RESIGNATION FROM SERVICE**

SORII(S&GAD)6(37)/89, dated 3rd Oct:, 1989

**ACCEPTANCE OF RESIGNATION AND WILLFUL ABSENCE FOR MORE
THAN FIVE (5) YEARS.**

Under the existing practice, even a temporary Government servant is required to sign an undertaking containing inter alia the following provisions:-

- (a) I understand that my employment under Government is temporary and that my services may be terminated by Government at any time, without assigning any reasons, by giving a notice for a period not less than 14 days or payment, in lieu of the notice, of a sum equivalent to my pay for 14 days or for the period by which the notice falls short of 14 days;
- (b) I agree that I wish to terminate my services under Government at any time, I shall resign in writing and shall thereafter continue to serve Government until my resignation is accepted.
- (c) I also understand that if I absent myself from duty without resigning in writing or before the acceptance by Government of my resignation, I shall be liable to disciplinary action, which may involve disqualification from future employment under Government.

2. It has however, come to notice that in certain cases Government servants have tendered resignations and without waiting for acceptance have left their jobs unauthorisedly and kept themselves absent for years. The departments on their part failed to initiate any action against such employees in time with the result that they subsequently reported for duty after the passage of long periods on one excuse or the other.

3. It has also been noticed that liberal relaxations are being granted under FR.18 in cases of willful absence from duty for more than 5 years without cogent/convincing reasons whereas according to the rules ibid a Government servant remains no more a Government employee after willful absence for five years.

4. The matter has been considered and it has been decided that:-

- (a) After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation he shall be treated as absconder and disciplinary action should invariably be initiated against him.
- (b) Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more

than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.

- (c) After 5 years of continuous absence, services of a Civil Servant shall automatically stand terminated under FR.18 and Rule 12 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981. In the light of Rule 12 ibid, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

PREMATURE RETIREMENT/RESIGNATION FROM SERVICE

SOR-I (S&GAD)/1-46/80 (Vol.I) dated 01.11.1992

I am directed to say that the right to retire from service accrues to a Government servant only after he has completed 25 years' service qualifying for pension. As such he can exercise the said option and submit a written intimation of his intention to retire only after the date of completion of his 25 years' service, qualifying for pension. Application for LPR, if due shall also be submitted after that date.

2 If a Government servant other than the one proceeding on invalid pension in terms of rule 3.3 of the Civil Services Pension Rules, desires to leave service before completion of 25 years qualifying service for pension, he can do so by tendering resignation from service. In that case his service shall stand forfeited under rule 2.11 if the ibid rule's and he shall not be entitled to pension or any other benefit.

3. I am directed to request that the following certificates of the competent authority may invariably accompany all proposals for premature retirement or resignations from service:-

- 1) that no departmental proceedings are pending against him;
- 2) that no Government dues such as House Rent, Electricity, Gas, Telephone etc. are outstanding against him.
- 3) That the officer concerned is not required to serve the Government for a specific period under the terms and conditions of his service or any surety bond executed in this behalf.
- 4) That the Audit Department has certified that the officer concerned has completed 25 years' service qualifying for pension (in the case of premature retirement only).

PROCESSING OF CASES OF PRE-MATURE RETIREMENT/RESIGNATION FROM SERVICE.

SO(Policy)E&AD/1-41/2020 dated 14.01.2022

I am directed to state that Section-13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 prescribes qualifying service of civil servants for retirement/pension. Likewise Rule-5(1)(a) of the Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021 stipulates that a civil servant may opt to retire after twenty-five years qualifying service or attaining the age of fifty-five years, whichever is later. Moreover, conditions of qualification of pension, procedure for invalid pension and resignation etc have also been elaborated in detail under the ibid rules. As such a civil servant can exercise the option of retirement upon completion of qualifying service for pension under the provisions of Khyber Pakhtunkhwa Civil Servants Act, 1973 and the Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021.

2. For prompt disposal of all such cases of civil servants, instructions have previously been issued from time to time for compliance. However, it has been noted that in certain cases government/civil servants have tendered resignations and without waiting for acceptance of their resignation by the competent authority have left their jobs and remained absent for years. The departments concerned failed to initiate any action against such employees in time with the result that they subsequently reported for duty after the passage of years on one pretext or the other. Moreover, liberal relaxations are being proposed by the departments without proper scrutiny, legal provisions, rules and policy instructions. This state of affairs is not in line with the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the Khyber Pakhtunkhwa Civil Servants Pension Rules, 2021 and other policy instructions in this regard thus creating an embarrassing situation at times. Furthermore, submission of incomplete cases by the Administrative Departments causes inordinate delays which defeats the spirit of disposal of genuine cases within timeline.

3. In order to ensure transparency and smooth functioning of official business, the competent authority has been pleased to direct that the following guidelines be strictly adhered to by the Administrative Departments in submitting cases of civil servants pertaining to premature retirement and resignation from services by the respective departments:-

- i. The departments must ensure processing the requests of civil servants within fortnight and final approval by the competent authority within 30 days. In case of failure within timeline the concerned officials in the department would be held responsible for the lapse.
- ii. A civil servant who intends to avail the facility of pre-mature retirement, after rendering qualifying service for pre-mature retirement must submit an application well in advance so as to provide sufficient time for processing his case for premature retirement. Pre-mature retirement shall be effective from the

date of approval of the competent authority in cases no date has been mentioned in the applications/request for pre-mature retirement.

iii. Following certificates must be furnished while submitting such cases:

- a. That no departmental proceedings are pending against the civil servant.
- b. That no Government dues such as House Rent, Electricity, Sui-Gas, Telephone etc are outstanding against the civil servant.
- c. That a civil servant concerned is not required to serve the Government for a specific period under the terms and conditions of his service or any surety bond executed in this behalf.
- d. The Audit and Accounts Department has certified that a civil servant has completed the required length of service/age qualifying for pension (in case of pre-mature retirement only).

iv. In case a civil servant applies for a post in autonomous body/semi-autonomous body and he is offered appointment there, he must, on accepting it, resign from his appointment under the Provincial Government. He/she shall not be allowed any leave nor shall be eligible to retain his lien on his appointment under Government against a civil post. The Policy Instructions already circulated vide letter NO. SOR-VI (E&AD) 1-11 dated 2nd July 2012 must be adhered to, in letter and spirit.

v. All the civil servants who wish to apply for another job under the government must apply through proper channel and obtain NOC from their respective departments. In case NOC has not been obtained such a civil servant shall not be allowed to join his new assignment in other place and disciplinary action must be taken against such delinquent officers.

vi. After tendering resignation, a Government Servant shall not leave his job until the acceptance of his resignation by the Competent Authority nor shall he be granted any leave. In case one leaves his job without acceptance of his resignation he shall be treated as absent and disciplinary action should invariably be initiated against him.

vii. Resignation tendered by a Government servant shall either be accepted or rejected by the Competent Authority within the stipulated period of not more than 30 days of its submission and acceptance/rejection thereof be communicated to the Government servant concerned accordingly.

viii. The department must ensure that pay/salary of the civil servant is stopped from the date of communication/notification of acceptance of his resignation. Such civil servants shall continue to perform duty till acceptance of their resignations.

ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

FD.SO(SR-IV)5-54/80-Vol:II dated 20.11.1986

I am directed to refer to this Departments' letter of even number dated 26/2/1986 under which the requirement of submitting option by foregoing the LPR 15 months prior to retirement was dispensed with and it was decided that:-

- a. Unless a civil servants opts to proceed on LPR or submits an application for LPR, he may be deemed to have opted for encashment of LPR according to the rules: and
- b. On receipt of a request from a civil servant deemed to have opted for encashment of LPR, the authority competent to sanction LPR, will issue formal sanction for the payment of cash compensation.

2- A question has been raised as to whether the above decision would be applicable in the cases of Government servants who seek retirement after completing 25 years qualifying service.

3- It is clarified that the civil servants seeking retirement on voluntary basis should be treated equally and the option should not be necessary if they want to encash their LPR. However, a civil servant who wants to proceed on retiring pension shall have to wait for 365 days after qualifying service of 25 years for the purpose of encashment of LPR.

GRANT OF LEAVE PREPARATORY TO RETIREMENT TO GOVERNMENT SERVANTS COMPULSORILY RETIRED FROM SERVICE AS A MEASURE OF PUNISHMENT UNDER THE NORTH-WEST FRONTIER PROVINCE GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES,1973.

SOR-I(S&GAD)1-46/80 dated 30.06.1988.

I am directed to say that a question has arisen as to whether a Government Servant compulsorily retired from service as a measure of punishment under the provisions of the NWFP Government Servants (Efficiency & Discipline) Rules,1973 can be granted leave preparatory to retirement under the normal rules or otherwise.

2. Although according to instructions contained in Establishment Division Government of Pakistan O.M No.4/8/88-D-I dated the 4th April, 1977, such LPR could not be granted yet a fresh reference was made to the Establishment Division to confirm that the aforesaid instructions continue to be valid. In reply it has been stated that the rules quoted therein hold good.

3. It has therefore been decided that the Government Servants compulsorily retired from service as a measure of punishment under the provisions of the NWFP Govt: Servants (Efficiency and Discipline) Rules, 1973 should not be granted leave preparatory to retirement.

.....

RE-EMPLOYMENT POLICY

RE-EMPLOYMENT OF THE PENSIONERS BEYOND THE AGE OF SIXTY YEARS

SORIII(S&GAD)9-6/90, dated 18th Dec 1990

The Provincial Government have reviewed the policy governing re-employment beyond the age of 60 years and have decided that henceforth no extension in service or re-employment beyond the age of 60 years shall be allowed to any Government servant or servant of the Autonomous/Semi-Autonomous Bodies functioning under the control of this Provincial Government. However, the re-employment beyond the age of 60 years may be allowed against the posts mentioned below:-

- a) Chairman and Members of the Khyber Pakhtunkhwa Public Service Commission.
 - b) Vice-Chancellors of the Universities;
 - c) Chairman and Members of the Tribunals.
2. This Department letter No.SOR-III(S&GAD)9-6/86, dated 7th July,1988 shall stand superseded.
3. It is requested to please bring the above policy to the notice of all concerned for strict compliance.

RE-EMPLOYMENT BEYOND THE AGE OF 60 YEARS

SORIII(S&GAD)9-6/90/KC, dated 30.1.2001

The Provincial Government have reviewed the policy governing re-employment beyond the age of 60 years as contained in this Department letter dated 18.12.1990 and have decided that:-

- (i) No extension in service or re-employment beyond the age of 60 years shall be allowed to any Government servant except in cases of the Chairman and Members of the Khyber Pakhtunkhwa Public Service Commission, the Vice Chancellors of the Universities, the Chairman and Members of the Tribunals, and the Chairman Board of Intermediate and Secondary Education. The maximum age limit for retirement in these cases should not exceed 65 years;
 - (ii) all the existing re-employed pensioners may be allowed to continue till the completion of their tenures; and
 - (iii) the autonomous educational institutions may appoint one consultant each beyond the age of 60 years.
2. The above policy may kindly be brought to the notice of all concerned for compliance.

RE-EMPLOYMENT BEYOND THE AGE OF 60 YEARS BOTH IN GOVERNMENT AND SEMI GOVERNMENT AND GOVERNMENT CONTROL CORPORATIONS/AUTONOMOUS BODIES ETC.

SOR.II(S&GAD)5-3/83 dated 05/06.1983

I am directed to state that in partial modification of the existing re-employment policy circulated vide this Department letter No. SOR-II(S&GAD)5-3/79(a) dated 25.04.1979, the Governor Khyber Pakhtunkhwa has been pleased to direct that with effect from 1st June, 1983, all cases of re-employment beyond the age of superannuation of employee in Grade-16 and below will be decided by the Chief Secretary Khyber Pakhtunkhwa.

SANCTION TO THE CONDONATION OF SERVICE BEYOND THE AGE OF SUPERANNUATION OF 60 YEARS.

SORII(S&GAD)1(2)/98, dated 29.8.1998

On induction into service, a civil servant is required to declare his date of birth supported by authenticated documents such as matriculation certificate, municipal birth certificate etc. The Department concerned is similarly required to enter the same in the service book of the civil servant which is periodically checked by the Department/Audit and date of birth once recorded cannot be altered except in the case of clerical error as provided in GFR-116. In this connection attention is invited to this Department's circular bearing No. SORII(S&GAD)5(40)/87, dated 27.6.1993 wherein inter alia the following instructions were circulated for guidance and strict compliance by all concerned.

- (a) Check all the record of their employees in BPS-1 to 16 to ensure that none has reached the age of superannuation.
- (b) Maintain lists of their employees due for superannuation in a calendar year and process their pension papers, if any, well in time.
- (c) Initiate case for regularization of retirement of civil servants before 1st February, 1988 if any, who have already crossed the sixtieth year of their age. The responsibility in such cases should be fixed and the action taken be intimated alongwith the proposal.
- (d) No case of over stay beyond the age of superannuation would be entertained under any circumstances after 01.02.1988.

2. However, it appears that these instructions have either lost sight of or the Departments least bother to comply with the same which is obviously not desirable. While processing a case of condonation of over stay beyond superannuation taken up by an Administrative Department for approval, the Competent Authority has taken a serious view of the negligence on the part of the dealing officers/officials of the Department concerned and directed that all the Departments should inform in writing all their employees in BPS-1 to 4 about their date of birth and consequential superannuation so that no ambiguities regarding their retirement occur in future. Intimation with regard to

their date of retirement should also be given to these employees one year prior to their superannuation, so as to serve as advance information.

3. It is requested that the above policy instructions may be brought to the notice of all concerned and ensure compliance thereof in letter and spirit.

CHANGE IN THE RECORDED DATE OF BIRTH OF THE CIVIL SERVANTS

SOR.II(S&GAD)5(40)/87, dated 15th February, 1989

I am directed to say that under the existing rules, immediately after his induction into service, every civil servant is required to declare the date of his birth by the Christian era with as far as possible confirmatory/conclusive evidence such as matriculation certificate, municipal birth certificate and so on. This is supplemented by the opinion of the Civil Surgeon/Standing Medical Board. The department after full satisfaction with age and on the basis of medical examination of the new entrant in the department, enter the same in an authentic document i.e. Service Book/History of Service etc. The said document is maintained by the Department/Audit and is always checked periodically.

2. The date of birth of a civil servant as recorded in his service documents remains constantly in his knowledge. This is reiterated in his ACRs and the Seniority List issued by the department from time to time. The preparation of service record of an officer is an official act and according to law, it is presumed to be correct. GFR-116 also provides that the date of birth once recorded cannot be altered except in the case of clerical error, without the previous orders of the Local Administration. Despite this, certain Government Servants are complacent with the state of affairs and sleep over their rights for decades knowing fully about their dates of birth entered in their Service Books etc. It would therefore be too much to accept such a belated claim from a Civil Servant that he was born on a date other than the one entered in his service documents and that the delay in representation was due to ignorance of the alleged erroneous entry. After all, there is always attached a finality to decisions taken by competent authorities.

4. I am, accordingly, directed to request that all concerned may please be informed in clear terms that in future a request for an alteration in the recorded date of birth of a Government servant may only be entertained by the Appointing Authority in the case of officers in BS-17 and above and by the Administrative Department in the case of civil servants in BS-16 and below, after special enquiry and only if the Government servant applies for it within two years from the date of his entry into Government service.

سول ملازمین کی دوران ملازمت نام تبدیل کرنے کی پالیسی۔

نمبر صیپھ ضوابط (ای اینڈ اے ڈی) 14/2-2003 مورخہ 22 دسمبر 2006

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دیتے ہوئے عرض کروں کہ اکاؤنٹنٹ جنرل صوبہ سرحد کی طرف سے شکایت موصول ہوئی کہ سول ملازمین کی جانب سے ملازمت میں آئے کے بعد نام کی تبدیلی ایک عام مسئلہ بن گیا ہے جس سے نہ صرف پنشن کے معاملات کا بروقت تصفیہ نہیں ہو سکتا بلکہ پنشن پانے والے ملازمین اور ان کے خاندانوں کو مالی مسائل سے دوچار ہونا پڑتا ہے اور غیر ضروری خط و کتابت کرنی پڑتی ہے جو کہ وقت اور وسائل دونوں کے ضیاع پر منتج ہوتی ہے۔ قابل عمل اور خود وضاحتی ضوابط تشکیل دینے کی خاطر امور عملہ ڈویژن حکومت پاکستان اور دیگر صوبائی حکومتوں سے صلاح و مشاورت کی گئی۔ اس کے بعد محاکمہ خزانہ اور اکاؤنٹنٹ جنرل صوبہ سرحد کے نمائندگان کے ساتھ اجلاس منعقد کر کے تفصیلی بحث کی گئی اور بہتری کیلئے تجاویز مرتب کی گئیں۔ صلاح و مشورے کے اس عمل سے گزر کر مختلف تجاویز و آراء سامنے آئیں جن کے پیش نظر ملازمت میں آئے کے بعد نام کہ تبدیلی کی حکمت عملی اور ضوابط میں تبدیلی کا فیصلہ کیا گیا۔

2- لہذا حاکم مجاز نے عنوان بالا پر ضوابط و حکمت عملی کی تمام سابقہ ہدایات کو منسوخ کرتے ہوئے ملازمت میں آئے کے بعد سول ملازمین کی طرف سے نام کی تبدیلی کو باظابطہ بنانے کیلئے درجہ ذیل پالیسی کی منظوری دی ہے۔

(الف) نام کی تبدیلی مندرجہ ذیل عوامل سے مشروط ہو گی۔

- (1) متعلقہ محکمہ اور اکاؤنٹنٹ جنرل صوبہ سرحد دونوں سروس بک میں ملازمین کے کوائف کا اندر اس کے قومی شناختی کارڈ، تعلیمی اسناد، ڈومسائل اور پیدائش سرٹیفیکیٹ کی بنیاد پر کریں گے۔
- (2) نام کی تبدیلی کی اجازت قطعی طور پر قابل قبول شرائط پر اور ملازمت میں آئے کے صرف دو سال کے اندر اندر ہو گئی تاہم غیر مسلم جو دوران ملازمت مسلمان ہو جائیں اس شرط سے مستثنی ہوں گے۔
- (3) جزوی طور پر نام کسی بھی وقت تبدیل کیا جاسکتا ہے بشرطیکہ حاکم مجاز اس کی منظوری دے اور دیگر لوازمات پورے کئے جائیں۔
- (4) جو ملازم سروس بک میں اپنا نام تبدیل کرے وہ اسی طرح کی تبدیلی دیگر ریکارڈ مثلاً تعلیمی اسناد، قومی شناختی کارڈ، پیدائش سرٹیفیکیٹ اور ڈومسائل سرٹیفیکیٹ وغیرہ میں بھی کریگا۔ ملازم کو اس بات کا پابند بنانے کیلئے سروس بک میں ایک خانہ کا اضافہ کیا جائے اور اکاؤنٹنٹ جنرل صوبہ سرحد کا عملہ اس خانہ کو خصوصی طور پر چیک کرے۔

(ب) نام تبدیل کرنے کا طریقہ / ضوابط

- (1) سول ملازم جو نام تبدیل کرنا چاہتا ہو تحریری طور پر معقول وجوہات پیش کر کے پہلے حاکم مجاز کی منظوری حاصل کرے گا۔

- (2) حاکم مجاز باریک بینی سے درخواست میں دی گئی و جوبات کا جائزہ لینے کے بعد یہ فیصلہ کرے گا کہ درخواست حقائق پر مبنی ہے کہ نہیں ہے اور نام کی تبدیلی کی اجازت دی جانی چاہیے یا نہیں۔
- (3) اگر حاکم مجاز اجازت دیدے تو سول ملازم دو معروف اخبارات میں نام کی تبدیلی کا نوٹس شائع کرے گا اور متعلقہ اخبارات سے اقتباس / نقل حاکم مجاز کو پیش کریگا۔
- (4) حاکم مجاز سے نام کی تبدیلی کی باضابطہ منظوری کی صورت میں متعلقہ محکمہ اس امر کا حکم نامہ جاری کرے گا اور ملازم کے تمام دفتری ریکارڈ میں اسی طرح کی تبدیلی لا کر ان میں ہم آہنگی پیدا کرے۔
- (5) اکاؤنٹنٹ جنرل صوبہ سرحد / آئٹ آفس کو بھی اس امر کی باضابطہ اطلاع سرکاری طور پر متعلقہ محکمہ کرے گاتا کہ وہ بھی ملازم کے سروں ریکارڈ میں اسی طرح کی تبدیلی بروقت کر سکے تاکہ ریٹائرمنٹ کے وقت ملازم کو پیش کے حصول میں دقت نہ ہو۔
- (6) گریٹ افسر کے نام کی تبدیلی کی صورت میں سرکاری گزٹ میں نوٹیفیکشن بھی شائع کرنا ہو گا۔
- (7) خواتین ملازمین اگر دوران ملازمت شادی یا بوجہ طلاق اپنا نام جزوی طور پر شوپر کے نام کو بطور لاحقہ لگا کر یا ان کا نام ہٹا کر تبدیل کرنا چاہیں تو انہیں صرف نکاح نامہ یا طلاق نامہ کی مصدقہ نقل حاکم مجاز کو فراہم کرنا ہو گی۔ تاہم نام کی مکمل تبدیلی کی صورت میں مندرجہ بالا تمام مراحل طے کرنا ہوں گے۔

حاکمان مجاز (ج)

بنیادی سکیل ایک تا پندرہ تک کے ملازمین کیلئے انتظامی معتمد، سربراہان ملحقہ محکمہ جات اور ضلعی رابطہ افسران اپنے اپنے دائرہ اختیار میں مجاز ہوں گے جبکہ سکیل 16، اور اس سے اوپر کے ملازمین کیلئے صرف متعلقہ انتظامی معتمد حاکم مجاز ہو گا۔

ANONYMOUS COMPLAINTS/LETTERS

Disposal of Enquiry cases based on anonymous/Pseudonymous complaints.
SORII(S&GAD)5(29)/97-II, dated 22.7.1998

The following instructions may be followed during disposal of anonymous communications:-

1. Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.
2. It is however recognized that there may be exceptional cases, when anonymous/ pseudonymous communication contain allegations of a specific nature having a ring of truth, then these may be inquired into only after obtaining the orders of Administrative Secretaries/Head of Attached Department/ Commissioners/ Deputy Commissioners, as the case may be.
3. Local heads of Police officers in the Districts can also exercise discretion to order enquiries into anonymous and pseudonymous petition on the analogy of Deputy Commissioners in their respective jurisdictions. Since the Deputy Commissioner is the General Administrative head of the District, his orders should be obtained by the concerned head of office under his administrative control if he wants to take action on any anonymous petition.
4. Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instances given.
5. In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.
6. Complaints received through anonymous/pseudonymous source should be ignored.
7. Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.
8. Newspapers publishing allegations, which are proved to be baseless, should be dealt with according to the law.

It is requested that strict observance of the above instructions may be ensured at all levels.

DISPOSAL OF ANONYMOUS/PSEUDONYMOUS COMPLAINTS.

SORII(S&GAD)5(29)97 Vol-II, dated 15.11.1999

I am directed to invite attention to this Department circular letter of even number dated 22.7.98, wherein detailed instructions with regard to the disposal of anonymous/pseudonymous complaints had been issued. It has been observed that the aforesaid instructions are either not being followed or have been lost sight of as anonymous/pseudonymous complaints are still being received which on investigation, are found baseless resulting in wastage of time and energy of the Government functionaries and stationery of the Government which could usefully be utilized in pursuits of public interest.

2. I am, therefore, directed to request once again that anonymous/pseudonymous letters / complaints should not be entertained in any Government Department/office in future.

3. The above instructions may kindly be brought to the notice of all concerned and noted for strict compliance.

CONDUCTING OF INQUIRIES INTO COMPLAINTS.

SO(Coord)/PMC/S&GAD/1-1/99/853-95 dated 02.03.2000

I am directed to refer to the subject noted above and to state that in a case of inquiry pertaining to Agency Headquarters Hospital, Landikotal, the Chief Secretary Khyber Pakhtunkhwa was pleased to observe that in very rare cases anybody responsible would admit a mistake or a fault. It has therefore been desired that while dealing with such complaints the officer conducting a particular enquiry should be a little more discerning, otherwise the entire exercise would become meaningless. The Departments should not treat every complaint as a noose around their neck. The idea of conducting inquiries into the alleged malpractices is simply to see inwardly and reform/correct the situation wherever anything goes wrong. In all cases so far referred to the Departments, the charges leveled against individual officers are denied and no case has been reported in which corrective action was taken.

In view of the position explained above, the instructions of the Competent Authority as mentioned above may please be noted for strict compliance. These instructions may also be circulated amongst the attached departments and sub-ordinate offices for similar action.

.....

MISC: INSTRUCTIONS

PROMPT DISPOSAL OF OFFICIAL BUSINESS.

SOR-II(S&GAD)5(29) dated 3.4.99

I am directed to refer to the subject noted above and to state that the Chief Minister, Khyber Pakhtunkhwa has expressed his displeasure over undue delays in disposal of official business in almost all the Government Departments of the Provincial Government. It is pointed out that Government functionaries do not follow the prescribed procedure and take things lightly, which creates numerous problems not only for the general public but also brings bad name to the Government.

2. Needless to add that detailed instructions under Appendix-II para-7(c), read with paras-177 & 180 of the Manual of Secretariat Instructions have been issued for prompt disposal of Government business. However, these guidelines are being violated and no cognizance is being taken by the head of the Departments. The delinquent officers/officials are required to be compelled to ensure that official work is done expeditiously and in the manner prescribed by the Government.

3. I am, therefore, directed to request you to kindly bring these instructions to the notice of all concerned working under your administrative control for strict compliance.

PROMPT AND EFFICIENT DISPOSAL OF GOVERNMENT BUSINESS.

PS/CS KP/2009/70-97, dated 03.4.2009

Our efforts to achieve quality and poor-friendly governance hinge on achievements of efficiency in the processing of official business, prompt and sagacious decision-making and the meaningful implementation of the decisions at the operational level for the benefit of the general public.

2. The Khyber Pakhtunkhwa Government Rules of Business, 1985 provide a proficient instrument for achieving that purpose. Therefore, the channels of communication envisioned in the Rules of Business, which have been emphasized time and again, need to be strictly followed.

3. The following procedure may for that reason be strictly adhered to:-

- a. All cases/summaries requiring consultation with the Finance Department in accordance with Rule 11 of the Rules of Business may be sent to the Finance Department for adding their views before these are submitted to the Chief Secretary's office. In turn the Finance Department will ensure that no such case is kept in the Department for a period more than 7 working days, and

shall promptly be submitted to the Chief Secretary's office with concise and clear views.

- b. Similarly, cases/summaries requiring consultation with the Law Department in accordance with Rule 12 of the Rules of Business may be sent to the Law Department for adding their views before these are submitted to the Chief Secretary's office. The Law Department will thereafter ensure that no such case is kept in the Department for a period more than 7 working days, and is promptly submitted to Chief Secretary's office with concise and clear views. References where vetting of the Law Department of a legal instrument, Act, Ordinance, Service Rules and / or Notification is required, shall not be delayed for a period of more than 15 working days.
 - c. Furthermore, all Administrative Departments shall ensure that reference sent to them from the higher authorities are re-submitted, or disposed of, within a fortnight and the same time line is adopted in their respective Directorates.
 - d. In cases of posting/transfer from and to FATA, the Departments would invariably propose a substitute who should give his arrival in FATA first. Files containing such proposals should first be sent to the ACS FATA for adding his views before these are submitted to Chief Secretary's office.
 - e. In issues where meetings have been held, the minutes of the meeting shall invariably be issued within 2 working days of the meeting with clear directions to all concerned for implementation of various decisions.
4. The above procedure would require constant efforts from the Administrative Secretaries. In case of delay due to extenuating circumstances, an explanatory para explaining these may be added on submission of the case.

US OF GREEN INK-DECISION(S) OF 22ND MEETING OF THE PROVINCIAL CABINET ON 18TH MAY 2010

SO(O&M)E&AD/3-15/2007 dated 28.05.2010

I am directed to refer to the subject noted above and to state that Provincial Cabinet in its meeting held on 18.05.2010 was pleased to direct as under:-

"Government instructions that the use of green ink is restricted only to Governor and Chief Minister, Khyber Pakhtunkhwa should be re-circulated for compliance by all"

I am, therefore, directed to request that the above decision of the Provincial Cabinet may please be followed in letter and spirit.

REFERENCE TO THE LAW DEPARTMENT FOR VETTING.
SOR-III(S&GAD)2-60/98, dated 23.2.2000

I am directed to refer to the subject noted above and to state that instructions were issued from time to time, laying down the modulation to be followed by the Administrative Departments while making references to the Law Department. In particular, attention is invited to the memorandum No.Legis:16 (21)/66/2430 dated the 20th April, 1966, issued by the Law Department of the former Government of West Pakistan.

It appears that the Administrative Departments have lost sight of the said memorandum, as a result whereof the references are being made to the Law Department in total disregard of the requirements laid down therein.

For the convenience of the Administrative Departments, the requirements, which are to be complied with by them before referring the cases for vetting to the Law Department, are once again reproduced below:

- a) The references should be made to the Law Department after consulting all the Departments concerned.
- b) The draft for vetting must be neatly typed.
- c) The draft must be accompanied by a self-contained note:-
 - i) explaining in detail the circumstances necessitating the proposed action;
 - ii) stating clearly that all Departments concerned have been consulted and that they agree to the proposed action or that no Department is concerned in the matter; and
 - iii) stating that all the prescribed formalities have been followed.
- d) Both the note and the draft for vetting must be seen by the head of the Administrative Department.
- e) Admn: Department must furnish an extra copy of both the note and each of the drafts required to be vetted, duly typed in double space.
- f) Upto date copies of the rules, regulations, byelaws etc. which are proposed to be amended or under which the notifications, orders, etc. are proposed to be issued, should in each case be furnished by the Admn: Department.

3. References received in the Law Department which do not comply with the above requirements, shall not be entertained.

POWERS OF ADMINISTRATIVE SECRETARIES TO GOVERNMENT OF KHYBER PAKHTUNKHWA

SOE.IV(E&AD)5(304)2k dated 21.07.2001

I am directed to refer to the subject noted above and to state that full powers to the Administrative Secretaries in respect of the ministerial establishment posted/employed in the respective Secretariat Departments with regard to the following items stand delegated vide Notification No.E&A(S&GAD) 13(10)69 dated 27th October,1969;

- i. Increment.
- ii. Honoraria and fee.
- iii. Additional pay in accordance with the Finance Department's instructions on the subject.
- iv. Leave. Except study leave and disability leave.
- v. Pension. Except extra ordinary/disability pension.
- vi. Traveling Allowance.
- vii. General Provident Fund.
- viii. Joining Time.

2. However, it has been observed that cases falling within the competence of Secretaries concerned are being referred to Establishment and Administration Department.

3. I am, therefore, directed to request that such cases may be decided at the departmental level as per delegation of powers referred to above.

POWERS OF ADMINISTRATIVE SECRETARIES TO GOVERNMENT OF NWFP

SOE.IV(E&AD)9(220)2010 dated 20.05.2015

In continuation of this department letter No. No.E&A(S&GAD) 5(304)2 21.07.2001 wherein it has been reiterated that full powers to the Administrative Secretaries in respect of the ministerial establishment posted/employed in the respective Secretariat Departments with regard to the following items stand delegated vide Notification No. E&A(S&GAD) 13(10)69 dated 27th October, 1969;

- i. Increment.
- ii. Honoraria and fee.
- iii. Additional pay in accordance with the Finance Department's instructions on the subject.
- iv. Leave. Except study leave and disability leave.
- v. Pension. Except extra ordinary/disability pension.
- vi. Traveling Allowance.
- vii. General Provident Fund.
- viii. Joining Time.

2. Despite clear instructions the cases, falling within the competence of Administrative Secretaries concerned are still persistently referred to Establishment and Administration Department.

3. I am, therefore, directed to request that such cases may be decided at the departmental level as per delegation of powers referred to above.

NOTIFICATION

NO. E&A(S&GAD) 13(10)69 dated 27.10.1969.

In pursuance of the provisions of the Martial Law Progalamation of the 26th day of March, 1969, read with the Provisional Constitution Order and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to delegate full powers to the Administrative Secretaries to Government of West Pakistan in respect of ministerial establishment employed posted in the respective Secretariat Department with regard to the followings terms mentioned in Appendix "A" attached to the West Pakistan (Civil Services Delegation of Powers) Rules, 1962 subject to the conditions specified in column 3 thereof against each item:-

Serial No. in Appendix "A"	Nature of power
10.11	Increment.
12.13	Honoraria and fee.
14	Additional pay in accordance with the Finance Department's instructions on the subject.
19-22	Leave
23-26 and 27	Pension
28-32	Travelling Allowance
35	General Provident Fund.
30-37	Joining Time.

2. This notification issued with the concurrence is the finance Department.

APPROPRIATE DISPOSAL OF "SPEAK" AND "DISCUSS" CASES

PSO/CS/NWFP/1-1/2006 dated 30.09.2006

There is a lack of clarity in various government instructions on disposal of official business regarding processing and clearance of cases where a senior officer has desired to discuss the case with his subordinate(s). As per prevalent practice general outcome of such discussions is noted by the subordinate officers. This leads to inaccurate interpretations and understandings of directions given, resulting in flawed and deficient future processing of such cases. It is therefore imperative that a procedure is crystallized for such cases for their exact and efficient disposal.

2. Henceforth it shall be the responsibility of the senior officer desiring to "discuss" a case, or "speak" about it, to note down the outcome of the discussion, and the consequent decisions, before the case is sent back to the subordinate officer(s) for further action or submitted to the higher authorities. In case of lengthy discussion(s), the outcome should be minuted under the signature of the senior officer.

3. Please issue the above instructions to all administrative Departments, Attached Departments and District Governments, with directions to circulate them to ensure strict compliance.

ABSENCE WITHOUT LEAVE.

SOII(S&GAD/5(29)86-VolB dated 07.08.1993

I am directed to say that it has come to notice that a large number of officers have gone abroad or are absent without leave since long. Consequently, when their promotion cases come up before the Provincial Selection Board/Departmental Promotion Committee, it has to defer them Absence without leave even for a single day is misconduct and makes a civil servant liable to disciplinary action. It has been observed that departments fail to take any effective steps to proceed against the defaulters under the NWFP Government Servants (Efficiency and Discipline) Rules,1973, so much so that no action is initiated even under FR-18,when their absence with or without leave exceeds five years.

2. The Chief Minister NWFP has taken a very serious view of this state of affairs and has been pleased to direct that whenever such a case comes to notice, necessary action shall invariably be initiated against the Head of the Department concerned.

GRANT OF LEAVE

10/15/2000-R-II dated 23.05.2023.

The undersigned is directed to refer to this Division's O.M. No. 10/22/85-R-2 dated 18.11.1985 (copy enclosed) on the subject and to say that Para 3 of the said O.M. is amended with the approval of the Prime Minister as under:

“3. It has also been decided that Provincial Governments will continue to exercise the powers to grant leave, including Leave ex-Pakistan, upto 120 days to the officers of services/cadres controlled by the Establishment Division working under them. Applications for leave in excess of 120 days shall be referred to the Establishment Division. In case of grant of Leave ex-Pakistan to Chief Secretary and Inspector General of Police, Establishment Division and office of the Prime Minister may be informed of the same, at least seven days in advance of the date when the said officer proceeds on leave”.

2. Further, grant of leave to a Secretary or Acting Secretary to the Federal Government, or to Additional Secretary/Joint Secretary Incharge of a Ministry/Division or Heads of Departments in BPS-22 and Heads of the Autonomous and Semi-Autonomous Bodies/Corporations etc. under the administrative control of the Federal Government will continue to be governed in terms of this Division's O.M. No. 10/15/2000-R-II dated 29.07.2022.

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**KHYBER PAKHTUNKHWA GOVERNMENT RULES OF BUSINESS, 1985 –
SUBMISSION OF SUMMARIES TO THE GOVERNOR, CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

SO(O&M)S&GAD/3-3/96 Vol.IV dated 29.12.1999

I am directed to refer to the subject cited above and to say that Rules 8 & 9 of the Khyber Pakhtunkhwa Government Rules of Business, 1985 inter-alia provide as under:-

Rule 8(1) When the subject of a case concerns more than one Department:

- (a) the Department incharge shall be responsible for consulting the other Departments concerned; and
- (b) no orders shall issue, nor shall the case ordinarily be submitted to the Chief Minister or the Cabinet until it has been considered by all the Departments concerned and they agree to it.

Rule 9(3) The Services and General Administration Department shall be responsible for –

- (a) the determination of the principles of control of Government servants, including recruitment, conditions of service and discipline;
- (b) the coordination of the policy of all Departments with respect to secure consistency of treatment;
- (c) securing to all Government servants the rights and privileges conferred on them by or under any law for the time being in force.

2. It has, however, been noticed that the above-mentioned provisions of the Khyber Pakhtunkhwa Government Rules of Business, 1985 are not being observed. The Summaries involving service matters are being submitted to the Governor Khyber Pakhtunkhwa/Chief Secretary, Khyber Pakhtunkhwa without routing through Services & General Admn. Department as provided in the rules.

3. I am, therefore, directed to request you that in future all Summaries involving terms and conditions of services and discipline etc. should be routed through Services and General Admn. Department.

**KHYBER PAKHTUNKHWA GOVERNMENT RULES OF BUSINESS, 1985 -
SUBMISSION OF SUMMARIES TO THE GOVERNOR, KHYBER
PAKHTUNKHWA AND CHIEF SECRETARY, KHYBER PAKHTUNKHWA.**

SO(O&M) S&GAD/10-6/99 dated 13.1.2000

I am directed to refer to the subject cited above and to invite attention to this Department's Circular letter No.SO(O&M)S&GAD/3-3/96, dated 29.12.99 wherein it was requested that the provisions of Rules 8 & 9 of the Khyber Pakhtunkhwa Government Rules of Business, 1985 should be observed by the Administrative Departments and the

Summaries involving service matters should not be submitted to the Governor, Khyber Pakhtunkhwa/Chief Secretary, Khyber Pakhtunkhwa without routing through S&GAD as provided under the rules.

2. It has, however, been observed by the Governor's Secretariat that the Administrative Secretaries use to send Summaries direct to the Chief Secretary, Khyber Pakhtunkhwa/ Governor, Khyber Pakhtunkhwa even in cases where consultation among other Departments is necessary as required under Rule-8 of the Khyber Pakhtunkhwa Government Rules of Business, 1985.

3. In the wake of above, I am directed to state that Rules 8 & 9 of the Khyber Pakhtunkhwa Government Rules of Business, 1985 should be followed strictly and view of the Departments concerned should invariably be incorporated in the Summaries to be submitted to the Chief Secretary, Khyber Pakhtunkhwa/Governor, Khyber Pakhtunkhwa as required under the above rules.

SUBMISSION OF SUMMARIES TO THE GOVERNOR, KHYBER PAKHTUNKHWA & CHIEF SECRETARY, KHYBER PAKHTUNKHWA
SO(O&M)S&GAD/10-6/2000 dated 8.2.2000

Further to our letter No.SO(O&M)S&GAD.10-6/99, dated 13 January 2000 and in order to streamline the subject matter and to obviate the chances of tempering with the contents of the cases and orders of various authorities at different level, it has further been directed that the following instructions must also be observed by all concerned with regard to submission of summaries/Briefs/Notes to the competent authorities:-

- i) All pages of the Summary/Brief/Note should be signed at bottom of the left margin of the paper by the initiating authority;
- ii) Three to four additional blank pages both to the Summary as well as Note part be added and subject of the case should be typed on top of each blank page and be duly signed at bottom of the left margin by the initiating authority of the Summary/Brief/Note.
- iii) All papers attached to the Summary etc should be indicated by proper and neat flags, which should either be printed or typed.

2. I am to request that the above instructions may be implemented in letter and spirit.

SUBMISSION OF CASES TO THE GOVERNOR KHYBER PAKHTUNKHWA.
SOC(S&GAD)/99/Misc/4-31/Vol-III/2000 dated 18.1.2000

I am directed to refer to the subject noted above and to state that sub-rule (9) of Rule 5 of the Khyber Pakhtunkhwa Government Rules of Business, 1985 provides that the Ministers shall submit cases to the Governor as required by the provision of Rule 36 of the aforesaid rules. As per practice in vogue the summaries in accordance with Rule 36 of above rules are submitted to the Governor by the Administrative Secretaries by following the channel through their respective Provincial Minister and Chief Secretary. After obtaining

order of the competent authority, these summaries (cases) are directly marked to the Administrative Secretaries for ease of quick implementation of orders without routing these again through respective Provincial Ministers. In the process, the Minister Incharge remain out of picture about the orders/decisions taken by the competent authority. It is, therefore, imperative that decisions/orders passed by the competent authority must come to the notice of the Minister Incharge immediately after its receipt in the Department.

2. It has therefore been decided by the competent authority that immediately after the return of the summary (case) from the competent authority, the Administrative Secretary concerned must inform the Minister Incharge with regard to the decision/orders passed by the competent authority without fail.

**SUBMISSION OF SUMMARIES TO THE HON'ABLE CHIEF MINISTER
HYBER PAKHTUNKHWA**

SO(O&M)E&AD/3-5/2013/Vol-II Dated 07.01.2020

I am directed to refer to the subject noted above and to state that during Secretaries Committee meeting on 16.12.2019, the Chief Secretary, Khyber Pakhtunkhwa has observed that quality of summaries forwarded to Chief Secretary/Chief Minister's office need a lot of improvement and required to be sent as per format described in the Manual of Secretariat Instructions.

This regard, attention is invited to rule-36(2) of the Khyber Pakhtunkhwa Government Rules of Business 1985 which stipulates "that a case submitted to the Chief Minister for his orders shall include a self-contained summary stating the relevant facts and the points for decision". Furthermore, cases required to be sent to Chief Minister for decision are reflected in Schedule-VI of the Khyber Pakhtunkhwa Government Rules of Business, 1985.

Forgoing in view and for further course of action, the Chief Secretary Khyber Pakhtunkhwa has directed that while submitting summaries the following aspects must be ensured:-

- I. Laws.
 - II. Past precedence
 - III. Decision required
-

**ADOPTION OF PROPER PROCEDURE FOR SUBMISSION OF SUMMARIES TO
GOVERNOR/CHIEF MINISTER, KHYBER PAKHTUNKHWA**

SO (O&M)E&AD/2-1/2008, Dated 30th May, 2008

I am directed to refer to the subject noted above and to state that it has been observed that the proper procedures regarding submission of summaries to the Governor, Khyber Pakhtunkhwa and /or Chief Minister, Khyber Pakhtunkhwa as laid down under the Khyber Pakhtunkhwa Govt. Rules of Business, 1985 read with the relevant provisions of the Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2008 are not being observed.

2. Cases mandatorily required to be submitted to the Governor, Khyber Pakhtunkhwa and to the Chief Minister, Khyber Pakhtunkhwa and other matters/issues of policy significance or matters of importance for the province or effecting any of its interests etc, are required to be submitted through summaries. No other form such as Note or Brief or Concept Paper etc, is allowed to be adopted while submitting cases to the Governor, Khyber Pakhtunkhwa or Chief Minister, Khyber Pakhtunkhwa. The same is the case in so far as submission of cases to the Provincial Cabinet is concerned.

3. A case submitted to the Governor, Khyber Pakhtunkhwa, the Chief Minister, Khyber Pakhtunkhwa and the Provincial Cabinet for their orders is required to include a self-contained summary stating the relevant facts and the points for decision. The summary shall include the specific recommendations of the Minister-in-Charge, and shall be accompanied by a draft communication wherever required and appropriate.

4. Similarly, a case required to be submitted to the Governor through Chief Minister for his order shall include a self-contained summary stating the relevant facts and the points for decision. The summary shall be entitled "Summary for Chief Minister" and contain the specific advice or recommendations of the Chief Minister along with a separate paragraph to the effect that the case requires approval of the Governor.

5. Rules 5(9) to 5(11) of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985 indicate the route relating to the submission of these cases to the Chief Minister and Governor, Khyber Pakhtunkhwa. Summaries shall be initiated by the Secretaries of the Provincial Departments. Summaries cannot be submitted by any official other than the Secretary of a Department. Heads of Attached Departments, Autonomous Bodies, Authorities, Universities, Commissions, Tribunals and Courts cannot submit such summaries. The Secretary of the Department shall after obtaining the views of the Minister Incharge submit the case to the Governor, Khyber Pakhtunkhwa or Chief Minister, Khyber Pakhtunkhwa through the Chief Secretary, Khyber Pakhtunkhwa.

6. Before submitting a summary the concerned Secretary of an Administrative Department is bound to obtain the views of the Finance Secretary/Finance Department

where the case involves financial implications, the Establishment Department where issues concerning service matters are involved and the Law Department where a case involves any legal issue or an issue requiring legal advice/views or involving any matter pertaining to protection or pursuit of the legal interests of the Province or where the Province is impleaded or is required to act as a petitioner/suer in a legal case. Besides these, views of other Departments, who are in any way related, concerned, effected or whose interest may be effected by any decision or whose views are essential for arriving at a decision, shall be obtained by the Secretary concerned who is moving a summary.

7. If there is any doubt as to which Department a case properly pertains, the matter shall be referred to the Chief Secretary, Khyber Pakhtunkhwa who shall decide the matter. If required he may obtain the orders of the Chief Minister, Khyber Pakhtunkhwa.

8. Establishment Department letter No. SO(O&M)E&AD/3-5/2001 (GD), dated 14-09-2001 contains further relevant instructions which are given below:-

- a. The Administrative Secretary concerned shall put up a summary to the respective Minister, containing considered views of the Department.
- b. The Minister may or may not agree with the views/ recommendations of the Administrative Department.
- c. In either case, the Minister will record his observations and forward the summary to the Chief Secretary.
- d. Similarly, the Chief Secretary will forward the summary to the Governor/Chief Minister, Khyber Pakhtunkhwa with his observations, if any.

9. After the Governor, or Chief Minister, Khyber Pakhtunkhwa have passed their orders on a summary, the Secretary to the Governor, Khyber Pakhtunkhwa and/or the Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa shall mark the summary back to the Chief Secretary, Khyber Pakhtunkhwa who will send it to the Secretary/Secretaries concerned for further necessary action, compliance and implementation.

10. Despite existence of these statutory provisions in the Khyber Pakhtunkhwa Govt. Rules of Business, 1985, the Manual of Secretariat Instructions, 2008 and other allied instructions, many cases are coming to light where Administrative Secretaries and other officials are not strictly adhering to them. It must be realized that these are not only legally binding requirements whose violation amounts to “misconduct” but also unnecessarily results in red-tapism as well as effects the quality of decision-making.

11. It has been decided that in future any summary submitted without observing these statutory requirements shall be returned to the Administrative Department concerned for submission of cases/summaries strictly in accordance with the Rules and Regulations.

CORRESPONDENCE/USE OF PRIORITY LABELS.

letter No.SO(O&M)S&GAD/3-4/2000, dated 03.05.2000

I am directed to refer to the subject cited above and to say that Paras 175, 177 and 180 of the Manual of Secretariat Instructions, inter-alia provide as under:-

Para-175: Use of priority labels:- The use of priority labels shall be restricted to cases where they are absolutely necessary. Utmost care should be exercised in the gradation of references and priority labels must not be used indiscriminately.

Para-177: Treatment of priority cases:- Cases requiring instant attention, to the exclusion of all other work which an officer may be doing at the time, should be labeled "IMMEDIATE" "IMMEDIATE" label should be used most sparingly.

Para-180: Cases requiring attention within 48 hours of submission shall be labeled "URGENT"

2. It has, however, been noticed by the Governor's Secretariat that the above-mentioned provisions of the Manual of Secretariat Instructions are not being observed while correct prioritization of cases in the Departments is very important for effective and efficient running of official business.

3. It has further been observed that this aspect is not being paid proper attention and official files/cases are unnecessarily labeled as 'IMMEDIATE' and sometimes 'MOST IMMEDIATE' irrespective of the procedure as laid down in the Manual of Secretariat Instructions. As a result of the indiscriminate use of such labeling, it becomes rather hard to comprehend because the word 'immediate' is already a superlative i.e indicating that an issue needs to be attended to "right now". Therefore, the use of 'most immediate' should be discontinued as there is no mention of the label 'MOST IMMEDIATE' in the use of priority labels in the Khyber Pakhtunkhwa Manual of Secretariat Instructions.

4. I am, therefore, directed to request you that in future the laid down procedure must strictly be adhered to while corresponding with different Departments/Offices.

OFFICIAL CORRESPONDENCE.

letter No.SO(O&M)/10-6/2000, dated 07.02.2000

I am directed to refer to the subject cited above and to state that it has been observed by the Governor's Secretariat, Khyber Pakhtunkhwa that a large number of letters of irrelevant nature like charge reports of Officers are endorsed by Offices/Departments to the high ups in a routine manner particularly to the Governor's Secretariat without looking to the aspect that it results in waste of time. This practice does not seem to be in accordance

with the laid down policy of the Government. It is need of the hour to avoid such wasteful exercise and to concentrate on real issues for judicious utilization of energy and time of Government officers.

2. In the wake of above, I am directed to request to kindly direct all concerned to avoid endorsing copies of un-necessary correspondence to Governor's Secretariat, Chief Secretary's Offices and other high ranking Officers.

MAKING OF SUMMARIES

CSO/CS/KP/1-15/2019 dated 04.07.2019.

I am directed to refer to the subject and to state that it has been observed that in case of urgency or non-availability of concerned Minister in the office, summaries/notes usually forwarded for competent authority are marked as away and are not seen by the concerned Minister which is violation of Government of Khyber Pakhtunkhwa, Rules of Business, 1985.

Taking notice of above, the competent authority has directed that in future in such cases all the summaries/notes before forwarding to Establishment Department, the consent of concerned Minister may be obtained on telephone and it is recorded in the summary by the Secretary concerned that consent of Minister has been obtained on telephone,

CASES SEEKING ADVICE OF E&AD.

SORI(S&GAD)1-54/87, dated 17.2.1991

I am directed to say that under sub-rule (4) of Rule 9 of the Khyber Pakhtunkhwa Rules of Business, 1985, interpretation of rules and orders relating to service matters, other than rules and orders, issued by the Finance Department, has been assigned to this Department. In pursuance of this, this Department has in addition to publishing and supplying copies of the Establishment Manual (Vol.I), also issued from time to time, a large number of instructions covering almost all aspects of service matters to all concerned. In this connection, attention is invited to this Department circular letter No.SOR-III(S&GAD)(Misc-G)9(12)/86, dated 1.2.86 and even numbers dated 15.3.87, 30.6.88 and 14.11.89, on the above noted subject. It has, however, been observed that departments continue to refer cases without examination at their own level, for the advice of this Department and that too in an incomplete form and often without specifying point on which advice is required.

2. I am, therefore, directed to request once again that, in future, only those cases may please be referred to S&GAD for advice, where no clear rules/instructions/clarification are available and the case cannot be decided without advice of this Department. Nevertheless, cases requiring advice of this Department may be referred in future, which may, inter alia contain the following information:-

- i. Subject matter.
- ii. Detailed background of the case and point for advice.
- iii. Whether the case was referred earlier to the S&GAD and if so, what advice was given.
- iv. Whether the case has also been referred to Finance Deptt/Law Deptt for examination and advice.
- v. Whether the case actually concerns S&GAD and is being referred to S&GAD with the prior approval of Administrative Secretary concerned or otherwise.

3. Cases which are not referred in the above format alongwith detailed reasons/justification shall be returned straight away without any examination.

SEEKING ADVICE OF ESTABLISHMENT DEPARTMENT / UPLOADING OF LAWS ON WEBSITES.

SO(Policy)E&AD/1-10/2019 dated 27.01.2020

I am directed to refer to the subject noted above and to state that it has been observed that often incomplete references are being received without proper examination for seeking advice, which create embarrassing situation for this department in disposing of such like cases timely despite availability of clear rules/instruction/clarification.

2. It is worth mentioning that instructions regard have already been issued to all Administrative Departments with the request that in future only those cases may be referred for advice where no clear rules/instructions/clarification are available and the case cannot be decided without advice of this department (copy enclosed).

3. In order to ensure smooth disposal of official business of the Administrative Department the competent authority has directed that the following instructions be brought into the notice of your subordinates for strict compliance-

- i. All Administrative Departments shall upload the Esta Code on their website for facilitation of the general public.
- ii. All Administrative Departments shall ensure examination of the cases at their own level under the relevant rules/policy instructions/clarification and thereafter. If necessary, refer the case to Establishment Department for advice/opinion.
- iii. Administrative Department shall not refer the case to Establishment Department where clear rules/policy instructions are available and not unnecessarily make a reference in violation of the Khyber Pakhtunkhwa Government Rules of Business, 1985 which if done repeatedly would be brought into the notice of higher-ups.
- iv. I am further directed to request that all Administrative Departments shall formally establish, update their websites on regular basis to facilitate the public to bring transparency in the system and promote good governance across the province. Moreover all laws, notifications, service rules, policies bye laws duly notified may also be upload on regular basis.
- v. All the Administrative Departments may also issue the above instructions to all attached departments and autonomous/semi-autonomous bodies for compliance.

PUNCTUALITY IN ATTENDANCE.

The Services and General Administration Deptt shall, from time to time, prescribe general office hours and break for prayers or for any other purpose.

2. The following procedure shall be adopted by all Departments for enforcing punctuality in attendance:-

- a) All Administrative Secretaries shall take full responsibility for enforcing punctual attendance of officers and staff in their Departments and in the Attached Departments under their administrative control.
- b) All members of staff shall observe office hours prescribed by the Government from time to time. Naib Qasid/Qasids will, however, attend offices at least 15 minutes before time to put things in order.
- c) A separate attendance register shall be maintained for each Section/Branch. It shall include the names of all members of the staff (below the rank of B-16). All members of staff, whose names are entered in the Attendance Register, of the Section/Branch except Qasids and Naib Qasids should initial the register. Attendance of Naib Qasids and Qasids shall be marked in the following manners:-
 - (i) "P" for punctual attendance in the case of Naib Qasids and Qasids and initial in the case of others;
 - (ii) "D" for away on duty;
 - (iii) "L" for leave; and
 - (iv) "A" for absence without permission;
- d) The register shall be initialed by the Branch Superintendent/Section Officer and placed before the Deputy Secretary concerned 10 minutes after the commencement of the office hours on each working day. This, however, should not be taken to mean that officials are at liberty to come 10 minutes late. They must be in their seats by the time fixed for arrival.
- e) The Section/Branch Officer shall be held responsible for any delay in the submission of the register.
- f) Officials who come late shall immediately on arrival report to the Deputy Secretary concerned and Officer Incharge of the Section who shall ascertain the reasons for late arrivals and take appropriate action in each case.
- g) Cases of habitual late comers shall be brought to the notice of the Secretary for disciplinary action. In this connection, a monthly statement of defaulters should be submitted on the 1st of every month to the Secretary/Deputy Secretary (Administration) who will take suitable action against the officials concerned.

Such action should demonstrate that habitual defaulters have been adequately punished.

- h) A roster of attendance for duty after office hours and on gazetted holidays shall be maintained by each department subject to the instructions issued by the Government from time to time.
- i) Occasional late attendance may be condoned after obtaining an oral explanation of the official concerned but one day's casual leave shall be debited to the casual leave account of the official for every three late arrivals in a month. He may also be issued a written warning.
- j) Late arrival without any genuine reason be treated as misconduct under the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, 1973.
- k) Absence on short leave for one to three hours shall be treated half day's casual leave and debited to the casual leave account. Absence on leave for more than three hours on a day shall be taken as absence for the day.
- l) Application for short leave for one hour or more sent from home should be treated as half day's casual leave and debited to the casual leave account. Six or more than six such applications without just cause during a month should be treated as habitual late attendance.
- m) No member of the staff shall remain absent without prior permission. In case of absence due to unavoidable circumstances, it should be brought to the notice of the immediate officer on the day of the absence through any possible means. Absence for more than two days on ground of sickness must be supported by a medical certificate.
- n) Every application for leave /casual leave should indicate the address at which the applicant can be contacted, if necessary; and
- o) Occasional and surprise checks (frequency to be determined by the Secretary keeping in view the degree of defaulters and other circumstances) should be made by the Secretaries and Deputy Secretaries (Administration) to ensure that the system out-lined above, works smoothly.

CASUAL LEAVE.

- (a) Government Servants are not entitled to casual leave as of right. Casual leave is granted by way of grace to enable government Servants to attend to their private affairs of casual nature. It is entirely within the discretion of the sanctioning authority either to sanction or refuse leave;
- (b) Casual leave may not ordinarily exceed ten days at a time. The sanctioning authority may, however grant leave upto 15 days at a time under special circumstances.

- (c) Casual leave may be granted in conjunction with Fridays or public holidays but not with any other kind of leave or joining time. When it is combined with holidays the total period shall not exceed 15 days at a time.
- (d) Casual leave may be sanctioned under the authority of the Administrative Secretary or head of Office/Department by the Immediate Superior Officer of the government Servant concerned.
- (e) All casual leave accounts other than that of the Administrative Secretary shall be maintained in the General Branch of the Department concerned. The casual leave account of the Administrative Secretary shall be maintained in the S&GAD.
- (f) No Government Servant should leave his headquarters during casual leave or holidays without the permission of the leave sanctioning authority.

OTHER LEAVE

- (a) For the purpose of long leave, every Department should keep a leave list for one calendar year in advance. All officers and staff should be required to state before the beginning of the year:-
 - (i) the amount and kind of leave which they intend taking during the year; and
 - (ii) the date from which such leave is required.
- (b) The officer incharge of the General Branch in each Department shall then prepare a list by arranging the period of leave in one or more continuous chains, subject to the exigencies of public service and administrative convenience.
- (c) This list (except in the case of Naib Qasids and Daftaries) would be forwarded with the recommendations of the Department to S&GAD for orders.
- (d) Cases of Naib Qasids and Daftaries shall be decided by the Secretary concerned.
- (e) The Secretary of the Administrative Department shall have the power to grant/sanction all kinds of leave except study leave and disability leave, to civil servants in B-17 and above other than the civil servants in All Pakistan Unified Grades, working in Attached Departments or any other office or organization.
- (f) Study Leave and Disability leave being subjects relating to Finance Department shall be granted in accordance with the relevant rules/policy instructions issued by that department from time to time.

PUNCTUALITY--ATTENDANCE OF OFFICIAL MEETINGS IN THE CHIEF MINISTER'S SECRETARIAT.

SOR-VI/E&AD/Misc/2008/Vol-IV Dated 12th May, 2009

I am directed to refer to the subject noted above and to say that the Chief Minister Khyber Pakhtunkhwa in a case has been pleased to observe that official time is a public "Amanat" and every moment of the precious time be fully utilized in the public interest.

2. The Chief Minister Khyber Pakhtunkhwa has further been pleased to desire that all officers invited to the official meetings under his chairmanship, shall ensure their presence in the Chief Minister's Secretariat 15 minutes before time fixed for the meetings.

3. I am directed to request that above orders of the Chief Minister may kindly be noted and complied with in letter and spirit.

CRITERIA/MODALITIES FOR CLASSIFYING DEATH/ INCAPACITATION OF CIVIL SERVANTS IN THE LINE OF DUTY FOR THE PURPOSE OF COMPENSATION.

SORVI(E&AD)1-10/2009, dated 1st October, 2009

1. DEFINITIONS.

- (a) Civil Servant. Civil Servant means the same as defined in the Government of Khyber Pakhtunkhwa Civil Servants Act, 1973. However, the employees of Federal Government serving in Provincial Government would also be considered civil servants in the above mentioned meaning for the purpose of this letter.
- (b) Shaheed. Shaheed means a civil servant who faces unnatural death due to an act of terrorism.
- (c) Act of terrorism. means an act of terrorism as defined in the Section-6 of the Anti- Terrorism Act of 1997.
- (d) Permanent Incapacitation. means dismemberment, amputation, severing of any limb or organ of the human body or permanent impairment of the functioning power or capacity of an organ of the human body, caused due to any act of terrorism.
- (e) Temporary incapacitation / Grievous Injuries:
The committee unanimously decided not to give any compensation in this category because of its possible abuse and misuse.

2. "In the line of Duty"

In the line of duty means the following acts:-

- i. To reside in a city which is the station of duty.

- ii. To come and go from his/her place of residence to the particular place of duty.
- iii. To come and go from his/her station of duty to his/her native town or village, on duly approved leave.
- iv. Duty hours means 24 hours in a day and 7 days in a week.
- v. To come and go to and from the markets, hospitals, educational institutions, restaurants, etc for the fulfillments of his physical, intellectual, social, ethical, religious needs or the needs of his family.
- vi. Employees who fall victim in the cross fire either from terrorist or from Security Forces.
- vii. While busy in official duties in his/her office or field.

A civil servant, as defined above, who is incapacitated / killed in any act of terrorism, anywhere, anytime, he/ she himself, or his/ her family, as the case may be, will deserve to get the compensation as notified by the government.

3. REQUIRED DOCUMENTARY PROOF

For Shaheed:-

Obituary issued by the Department concerned.

Police FIR.

In case of FATA Incident, Death Certificate by Agency surgeon verified by Political Agent.

List of legal heirs verified by DCO / PA.

Authority letter signed by the members of family where any one member of family is authorized/ nominated to receive payments.

For permanent incapacitation.

Police FIR supported by Medical Report.

In case of FATA, Report of Agency Surgeon verified by Political Agent.

Provided that the affected civil servants, as defined above, serving in the jurisdiction of FATA will be paid out of funds provided by Federal Government to FATA.

4. PROCEDURE / RESPONSIBILITY.

The District Coordination Officer/Political Agent shall be responsible to initiate the cases of compensations and forward a complete case to the Finance Department and Establishment Department through the Administrative Department concerned, within a week time of the incident positively. The Finance Department and Establishment Department shall finalize the case of compensation within two weeks and shall issue the cheque which shall be delivered to the affected family in the fourth week of the incident through the DCO / PA of the district/Agency concerned.

**KHYBER PAKHTUNKHWA ANTI-CORRUPTION ESTABLISHMENT RULES,
1999**

In exercise of the powers conferred by section 6 of the West Pakistan Anti-Corruption Ordinance, 1961 (W.P.Ord.XX of 1961), and in supersession of the West Pakistan Anti-Corruption Establishment Rules, 1965, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. Short title and commencement:- These rules may be called the Khyber Pakhtunkhwa Anti-Corruption Establishment Rules, 1999.

(2) They shall come into force at once.

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

- (a) "Act" means the Prevention of Corruption Act, 1947 (Act No.II of 1947);
- (b) "Assistant Director" means an officer in charge of Anti-Corruption Establishment in a Division;
- (c) "Chief Secretary" means the Chief Secretary to the Government of Khyber Pakhtunkhwa;
- (d) "Circle Officer" means the officer incharge of the Anti-Corruption circle in a District;
- (e) "Competent Authority" means the authority competent to accord permission to hold an enquiry, to order registration of a criminal case, permit submission of a challan to court, drop the case after investigation and decide departmental action under the rules;
- (f) "Director" means the Director of the Establishment;
- (g) "Establishment" means the Anti-corruption Establishment of the Khyber Pakhtunkhwa;
- (h) "Government" means the Government of the Khyber Pakhtunkhwa;
- (i) "Head of Attached Department" means an officer incharge of the Department declared as such by Government; and
- (j) "Ordinance" means the Anti-Corruption Establishment Ordinance, 1961(W.P.Ord.No.XX of 1961); and

(2) The expressions used but not defined in these rules shall have the same meanings as respectively assigned to them in the Act and the Ordinance.

3. Preliminary/Open enquiries against Public Servants.

- (1) Preliminary inquiries and investigations against public servants shall be initiated by the Establishment on complaints received from government, Head of Departments or other reliable sources.

- (2) The Director shall initiate preliminary/open enquiries in order to ascertain the identity of the complaint or informer and genuineness of the complainant or information.
- (3) It shall be incumbent on the Head of concerned Department/Office to provide the relevant record required in connection with enquiries/ investigations as soon as a request is made by the Establishment.

Provided the enquiry against the Commissioners of Divisions, Secretaries to the Provincial Government, Head of Attached Departments and other officers in BPS-19 and above shall be initiated by the Director with prior permission of the Chief Secretary.

4. Registration of cases/arrest of accused.

- (1) Criminal cases shall be registered by the Establishment under the Prevention of Corruption Act 1947 and under such sections of Pakistan Penal Code, as have been set forth in the Schedule to the Ordinance.
- (2) Criminal cases shall be registered against accused public servants under the written orders of the officers mentioned below:-
 - (a) Public Servants in BPS-18 & below - Director
 - (b) Public Servants in BPS-19 & above - Chief Secretary

Provided that for Public Servants in BPS-19 and above, the Chief Secretary, before according permission, may, in his discretion, get the case examined by a Judicial Officer specially appointed in the S&GAD for the purpose.

Provided further that no prior permission shall be required for registration of a case against a public servant caught as a result of a trap arranged by the Establishment under the supervision of a Magistrate, in the act of committing an offence specified in the schedule to the Ordinance. In such a case, a report shall immediately be made to the Chief Secretary, the Administrative Secretary and immediate superior of the public servant concerned if he is in BPS-16 and above, and to the appointing authority and immediate superior officer if the public servant is in BPS-15 and below.

- (3) If the competent authority under sub rule (2) above decides not to register a case, he shall record reasons therefor.
- (4) While making a request for registration of a case against the accused public servant, a simultaneous request may be made by the Establishment to the authorities specified below if the arrest is so required during the investigation:-
 - (a) Public Servants upto BPS-16 - Director

(b) Public Servants in PBS-17 & above - Chief Secretary

Provided that no prior permission shall be necessary for the arrest of a public servant caught as a result of a trap as mentioned in the last proviso to sub-rule(2) of Rule-4.

5. Informing Administrative Department regarding registration of case and arrest.

As soon as may be, after registration of a case against a public servant, the Establishment shall inform the Administrative Secretary and immediate superior of the public servant involved if he is in BPS-16 or above, and the appointing authority and immediate superior in case of a public servant in BPS-15 and below, giving a gist of allegations upon which the case has been registered. The said authorities shall also be informed immediately after the arrest of the accused public servant.

6. Time limit for completion of preliminary/open enquiries and investigations.

Preliminary/open enquiries and investigation of the case shall be completed within one month and two months respectively.

Provided that the aforementioned time limit may be extended by the competent authority as mentioned below if reasonable grounds exist for such extension:-

- (a) Public Servants in BPS-18 & below - Director
- (b) Public Servants in BPS-19 & above - Chief Secretary

7. Traps.

In all cases of raids, the Deputy Commissioner or, in his absence, the Additional Deputy Commissioner of the District, if any, shall, on approach by the officer of the Establishment posted in the District/Agency, depute a magistrate for supervising the raid.

8. Permission for submission of challan, recommending departmental action and drop of the case.

- (1) On completion of investigation, the authorities indicated below may accord permission for submission of challan to the Court:-
 - (a) Director in cases in which public servants upto BPS-17 are involved.
 - (b) Chief Secretary in cases in which officers in BPS-18 and above are involved.
- (2) If, after, investigation, it is found that prosecution is not called for but sufficient material is available on record for departmental action, the Establishment shall move the departmental authorities for departmental proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

- (3) On completion of investigation, if allegations are not established the case shall be dropped and an intimation to this effect shall be sent to the authorities mentioned in sub-rule(2) of Rule-4
- (4) The authorities mentioned in sub-rule (1) above shall decide dropping of cases or departmental action.
- (5) After a decision to take departmental action has been made under the foregoing sub-rule, the competent authority shall initiate departmental proceedings against the accused public servant.
- (6) Copies of final report and summaries of dropped cases shall not be supplied without permission of the Director.
- (7) When a decision to hold departmental enquiry against a public servant is taken, the Establishment shall provide facts of the case, statement of allegations, list of witnesses and documents, if any, to the Authority/ Authorised Officer prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973.
- (8) As soon as the proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 are completed and final orders have been passed by the Authorised Officer or the Authority, as the case may be, result of the same shall be intimated to the Establishment alongwith copies of such orders and the report of the Inquiry Officer for completion of record.

9. Where Senior Public Servant are involved alongwith Junior Public Servants.

For the purpose of initiation of preliminary/open enquiries, registration of cases, dropping the cases after investigation, or referring the same for departmental action, or taking a decision with regard to prosecution, if more than one public servant are involved, the competent authority for these decisions shall be the one which is in case of public servants in the highest BPS.

10. Police Station of Establishment,

Cases shall be registered by the Establishment at the Police Station of the Establishment having the jurisdiction.

11. Application of Police Rules.

The Establishment shall, as far as may be, follow the provisions of Police Rules 1934 in the investigation and enquiry of offences specified in the Schedule to the Ordinance.

Provided that a reference to the District Magistrate under Rule 16.38 of the said Police Rules for initiating proceedings, departmental or judicial, against any Police Officer shall not be necessary.

12. Suo-Moto Examination.

- (1) The Director may suo-moto or otherwise call for the record of any case/enquiry pending investigation with the Establishment, examine it and give such direction as may be necessary for the speedy, fair and just disposal of the same.
- (2) The Chief Secretary may suo-moto or otherwise call for the record of any case or enquiry, for the purpose of satisfying himself as to the correctness or propriety of decision taken under clause (a) of sub-rule (1) of Rule-8 and may pass such orders as deemed appropriate.

13. Pending enquiries and investigations.

SOS-III(S&GAD)4(6)/98 dated 15.12.1999

The pending enquiries and investigation of cases under the West Pakistan Anti-Corruption Establishment Rules 1965, shall be processed further under these rules, from the stage up to which they have been completed under the previous rules.

RECOVERY OF LOSSES FROM GOVERNMENT OFFICERS/OFFICIALS ON REPORTS OF ANTI-CORRUPTION ESTABLISHMENT/ON DIRECTIONS OF PUBLIC ACCOUNT COMMITTEE.

SOR-II(S&GAD)5(29)/97 dated 30.9.98

I am directed to refer to the subject and to state that the competent authority has been pleased to order the recovery of losses caused to Government from the accused officers/ officials – without going through the process of initiating action under the Efficiency and Discipline Rules. Experience shows that judicial cases filed by the Anti-Corruption Establishment seldom succeed in the trial courts. In this context, it may be stated that recovery from accused officers in certain cases have been effected by some Works Department of the Provincial Government.

- 2. The competent authority has further been pleased to direct that recoveries in all cases should be materialized urgently including P.A.C cases. The recoveries so materialized should be reported separately on monthly basis and this should also be highlighted in the press.
- 3. I am therefore directed to request you to take immediate necessary action to implement the above directions of the Provincial Government in letter and spirit.

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974.
(KHYBER PAKHTUNKHWA ACT NO.I OF 1974)

First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa.

AN

ACT

to provide for the establishment of Service Tribunal to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants.

Preamble:- WHEREAS it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunal, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, commencement and application :-** (1) This Act may be called the Khyber Pakhtunkhwa Services Tribunal Act, 1974.

- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.

2. **Definitions:-** In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- ¹⁷²[" (a) "Civil Servant" means a person who is, or has been, a civil servant within the meaning of the Khyber Pakhtunkhwa Civil Servants. Act, 1973 (Khyber Pakhtunkhwa Act NO. XVIII of 1973)];
- (b) "Government" means the Government of the Khyber Pakhtunkhwa'
- (c) "Province" means the Khyber Pakhtunkhwa; and
- (d) "Tribunal" means a Services Tribunal established under Section 3.

3. **Tribunal:-**(1) The Governor may, by notification in the official gazette, establish one or more Service Tribunals and, where there are established more than one Tribunal, the Governor shall specify in the notification the class or classes of civil servants in respect of

¹⁷² (a)of Section 2 substituted by Khyber Pakhtunkhwa Act No.IX of 1974

whom or the territorial limits within which, each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

(3) A Tribunal shall consist of-

(a) a Chairman, being a person who ¹⁷³[is], has been , or is qualified to be, Judge of High Court; and

(b) ¹⁷⁴four members, two of whom shall be from amongst District and Sessions Judges and two from amongst civil servants in BPS-20 and above¹⁷⁵.”.

(4) The Chairman and members of a Tribunal shall be appointed by the Governor in consultation with the Chief Justice of the Peshawar High Court.”.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal may be appointed by name or by designation.

¹⁷⁶3.A. **Ad hoc Appointment:-** The Governor, may if necessary or expedient, for a particular case or cases, make an ad hoc appointment on the Tribunal of person qualified to be Chairman or a member as the case may be".

¹⁷⁷3B. Tenure, terms and conditions of service of Chairman and members.—(1) The Chairman and a member shall hold office for a period of three years or until he attains the age of sixty years, whichever is earlier, and shall not be eligible for reappointment:

Provided that if a judge of the High Court is appointed as Chairman, he shall hold office for a period of three years or until he attains the age of superannuation as judge of the High Court whichever is earlier.

(2) In case, a retired judge of the High Court is appointed as Chairman under clause (a) of sub-section (3) of section 3, he shall hold office for a period of three years and shall not be eligible for re-appointment.

(3) The other terms and conditions of service of the Chairman and members shall be such as may be determined by the Governor.”

¹⁷³ The word inserted by Khyber Pakhtunkhwa Ordinance No.XV of 1982 Section 2

¹⁷⁴ In Section 3 Sub Section-3 (b) has been replaced.

¹⁷⁵ In Section 3 Sub Section-4 has been replaced.

¹⁷⁶ Section "3A"inserted by Khyber Pakhtunkhwa Act No.XIII of 1976

¹⁷⁷ Section "3B"inserted by Khyber Pakhtunkhwa Act No.XIII of 1976

4. Appeal to Tribunal:- Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him ¹⁷⁸ or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal having jurisdiction in the matter:

Provided that-

- (a) where an appeal, review or a representation to a departmental authority as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred;
- (b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-
 - (i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade; or
 - (ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement ¹⁷⁹(;and).
- ¹⁸⁰(c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969.

Explanation:- In this section, "departmental authority" means any authority, other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of service of civil servants.

5. Constitution of Benches :-(1) There may be constituted one or more Benches, each consisting of-

- (a) the Chairman alone; or
- (b) the Chairman and one or more members; or
- ¹⁸¹(c) one preferably Judicial member

¹⁷⁸ The words inserted by Khyber Pakhtunkhwa No.IV of 1974

¹⁷⁹ The full stop replaced by semicolon and the word "and" inserted by Khyber Pakhtunkhwa Act No.IX of 1974

¹⁸⁰ Clause (c)substituted by Khyber Pakhtunkhwa Act No.IX of 1974

¹⁸¹ In Section 5 Sub Section-1 clause-c one member replaced with one preferably judicial member

to be nominated by the Chairman for the purpose of admitting appeals for hearing, or dismissing appeals in limini on grounds to be recorded in writing after having heard the applicant or his counsel;

Provided that, notwithstanding anything to the contrary contained in this Act, the Bench consisting of the Chairman and one or more members ¹⁸²(two members), may finally hear and dispose of appeal on merits;

Provided further that no orders shall be made by the Bench under this sub-section before giving the appellant or, as the case may be, the parties and their counsel an opportunity of being heard.

¹⁸³(2) In case a Bench consisting of more than one member is unable to arrive at a unanimous decision, the appeal shall be referred to the Chairman for consideration by the Tribunal."

Provided that where no majority view can be formed, the appeal shall be referred to other member, to be nominated by the Chairman, and the decision of the Bench shall be expressed in terms of the view of the majority.

(3) The Chairman may, at any stage, transfer cases from one Bench to another Bench or to the Tribunal.

(4) Any decision made by the Bench shall be deemed to be the decision of the Tribunal.

6. Hearing of Appeals and their disposal:-(1) Except as otherwise provided, the appeals admitted for hearing shall be heard and decided by the Tribunal, after giving the parties and their counsel an opportunity of being heard.

(2) If any member of the Tribunal is, for any reason, unable to take part in the proceedings of the Tribunal, the Chairman and the other member or members ¹⁸⁴(or, as the case may be two or more members) may hear or continue to hear and finally dispose of the appeal.

(3) If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

¹⁸² The words inserted by act No.XIII of 1976

¹⁸³ In Section 5 Sub section-2 has been replaced.

¹⁸⁴ The words inserted by Act No.XIII of 1974 Section.4 (a).

(4) In case of difference of opinion between the Chairman and member¹⁸⁵, or members, when the appeal is heard under sub-section(2) and no majority view can be formed, the appeal shall be referred to other member, and the decision of the Tribunal shall be expressed in terms of the view of the majority.

7. Power of Tribunals :- (1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal or a Bench constituted under Section 5 shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure 1908(Act V of 1908),including the powers of-

- (a) enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) issuing commission for the examination of witnesses and documents.
- ¹⁸⁶(d) execution of its decisions.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from, a Tribunal.

8. Abatement of suits and other proceedings:- (1) Save as otherwise provided in section 10, all suits, appeals, or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith;

Provided that any party to such a suit, appeal or application may, within ninety days of the commencement of this Act, prefer an appeal to the appropriate Tribunal in respect of any such matter which is in issue in such suit, appeal or application.

(2) Where any suit, appeal or application regarding any matter within the jurisdiction of a Tribunal has been disposed of by any court other than the Supreme Court before the commencement of the Khyber Pakhtunkhwa Service Tribunal Ordinance,1973 (Khyber Pakhtunkhwa Ordinance No.1 of 1974),any party feeling aggrieved by the decision of such suit, appeal or application may, if such decision has not become final, within ninety days of the commencement of this Act prefer an appeal to the appropriate Tribunal in respect of any such matter which was in issue in such suit, application.

¹⁸⁵ Comma inserted by Khyber Pakhtunkhwa Act No.XIII of 1976 Section 4(b).

¹⁸⁶ Clause (d) added by Khyber Pakhtunkhwa Service Tribunal (Amendment Act, 2010) Khyber Pakhtunkhwa Act No.IV of 2010, Notification No.PA/KHYBER PAKHTUNKHWA BILL/7787, dated 26.2.2010

9. **Limitation:-** The provisions of section 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall apply for the purpose of appeals under this Act.

10. **Repeal and transfer of cases:-** (1) The Khyber Pakhtunkhwa Civil Servants (Appellate Tribunals) Ordinance, 1971 (Khyber Pakhtunkhwa Ordinance II of 1971), is hereby repealed.

(2) All appeals pending before the Tribunal constituted under the Khyber Pakhtunkhwa Civil Services (Appellate Tribunals), Ordinance, 1971 (Khyber Pakhtunkhwa Ordinance II of 1971), shall, with effect from the date of the commencement of this Act, stand transferred to the appropriate Services Tribunal established under this Act and be deemed as instituted under this Act.

11. **Power to make Rules:-** Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. **Repeal:-** *The Khyber Pakhtunkhwa Services Tribunal Ordinance, 1973 (Khyber Pakhtunkhwa Ordinance No.1 of 1974), is hereby repealed.*

THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL RULES, 1974.

1. **Short title and commencement:-** (1) These rules may be called the ¹⁸⁷Khyber Pakhtunkhwa Services Tribunal Rules, 1974.
 (2) They shall come into force at once.
2. **Definitions:-** 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) "Act" means the Khyber Pakhtunkhwa Services Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No.I of 1974).
 - (b) "Chairman" means the Chairman of a Tribunal;
 - (c) "Member" means a member of a Tribunal;
 - (d) "Registrar" means the Registrar of a Tribunal, and includes any other person authorised by the Tribunal to perform the duties and functions of the Registrar under these rules; and
 - (e) "Tribunal" means a Tribunal established under section 3 of the Act and includes a bench constituted under section 5 thereof.
3. **Working hours:-** A Tribunal shall observe such hours of sittings as it may determine.
4. **Holidays:-** A Tribunal shall observe such holidays as are notified by Government, and such local holidays as are observed by Civil Courts.
5. **Sitting of Tribunal:-** A Tribunal may hold its sittings at Peshawar or at any other place in the Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard at such sittings.
6. **Procedure to prefer Appeal:-** (1) An appeal to the Tribunal may be sent by Registered Post or presented to the Registrar personally or through an Advocate, during working hours.
 (2) Every memorandum of appeal shall-
 - (a) be legibly, correctly and concisely written, type written or printed;
 - (b) be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be separate allegation;
 - (c) contain the full name, official designation and place of posting of each party;
 - (d) clearly set out the relief claimed;
 - (e) be accompanied by-

¹⁸⁷ These rules were published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 20.9.1974

- (i) a copy of the seniority list or other order of the competent authority fixing seniority, or in other cases, copy of the impugned order; against which the appeal is directed;
- (ii) copies of rules, orders and other documents on which the appellant proposes to rely in support of his claim;

Note: For the purposes of sub-clause (i) of clause (e), the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of a Govt. servant shall prepare and notify in the official Gazette a list of seniority of the members of the Subordinate Judiciary under its administrative control and the list so prepared shall be maintained upto date and shall be revised at least once a year preferably in the month of January.

- (f) be signed by the appellant;
- (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, complete in all respects, signed by the appellant and accompanied by the documents referred to in clause(e) as there are respondents;

Provided that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in (e),it may waive the provision of the said clause.

(3) Every memorandum of appeal shall be presented to the Registrar in file covers and be accompanied by a typed or printed index of papers failing which the appeal may not be entertained.

(4) In every memorandum of appeal, the competent authority whose order is challenged shall be shown as Respondent No.1 and every civil servant to whom the relief may affect shall also be shown as respondent;

(5) Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

7. Scrutiny of Appeals:- The Registrar shall scrutinize every memorandum of appeal received by post, or presented to him and shall-

- (a) If it is in order and drawn up in accordance with the foregoing provisions, cause it to be registered in the Register of Appeals to be maintained by the Tribunal;

- (b) If it is not drawn up in the manner herein before prescribed, return it to the appellant or his advocate for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency;
- (c) Where the memorandum of appeal is not drawn up in the manner herein before prescribed and the appellant or his advocate fails to amend the same within the period specified by the Registrar, the Tribunal may pass such order as it may deem fit.

8. Admission of the time barred appeals:--An appeal may be admitted after expiry of the period of limitation prescribed therefor when the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within such period and the decision of the Tribunal as to the sufficiency of cause shall be final.

9. Fixation of date of hearing:- (1) The Tribunal may, after fixing a day for hearing the appellant, and hearing him or where he is represented by an advocate, hearing the advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of day fixed for its hearing, issued under the signature of the Registrar or any other official authorised by him in this behalf, shall, subject to the provisions of Rule 10, be served on the appellant and the respondents, or their advocates if they are so represented, and on such other persons as the Tribunal may deem proper.

(3) Except as otherwise directed by the Tribunal, for reasons to be recorded in writing, the cases shall be fixed for hearing on their own turn, according to the dates of their admission.

10. Deposit of Security, etc:- (1) If the appeal is admitted, the appellant shall deposit with Registrar:-

- (a) cash security for costs in the sum of Rs.100.00 (rupees one hundred only); and
- (b) such cost of service of notices on the respondents as may be determined by the Registrar, including the cost of publication, if it is desirable to serve the notices by publication in the newspapers.

(2) If within 10 days of the admission of appeal, the appellant does not deposit the security and the cost of service of notices, the appeal may be dismissed.

11. Service of Notices:- (1) A notice under sub-rule (2) of rule 9 may be served by registered post or in any other manner as the Tribunal may direct.

(2) The notices to the respondents shall be accompanied by a copy of the memorandum of appeal and all the documents appended therewith.

(3) The Tribunal may, where the number of respondents is large or where otherwise the Tribunal considers it appropriate or desirable to do so, direct that in addition to sending a copy of the notice to the respondents by registered post, the notice shall be published in one or more daily newspapers having circulation in the areas where the respondents ordinarily reside or are serving.

(4) Service of notice in accordance with the provisions of this rule shall be as effectual as it had been made on the respondents personally, and it shall not be necessary to prove that a party has actually received the notice.

12. Submission of objections by respondents:- (1) A respondent on whom a notice of appeal has been served under the provisions of rule 11 shall send his written reply by registered post(Acknowledgement Due) to the Registrar, or deliver the same to the Registrar personally or through an advocate, not later than seven days before the date specified in the notice for the hearing of the appeal.

¹⁸⁸(2) The reply shall be correctly and concisely written, type written or printed, shall be signed by the respondent or a person duly authorised by him in writing in that respect and shall be accompanied by a copy of every seniority list or order or other documents on which the respondent wishes to rely in support of his case.

(3) The written reply shall be accompanied by 4 spare copies thereof, complete in all respects and containing copies of the lists, order and documents referred to in sub-rule(2), for use of the Tribunal.

13. Determination of questions:- (1) Questions arising for determination by the Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, but the Tribunal may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

14. Summoning of Witness:- (1) A list of witnesses shall be presented to the Tribunal, and application for summoning witnesses before the Tribunal shall be made, within 10 days after the service of notice of appeal under Rule 11 which shall state whether they are required to give evidence or to produce any documents, shall give, where a witness is required to give evidence, a brief resume of the evidence he is expected to give, and where

¹⁸⁸ Sub-rule (2) of rule 12 Substituted by Notification No. SOR-I(S&GAD)4.2./82, dated 14.1.99

a witness is required to produce a document, give a brief description of the document so as to identify it.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule(1) will be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and traveling charges of such witness, at the rates admissible to witnesses appearing in the High Court, should be deposited by the person calling him, within the period to be specified by the Tribunal.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness, within the period specified by the Tribunal under sub-rule (2), or within any extension thereof that may be granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.

(5) Where a Tribunal summons a witness under the provisions of sub-rule(4)-

- (a) if such witness is a Government servant, his traveling and daily allowance, if any, shall be borne by Government; and
- (b) if such person is a private person, his traveling and daily allowance shall be borne by the appellant.

(6) Process for service on witnesses of high rank shall be sent in the form of a letter.

(7) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the Head of his office.

15. Evidence of witnesses:- (1) The evidence of witnesses examined by the Tribunal shall be taken down under the superintendence of the tribunal, ordinarily in the form of a narrative and shall form part of the record.

(2) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

16. What may be urged by an appellant:- The appellant shall not, except by the leave of the Tribunal, urge, or be heard in support of any ground of objections not set-forth in the memorandum of appeal, but the Tribunal, in deciding, the appeal shall not be confined to

the grounds of objections set-forth in the memorandum of appeal or taken by leave of the Tribunal under these rules;

Provided that the Tribunal shall not rest its decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

17. Notice Board:- (1) A cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases to be set down in the cause list shall be in the order of the date of admission.

18. Hearing of Appeal:- (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant or his advocate shall be heard in support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once hear the respondent or his advocate against the appeal and in such case, the appellant shall be entitled to reply.

¹⁸⁹19. **Dismissal of Appeal on failure to appear by the Parties:-** (1) Where on the day fixed for the hearing of an appeal or any other day to which the hearing may be adjourned the appellant or his counsel, if any, does not appear when the appeal is called for hearing, the Tribunal may make an order that the appeal is dismissed.

(2) Where the appellant or his counsel, if any, appears and the respondent or his counsel, if any, does not appear the appeal shall be heard ex-parte.

(3) Where an appeal is dismissed under sub-rule(1) or an ex-parte order made under sub-rule (2), the Tribunal may for sufficient cause on an application made within 15 days restore the appeal or as the case may be set aside the ex-parte order on such terms as to costs or otherwise as it thinks fit.

Provided that no order of restoration of an appeal dismissed in default or setting aside the ex-parte order shall be made unless notice of the application has been served on the opposite party.

20. Adding Respondent:- When it appears to the Tribunal at the hearing that any person has not been made a respondent in the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a further day to be fixed by the Tribunal and direct that such person be made respondent.

¹⁸⁹ Rule-19 substituted by Notification No.SORI(S&GAD)4-2/82, dated 4.6.1985

- 21. Pronouncement of Order:-** The Tribunal shall pronounce order in open court, either at once on the conclusion of arguments or on some future date of which notice shall be given to the parties or their advocates.
- 22. Order regarding costs, etc:-** (1) The Tribunal may make such order as to the costs of proceedings before it as it deems fit.
- (2) Any cost awarded by a Tribunal which cannot be paid out of the cash security deposited by the appellant within one month of the order awarding the costs, shall, on the certificate of the Tribunal, be recoverable from the appellant as arrears of land revenue.
- 23. No entertainment of appeal in certain cases:-** The Tribunal not shall entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a Court or a Tribunal of competent jurisdiction.
- 24. Appellant precluded from bringing another appeal in certain cases:-** Where an appeal has been withdrawn by the appellant and is in consequence dismissed by the Tribunal, the appellant shall, unless otherwise directed by the Tribunal, be precluded from bringing another appeal in respect of the same cause of action.
- 25. Administrative functions of the Tribunal to vest in the Chairman:-** The administrative functions of the Tribunal including the appointment of staff shall be performed by the Chairman on behalf of the Tribunal.
- 26. Constitution of Benches:-** Where the amount of work so justifies the Chairman may, for the purpose of admission of appeals, constitute one or more benches, each bench consisting of one or two members to be nominated by the Chairman.
- 27. Additional powers of the Tribunal:-** Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.
- 28. Furnishing of copy of final adjudication order by the Tribunal to the competent authority:-** A copy of every order of final adjudication on an appeal shall be furnished by the Tribunal, free of cost, to the competent authority concerned which shall forthwith give effect to it.
- 29. Inspection of Records:-** The provisions contained in the High Court Rules and Orders as applicable to the Peshawar High Court, in regard to copies of inspection of record, shall mutatis mutandis and to the extent practicable apply to proceedings before a Tribunal.

THE KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION ORDINANCE, 1978

Khyber Pakhtunkhwa Ordinance No. XI of 1978

**AN
ORDINANCE**

to repeal and with certain modifications, re-enact the Khyber Pakhtunkhwa Public Service Commission Act, 1973.

Preamble. - WHEREAS, it is expedient to repeal and, with certain modifications, re-enact the Khyber Pakhtunkhwa Public Service Commission Act, 1973, (Khyber Pakhtunkhwa Act XIX of 1973), in the manner hereinafter appearing;

AND WHEREAS, the Governor of the Khyber Pakhtunkhwa is satisfied that circumstances exist, which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977(C.M.L.A Order No.1 of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the Khyber Pakhtunkhwa is pleased to make and promulgate the following Ordinance: -

1. Short title and commencement:- (1) This Ordinance may be called the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

2. Definitions:- In this Ordinance, unless the context otherwise requires,

- a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission.
- b) "Government" means the Government of the Khyber Pakhtunkhwa;
- c) "Governor" means the Governor of the Khyber Pakhtunkhwa
- d) "Member" means a member of the Commission and includes the Chairman thereof;
- e) "Prescribed" means prescribed by rules made under this Ordinance; and
- f) "Province" means the Khyber Pakhtunkhwa.

3. Composition of Commission, etc.- (1) There shall be a Commission for the Province to be called the Khyber Pakhtunkhwa Public Service Commission.

(2) The Governor shall by regulations determine, -

- (a) the number of members and their terms and conditions of service; and
- (b) the number of officers and servants of the Commission and their terms and conditions of service:

Provided that the salary, allowances and privileges of a member shall not be varied to his disadvantage during his term of office.

- (3) The Chairman and other members shall be appointed by the Governor:

¹⁹⁰[Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired portion of his term as such member.]

- (4) Not less than one-half of the members shall be persons who have held office in the service of Pakistan for not less than twenty years ¹⁹¹[and has been retired in basic pay scale 20 or above.]

- ¹⁹²(5) Subject to sub-section (4), at least one of the members shall be a female.

4. **Terms of office of members, etc. -**

(1)¹⁹³[A member of the Commission shall hold office for a term of ¹⁹⁴[¹⁹⁵ Five years] from the date on which he enters upon office and shall not be eligible for re-appointment:]

¹⁹⁶Provided that, notwithstanding his taking oath, required by the provisions of section 4A, on a date subsequent upon his entering into office, the Chairman or a member shall hold office for his respective term from the date on which he entered upon office and not from the date of oath taking, and he shall not be eligible for reappointment.

- (2) A member may resign his office by writing under his hand addressed to the Governor.

¹⁹⁰ The proviso to sub section (3) of section 3 inserted vide Khyber Pakhtunkhwa Public Service Commission (amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002), notified on 9th August, 2002.

¹⁹¹ The words “and has been retired in basic pay scale 20 or above” inserted in sub section (4) of section 3 vide Khyber Pakhtunkhwa Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002) notified on 9th August, 2002.

¹⁹² Sub section (5) added vide Khyber Pakhtunkhwa Public Service Commission (amendment) Act of 2010 (Khyber Pakhtunkhwa Act No.I of 2010), dated 18th January, 2010.

¹⁹³ Sub section (1) of section 4 substituted vides Khyber Pakhtunkhwa (Ordinance No. XXVII of 2002), notified on 9th August, 2002

¹⁹⁴ In section 4 sub section (1) the word “Five” substituted with the word “Four” vide Khyber Pakhtunkhwa Public Service Commission (Second Amendment) Ordinance, 2002 (Ordinance No. XXXIX of 2002), notified on 9th October, 2002.

¹⁹⁵ The word “Four” again substituted by word “Five” vide Khyber Pakhtunkhwa Public Service Commission Ordinance, 2004 (Ordinance No. 1 of 2004), notified on 6th August, 2004.

¹⁹⁶ Proviso to sub section (1) of section 4 substituted vide Khyber Pakhtunkhwa Public Service Commission (Second Amendment) Ordinance, 2002 (Ordinance No. XXXII of 2002, notified on 16th September, 2002.

¹⁹⁷4A. **Oath of Office.** - Before entering upon office, the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in case of a member.

5. ¹⁹⁸**Ineligibility for further employment:-** On ceasing to hold office, a member shall not be eligible for further employment in the Service of Pakistan.

6. **Removal from Office.** - A member shall not be removed from office except in the manner applicable to a Judge of a High Court and upon a reference made by the Governor.

7. ¹⁹⁹**Functions of the Commission:-** (1) The functions of the Commission shall be_____

(a) to conduct tests and examinations for recruitment of persons to:-

- (i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent, and
 - (ii) posts in basic pay scales ²⁰⁰[14 and 15] or specified in following Departments (except the District cadre posts).
1. Civil Secretariat (through Establishment Department);
 2. Board of Revenue;
 3. Police Department;
 4. Prison Department;
 5. Communication & Works Department;
 6. Irrigation Department;
 7. Industries, Labour & Manpower Department;
 8. Health Department;
 9. Education department'
 10. Local Government and Rural Development Department;
 11. Excise and Taxation department;
 12. Food department;
 13. Physical Planning & Environment Department including Urban Development Board; and
 14. Organizations, except autonomous bodies, under the Health and Education Departments;

¹⁹⁷ Section 4A, inserted vide Khyber Pakhtunkhwa Ordinance No. XXVII of 2002, notified on 9th August, 2002.

¹⁹⁸ Section 5, which was omitted by Khyber Pakhtunkhwa Act No.XX of 1987, again inserted vide Khyber Pakhtunkhwa Ordinance No. XXVII of 2002, notified on 9th August, 2002.

¹⁹⁹ Section 7 substituted vide Khyber Pakhtunkhwa Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002, notified on 9th August, 2002).

²⁰⁰ substituted vide notification dated Peshawar 5th March, 2018

²⁰¹Explanation. - In this section, recruitment means initial appointment other than by promotion or transfer.

(b) to advise the Governor____

- (i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a);
 - (ii) on the principles to be followed in making:
 - (1) initial appointments to the services and posts referred to in clause (a);
 - (2) appointments by promotion to posts in BPS-17 and above; and
 - (3) transfer from one service to another; and
 - (iii) on any other matter which the Governor may refer to the Commission.
- (c) ²⁰²To hold such other tests and examinations for promotion, selection on merit or initial appointment as the case may be, for such posts as government may determine from time to time.
- (d) To act on any other matter which government may refer to the Commission, from time to time,” and
- (2) Recruitment to the following posts shall be outside the purview of the Commission:
- (i) ²⁰³post pertaining to household staff in the Governor’s House and Chief Minister House;
 - (ii) posts to be filled on ad hoc basis for a period of ²⁰⁴one year or less; provided that before filling the post, prior approval shall be obtained from the Commission;
 - (iii) posts to be filled by re-employing a retired officer; provided that the re-employment is made for a specified period not exceeding two years in a post

²⁰¹ After section-7 sub section (1) clause (a) explanation has been added vide notification dated Peshawar 5th March, 2018

²⁰² In Section-7 Sub Section(1) caluses (c) & (d) inserted vide notification dated Peshawar 5th March, 2018

²⁰³ Clause (i) substituted vide Khyber Pakhtunkhwa PSC (Amendment) Act 2003 (Khyber Pakhtunkhwa Act No. XIV of 2003).

²⁰⁴ The words “six months” substituted for the words “one year” by Khyber Pakhtunkhwa Public Service Commission (Amendment) Act, 2008 (Khyber Pakhtunkhwa Act No. VI of 2008) published in the Khyber Pakhtunkhwa Gazette extraordinary on 9th January 2009(page-327-328).

not higher than the post in which the person was employed on regular basis before retirement²⁰⁵; and

(iv) ²⁰⁶the posts of ²⁰⁷[Computer Operator, Assistant, Junior Scale Stenographer and] Junior Clerks in all Departments, Attached Departments and at District level.

8. Commission to be informed when its advice not accepted:- Where the Governor does not accept the advice of the Commission, he shall inform the Commission accordingly.

9. Report of Commission:- (1) It shall be the duty of the Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

(2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission—

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

10. Rules:- Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

²⁰⁸10A. Power of the Commission to make regulation:- Subject to the provisions of this Ordinance and the rules made thereunder, the Commission may make regulations for carrying out the purposes of this Ordinance”.

11. Repeal:- The Khyber Pakhtunkhwa Public Service Commission Act, 1973 (Khyber Pakhtunkhwa Act XIX of 1973), is hereby repealed.

²⁰⁵ In Section 7 Sub Section-2(iii) word full stop replaced with semicolon and vide notification dated Peshawar dated 1.2.2016

²⁰⁶ In Section 7 Sub Section-2 the roman (iv) has been added vide Notification dated (1.2.2016)
²⁰⁷ inserted vide Notification dated (05.03.2018)

²⁰⁸ Section 10 A inserted vide Khyber Pakhtunkhwa Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002), notified on 9th August, 2002.

SCHEDULE [SECTION 4A]

(Appendix "A" added vide Notification No. SOR I (S&GAD) 1-99/ 73 (Vol.I) dated 9.4.1988)

I, _____ do solemnly swear that I will bear true faith and allegiance to Pakistan. That, as a Chairman (or Member) of the Khyber Pakhtunkhwa Public Service Commission, I will discharge my duties and perform my functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law and always in the interest of the solidarity, integrity and well being and prosperity of Pakistan.

That I will not allow any personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment of appointment or in any other way, I will act without fear or favour, affection or ill-will.

THE KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION (FUNCTIONS) RULES, 1983

NOTIFICATION

No. SORI(S&GAD)1-99/ 73 dated 22.12.1983 In exercise of the powers conferred by Section 10 of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 (Khyber Pakhtunkhwa Ord. XI of 1978), and in supersession of the Khyber Pakhtunkhwa Public Service Commission (Functions) Rules, 1974, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely: -

1. Short title and commencement:- (1) These rules may be called the Khyber Pakhtunkhwa Public Service Commission (Functions) Rules, 1983.

(2) They shall come into force at once.

2. Definition:- In these, rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say –

- (a) “Commission” means the Khyber Pakhtunkhwa Public Service Commission;
- (b) “Examination” means a written examination prescribed for initial recruitment to any post or service;
- (c) “Government” means the Government of the Khyber Pakhtunkhwa;
- (d) “Initial Recruitment” means appointment made otherwise than by promotion or transfer;
- (e) “Ordinance means the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978;
- (f) “Province” means the Province the Khyber Pakhtunkhwa;
- (g) “Scale” means the Basic Scale of Pay in which a post or group of posts is placed;
- (h) “Schedule” means the Schedule to these rules;
- (i) “Test” include single paper screening test in the relevant field/ general knowledge and interview/ viva voce.

3. ¹⁵⁹Functions of the Commission:- The Commission shall :

(a) Conduct tests and examinations for recruitment of persons to:

- i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent; and
- ii) posts in Basic Scale 11 to 15 or equivalent specified in the following departments (except the District cadre posts):
 - 1. Civil Secretariat (through Establishment Deptt)
 - 2. Board of Revenue.

¹⁵⁹ Rule 3 substituted vide Notification No. SOR.I(E&AD)1-99/73 (Vol.IV) dated 2.11.2002.

3. Police Department.
4. Prison Department.
5. Communication & Works Department.
6. Irrigation Department.
7. Industries, Labour, Manpower and Technical Education Department.
8. Health Department.
9. Education Department.
10. Local Government and Rural Development Department.
11. Excise and Taxation Department.
12. Food Department.
13. Physical Planning and Environment Department including Urban Development Department, and
14. Organizations, except autonomous bodies under the Health and Education Department.

(b) To advise the Governor: -

- i) on matters relating to qualifications for, and methods of recruitment to, services and posts referred to in clause (a)
- ii) on the principles to be followed in making;
 1. initial appointments to the services and posts referred to in clause (a)
 2. appointment by promotion to posts in BPS-17 and above; and
 3. transfer from one service to another; and

(c) deal with any other matter which the Governor may refer to the Commission.

Explanation:- In this rule, recruitment means initial appointment other than by promotion or transfer.”

4. Exception: - Notwithstanding anything to the contrary contained in rule 3, recruitment to the following posts shall be outside the purview of the Commission: -

- i) posts in the Governor House;
- ii) posts to be filled on ad hoc basis for a period of ¹⁶⁰[one year] or less; provided that before filling the posts, prior approval shall be obtained from the Commission;
- iii) posts to be filled by re-employing a retired officer; provided that the re-employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before recruitment.

¹⁶⁰ Words “Six months” replaced with “one year” vide Khyber Pakhtunkhwa PSC (Amendment) Act, 2008 (Khyber Pakhtunkhwa Act No. VI of 2008) dated 9.1.2009.

5. Advice of the Commission to be ordinarily accepted:- The advice of the Commission shall ordinarily be accepted in all matters relating to the functions of the Commission. If it is proposed not to accept the advice of the Commission, the case shall be submitted to the Governor, through the Services and General Administration Department.

6 Screening Test:- In cases where there is no written examination prescribed, the Commission may decrease the number of candidates on the basis of their academic record in accordance with the formula at Appendix ‘A’ with particular reference to the prescribed zonal allocation or by holding screening test in the relevant field or general knowledge. If it considers that calling all the eligible candidates for the viva voce would entail, on account of disproportionately excessive number of candidates as compared to the vacancies available, an in-ordinate delay or would otherwise be counter productive.”

- i. One mark shall be deducted for passing an examination in parts.
- ii. Ten marks shall be reserved for distinctions and will be awarded for standing 3rd, 2nd or 1st in University/ Board at the rate of 1, 2 and 3 respectively provided the examination was passed in the first division and was not a supplementary examination.
- iii. In exceptional cases where no division or marks are indicated in a Certificate or Degree, the Commission may adopt a judicious yardstick/ parameters for their relative academic assessment.

7. Report of the Commission. The report to be presented to the Governor under Section 9 of the Ordinance, shall be presented by the Commission by the 31st day of March in each calendar year. In addition to the memorandum referred to in the said section, the Commission may include in the report:

- (a) the cases in which implementation of the recommendations of the Commission, in its opinion, was delayed;
- (b) the cases pertaining to civil litigation, if any, in which the Commission was a party;
- (c) details of posts for which adequate number of qualified candidates were not available; and
- (d) any suggestion that the Commission considers appropriate for improvement of educational standard and service efficiency.

APPENDIX "A"
FORMULA FOR ASSESSMENT OF ACADEMIC RECORD

(i) For the purpose of assessment of academic record of the candidates, their qualification and nature of the post shall be taken into view and it shall be categorized as Professional or Non-professional. The following formula shall apply to the two different categories: -

Division	For Professional Posts (40 Marks)				Division	For Non-Professional Posts (40 Marks)			
	Ist Professional	2 nd professional	3 rd Professional	4 th Professional		Matric	F.A./ F.Sc	B.A./ B.Sc	M.A./ M.Sc
	<u>FOR FOUR EXAMINATIONS</u>								
1 st Division	10	10	10	10	1 st Division	4	8	12	16
2 nd Division	8	8	8	8	2 nd Division	2	6	10	14
3 rd Division	6	6	6	6	3 rd Division	1	5	9	13
	<u>FOR THREE EXAMINATIONS</u>								
1 st Division	13	13	13	-	1 st Division	10	14	16	-
2 nd Division	11	11	11	-	2 nd Division	8	10	12	-
3 rd Division	8	8	8	-	3 rd Division	6	8	10	-
	<u>FOR TWO EXAMINATIONS</u>								
1 st Division	20	20	-	-	1 st Division	15	25	-	-
2 nd Division	16	16	-	-	2 nd Division	12	20	-	-
3 rd Division	12	12	-	-	3 rd Division	10	15	-	-

ADVICE TO GOVERNOR ON MATTERS RELATING TO QUALIFICATION AND METHOD OF RECRUITMENT

Notification No. SOR-VI/E&AD/2-69/2003 dated 18.08.2007

I am directed to refer to the subject noted above and to state that in the light of sub section(a) & (b) of Section-7 of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 advice of the Commission while laying down method of recruitment for various posts falling in its purview is mandatory. All the Administrative Departments were therefore requested that proposed rules cleared by the SSRC shall invariably be referred to the Commission for advice before notification vide this department letter No.SOR-II (S&GAD)1(61)/98 dated 28.09.1999 (copy attached).

The Khyber Pakhtunkhwa Public Service Commission has now reported that the departments of Government of Khyber Pakhtunkhwa send recommendations of Standing Service Rules Committees to the Commission for scrutiny and advice without any background or rationale for amendment in the existing rules and others details which are required for proper scrutiny at the level of the Commission. This results in unnecessary delay, which would be avoided by sending a complete case to the Commission.

All the Administrative Departments are requested to provide the following details to the Commission while sending draft Service Rules recommended by SSRC:-

- i. Working paper proposed for SSRC.
- ii. Comparative statement showing existing service rules and amendments proposed.
- iii. Organogramme showing the nomenclature of posts alongwith the basic pay scale, job description and indicators for reflecting administrative hierarchy/chain of command.

209 Notification:

In exercise of the powers conferred by clause (b) of sub-section (2) of section 3 of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 (Khyber Pakhtunkhwa Ord. NO. XI of 1978), the Governor of the Province of the Khyber Pakhtunkhwa is pleased to directed that in the Khyber Pakhtunkhwa Public Service Commission Officers and Servants (Terms and conditions of Services Regulations), 1985, the following further amendment shall be made, namely:

Amendment

For regulation 13, the following shall be substituted, namely:

“13. In all other matters not expressly provided for in these regulations, the rules made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), shall mutatis mutandis apply to the members of the Service.”.

²⁰⁹ No. SOE-V/E&AD/11-1/2011-VoII dated 04.07.2013

NOTIFICATION

Dated 11th October, 2010

No.SO(E-I) E&AD/9-35/2010:- The competent authority is pleased to constitute with immediate effect a Search Committee, comprising the following for appointment of Members/Chairman, of the Khyber Pakhtunkhwa Public Service Commission, Peshawar:-

(i) Chief Secretary, Khyber Pakhtunkhwa	Chairman
(ii) Mr. Azam Khan, former Chief Secretary	Member (for 3 years)
(iii) Additional Chief Secretary, P&D	Member
(iv) Mr.Imtiaz Gillani, V.C. University of Engineering & Technology, Peshawar.	Member (for 3 years)
(v) An MPA to be nominated by the Chief Minister.	Member (for duration of his incumbency)
(vi) Secretary Establishment	Secretary

TORs OF THE COMMITTEE:

1. Least regard shall be paid to the zone to which the chairman belongs at the time of selection, but his domicile shall count for the purpose of zonal representation.
2. As far as possible equal representation in membership to different zones shall be ensured.
3. Technical services may be represented to the extent of two, one each from Engineering and Health Sector.
4. As far as possible technical member shall be replaced with a technical member.
5. The Search Committee shall ensure that the proposed members are:-
 - (i) Domiciled in Khyber Pakhtunkhwa.
 - (ii) Persons of repute with known integrity and honesty with an unblemished record of public service.
 - (iii) Balanced and impartial.
 - (iv) In case of ex-government servants, have retired in BS-20 or above, with 20 years outstanding service and are selected in such a way that their term of office as members expires on attaining the age of 66 years.
 - (v) Knowledgeable, well-read and broadly educated.
 - (vi) Keen of intellects and physically fit.
 - (vii) One female member is always to be ensured.

CHIEF SECRETARY,
GOVT. OF KHYBER PAKHTUNKHWA

REQUISITIONS OF THE NWFP PUBLIC SERVICE COMMISSION

SOR-V/E&AD/1-10/200/Vol-X dated 07.10.2008.

I am directed to the subject noted above and to state that it has been observed that piece-meal requisitions are sent by the government Department for filling in vacancies by the NWFP Public Service Commission sometimes calculation of vacant posts stems from short term estimates sans anticipation, whereas sometime total posts are not deliberately reported to the commission. This practice, as a whole is against the spirit of good governance resulting in inordinate but avoidable delays in the recruitment process and extension of undue advantage to ad hoc appointees. Consequently, efficiency of the service and improvement in service delivery cannot be achieved.

2. The competent authority after taking stock of the above situation has decided that henceforth all the Government Departments/offices shall ensure that requisitions are sent to the NWFP 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. This will ensure that on arrival of the selectees of the commission, all the vacant posts will be filled and government work will not suffer.

APPOINTMENT THROUGH PUBLIC SERVICE COMMISSION – DELAYS, CAUSES AND REMEDIES.

SOR.II(S&GAD)5(18)85 dated 12.12.1989.

I am directed to state that it has been observed by the NWFP Public Service Commission that certain departments are not following the instructions as conveyed in the S&GAD circular letter of even number dated 18th November, 1985. This results in the delayed finalization of the commission's recommendations.

2. In order to minimize the chances of delays, the government has decided to take the following decision, which are circulated for strict compliance:-

(a) FILLING OF VACANCIES.

It has been observed that the departments even after sanction of the posts do not send requisition to the commission for months awaiting adhoc/contract appointments or some other reasons. This leads to unnecessary delay in the appointments of regular incumbents of the posts. It has therefore been decided that the department will anticipate the vacancies for full year and place requisition on the commission by the end of April each year. The commission will proceed with completion of the preliminary steps such as advertising the posts of Medical Officers, Lecturers, Assistant Engineers, D.S.Ps, E.A.Cs, Section Officers and Excise & Taxation Officer

and screening etc. Final Selection and recommendations to the concerned department would be finalized by the commission within two months of the Department confirming the vacancies/posts.

(b) PIECEMEAL REQUISITION.

It has also been observed that the department some time do not report all the available vacancies to the Commission. This result not only in the delay of the recruitment process but also provide under advantage to the Adhoc/contract appointees because such appointees are adjusted against the vacancies which were not previously reported to the Commission. It is, therefore, requested that the Department may please eschew the practice of placing piecemeal requisitions. All vacancies of the year may please be placed on the commission once for all to enable the commission to make recommendations against all the available posts.

(c) INCOMPLETE REQUISITIONS.

It has been noticed that proper care is not exercised in filling in the requisition with the result that the Commission has to make back references for seeking clarifications on certain vital points. This obviously leads to unreasonable delay in the advertisement of the post (s). In order to avoid delays it is requested that:-

- i. Administrative Secretary and Head of attached Deptt: as the case may be, may please give a certificate appended to each requisition that (1) he has personally examined the requisition (2) it is complete in all respects and (3) the requisition is supported by all necessary papers.
- ii. If the department does not have notified service rules for the posts, the Rules approved by the Service Rules Committee be indicated in the requisition with a copy of such rules in case notified or approved Rules are not available the Department may give their suggested Rules for the post(s) only indicating the fact in the requisition.
- iii. If still any defect exists in the requisition the Commission may give a month's time to the Department concerned for rectification.
- iv. If the defects are not rectified within the given time the Commission may close the case under intimation to S&GAD.

(d) CHARACTER ROLLS.

The Commission has observed in good many cases that consider time is consumed in the procurement of the ACRs of the selectees from different Departments with the

result that implementation of their recommendations are unreasonably delayed for months. It has therefore been decided that in future the Commission will peruse ACRs only in those cases where the experience forms part of the laid down qualifications for the post. In other cases the Commission will not ask for ACRs and as such the Departments should implement the Commission's recommendations immediately. However, in cases where ACRs are asked by the Commission, efforts should be made to provide those to them within the shortest possible time.

(e) ZONAL REPRESENTATION.

It has been observed that while sending requisition to the Commission, the Department does not indicate zonal allocation with the result that the Commission has either to work out the same from their old record and ask the Departments for confirmation or make a back reference for the same. It may be noted that zonal allocation is primarily the responsibility of the Department concerned and the Commission has only to exercise a check to ensure that it is in accordance with the laid down formula and other instruction on the subject. It may therefore be ensured that the requisition should reflect the correct zonal allocation of the post so that the Commission could process it accordingly. However, if there is a difference in between the Department and the Commission about zonal allocation of a post, the matter may be referred to the S&GAD for final decision.

(f) CHANNELS OF COMMUNICATIONS.

Since the Commission is an independent constitutional body, as such all communication for the Commission should be from the Administrative Department in the form of an official letter addressed to the Secretary of the Commission and not to the chairman or Members of the Commission individually.

(g) APPLICATION OF GOVT. SERVANTS TO THE COMMISSION.

The Commission has noticed that the Departments unreasonably delay the applications and Departmental permission of the candidates who apply to the Commission for different advertised posts. Since such delays adversely affect the career of the applicants, it may please be ensured that the applications, if submitted to the Department for Departmental permission, or if the Government Servants have applied directly to the Commission may be forwarded promptly to the latter so that their applications are not rejected on the ground of delay. It may please be noted that the Commission do not entertain delayed application even if the delay is due to Departmental channelization. Grant of permissions and other instructions on the point shall be as laid down in circular letter of even number dated 18.11.1985

(h) PROCEDURE FOR REJECTION OF ADVICE OF THE COMMISSION

The advice of the Commission shall invariably be accepted by the Departments so far their recommendations about selection of candidates are concerned. However, in cases where a Department disagrees with the recommendations, it shall give detailed reasons and forward it to the S&GAD Department. The S&GAD after examining the grounds of disagreement may forward the case to the Chief Minister who shall provide another opportunity to the Commission for further justifying their recommendation before taking a final decision in the matter.

(i) APPOINTMENT ORDERS

After receipt of the Commission's recommendations, the Departments shall have to implement these within two months in cases where ACRs are not involved. However, in cases where ACRs are involved, the Departments shall implement these within three months.

(j) CHECK ON AMENDMENT, CANCELLATION/WITHDRAWAL OF REQUISITION SENT TO THE COMMISSION

It has been noticed that the Department after having placed their requisitions on the commission for recruitment to the posts to be filled by initial recruitment, frequently request for change in the team and conditions or even suggest postponement of the recruitment even after posts are advertised. Such action on the part of Departments not only delay the finalizations of the recruitment but also placed the Commission as well as the Government in an embarrassing position. Similarly, it puts the candidates in a difficult situation leading to unnecessary labor and waste of money with a view to exercising proper check on such requests for amendment, cancellation/withdrawal of requisitions etc, it has been decided that in future all such requests should be routed by the concerned department through Service and General Administration Department.

(k) VERIFICATION OF ANTECEDENTS / MEDICAL EXAMINATION.

Verification of candidates shall restricted to criminal record only. This reference to the Police Department will be made immediately after the appointment of a candidate and conveyed during his probationary period. The Candidate shall, however, be examined medically by the Standing Medical Board before his appointment orders are issued.

APPOINTMENT THROUGH PUBLIC SERVICE COMMISSION DELAY AND REMEDIES

SOR-IV/E&AD/8-5/02 dated 04.03.2004.

I am directed to refer to this Department letter No.SOR.II(S&GAD)5(18)(Pt.1) dated 12/12/1989 on the subject noted above and to state that the instructions contained in the above quoted letter are not being followed in letter and spirit by the departments concerned which results in delayed finalization of the Commission's recommendations.

2. In order to minimize the chances of delays, the following decisions of the Government as circulated earlier vide above referred letter of this Department are reproduced for strict compliance by all the Government Departments:-

(i) **Fliting of Vacancies**

It has been observed that the Departments after the sanction of the posts/occurrence of vacancy do not send requisition to the Commission for months awaiting adhoc/contract appointments or some other reasons. This leads to un-necessary delay in the appointments of regular incumbents of the posts. It has therefore been decided that the Department will anticipate the vacancies for full year and place requisition on the Commission by the end of April each year. The Commission will proceed with completion of the preliminary steps such as advertising the posts and screening etc. Final selection and recommendations to the concerned departments would be finalized by the Commission within two months of the Department confirming the vacancies/posts

(ii) **Piecemeal Requisitions**

It has also been observed that the Departments sometimes do not report all the available vacancies to the Commission, which results into the delay of the recruitment process. It is, therefore, requested that the Departments may please eschew the practice of placing piecemeal requisitions. All vacancies of a year may please be placed on the Commission once for all to enable the Commission to make recommendations against all the available posts.

(iii) **Incomplete Requisitions**

It has been noticed that proper care is not exercised in filling in the requisition forms with the result that the Commission has to make back references for clarifications on certain viral points. This obviously leads to unreasonable delay in the advertisement of the post(s). In order to avoid delays it is requested that:-

a. Administrative Secretary and Head of Attached Departments as the case may be, may please give a certificate appended to each requisition that:-

- He has personally examined the requisition;
- It is complete in all respect; and

- The requisition is supported by all necessary papers.
- b. If the department does not have notified service rules for the post, the rules approved by the Service Rules Committee be indicated in the requisition with a copy of such rules. In case notified or approved Rules are not available the Department may give their suggested Rules for the post(s), only indicating the fact in the requisition.
- c. If still any defect exists in the requisition the Commission may give a month's time to the Department concerned for rectification.
- d. If the defects are not rectified with the give time the Commission may close the case under intimation to Establishment Department.

(iv) **Procedure for Rejection of Advice of the Commission**

The advice of the Commission shall invariably be accepted by the Departments so far their recommendations about selection of candidates are concerned. However, in cases where a Department disagrees with the recommendations, it shall give detailed reasons and forward it to the Establishment Department. The Establishment Department after examining the grounds of disagreement may forward the case to the Chief Minister who shall provide another opportunity to the Commission for further justifying their recommendations before taking a final decision in the matter.

(v) **Appointment Orders**

After receipt of the Commission's recommendations, the Departments shall have to implement these within two months in cases where ACRs are not involved. However, in cases where ACRs are involved, the Departments shall implement these within three months.

APPOINTMENT THROUGH PUBLIC SERVICE COMMISSION-DELAYS CAUSE AND REMEDIES

No. SOR.II(S&GAD)5(73)85 dated 05.01.2000.

I am directed to refer to this department letter No. SOR.II(S&GAD)5(18)85 dated 18.11.1985 and letter of even number dated 12.12.1989 where-under detailed instructions for appointment against various posts falling under the purview of the Public Service Commission were issued. The idea behind circulation of these instructions was to ensure speedy and expeditious recruitment process, as any delay on this account has a direct bearing on the functioning of the Departments/ Government

2. However, in a case of appointment pertaining to the Education Department, the NWFP Public Service Commission took 39 months to complete the process. The competent Authority took

serious note of this torturous delay as it raised legitimate anxiety regarding the efficiency of the system.

3. I am further directed to reiterate that the instructions referred to above may be complied with strictly in letter and spirit with regard to future recruitment.

APPOINTMENT THROUGH PUBLIC SERVICE COMMISSION-DELAYS CAUSE AND REMEDIES

No. SOR.II(S&GAD)5(18)385 dated 18.11.1985

I am directed to say that it has been requested time and again that all the Administrative Departments, Head of the Attached Departments and Public Service Commission may please strictly observe the instructions issued on the subject from time to time. However, it has been brought to the notice that some of the Departments still do not follow the existing instructions which cause delay in finalization of the recommendation of the NWFP Public Service Commission, here in after referred to as commission.

2. The following instructions are accordingly once again circulated in consolidated form for favour of strict compliance by all concerned.

a. Filling of vacancies

It has been emphasized in the past that delay in filling up of vacancies should be strictly avoided. The vacancies for one financial year are required to be worked out each year in the month of June and requisitions placed on the commission, preceding the financial year i.e requisitions for posts for the financial year 1986-87 be sent posts for the commission in June, 1986 and so on each year.

b. Check on amendment, cancellation/withdrawal of requisition sent to the Commission

It is understood that the Department after having placed their requisitions on the commission for recruitment to the posts to be filled by initial recruitment, frequently request for change in the team and conditions or even suggest postponement of the recruitment even after posts are advertised. Such action on the part of the Department only delay the finalizations of the recruitment but also placed the Commission as well as the Government in an embarrassing position. Similarly, it puts the candidates in a difficult situation leading to unnecessary labor and waste of money. With a view to exercising proper check on such requests for amendment, cancellation/withdrawal of requisitions etc, it has been decided that in future all such requests should be routed by the concerned department through Service and General Administration department.

(c) Incomplete requisitions

It has been noticed requisitions are not sent to the commission in complete form which delays recruitment. In order to avoid such delays, it is requested that:-

- i. Administrative Secretary and Head of Attached Department, as case may be, should give a certificate appended to each requisition that:-
 - (a) He has personally examined the requisition
 - (b) It is complete in all respects and
 - (c) The requisition is supported by all necessary papers
- ii. If still any defect in requisition come to the notice of the Commission, it may the Administrative Department/Head of Attached Department a period not exceeding thirty days for its rectification;
- iii. In case the defect is not rectified in time, the Commission may return the requisition to the concerned department and close the case under intimation to services and General Administrative Department.

(d) Character Rolls

It has been noticed that character Rolls of candidates who are Government servants are made available to the Commission after long delays and several reminders from the Commission and that too in incomplete form. The result is that appointments are not notified within the prescribed period of three months of the receipt of recommendations of the Commission. The Commission cannot finalize a recruitment till they have perused the character Rolls of the serving candidates. It is, therefore, requested that:-

- (a) Character Rolls be made available to the Commission as quickly as possible on demand by the Commission. Administrative Department may please adopt practical adhoc method for getting it completed on priority basis. If this is not possible, then Commission as a last resort should assess the in-service candidate on the basis of available record subject to the provision of satisfactory certificate by the Department concerned.
- (b) Efforts should be made by all to complete the ACRs of Government servants by the month of January each year and to keep an upto-date record of the Government servants alongwith synopsis.

(e) Zonal representation.

The responsibility for correct Zonal representation in promotions and recruitments will be that of the Administrative Department/Attached Department concerned. The Department should, however, when sending requisitions, invariably supply necessary information regarding allocation to the Commission in accordance with the zonal formula contained in S&GAD notification No. SOS-III(S&GAD)3-39/70 dated 02/10/1973. It may

please be noted that no departure is made from the formula indicated therein read with S&GAD circular letter No. SOS-III(S&GAD)3-39/70 dated 02/10/1973 and other relevant instructions. The Commission will also examine as to whether the proposals made by the Department are correct and in keeping with the above instructions. In case of difference of opinion the matter may please be referred to the Service and General Admin. Department for final decision.

(f) Procedure for Rejection of Advice of the Commission

The advice of the Commission in cases of recommendation made by its regarding selection of candidates should be accepted by Department concerned. Provided, however, that where a Department disagrees with the recommendations it shall communicate that reasons for disagreement to the Commission and after the Commission has expressed its further views in the matter, the case will be submitted for decision to the Government through the Service and General Administrative Department.

(g) Channel of Communication

Since the Commission corporate body as such all communications for the commission should be sent in the form an official letter addressed to the Secretary of the Commission and not to the Chairman or Members of the Commission individually.

(h) Delays by Public Service Commission

After receipt of a complete requisition, the time limit for the Commission will be nine months where a written examination is to be held 3 months where there is no written examination. The Commission, may, however, obtained relaxation of the limit from service and General Administration Department in appropriate cases.

(i) Appointment order

After receipt of the Commission's recommendations, Administrative Department sometime do not issue appointment order for months, which causes frustration, delay and confusion. The appointment orders in future may please be issued within 3 months where medical examination and antecedent verification are to be done and within one month in other cases.

(j) Application of Government Servants to the Commission

Under the existing orders, all Government servants have to apply to the Commission direct in connection with those competitive examinations/ selections held by them. However, the Departmental permission to appear in such examination/Selection is sought by them from their respective Heads of Departments or offices. The last date for receipt applications by the Commission us mentioned in the notice relating to every

examination/selection conducted/held by them. The Commission have pointed out that many such permission are not received that care should be taken to see that the departmental permissions are not delay in future. Beyond the permissible date, since, delays are not normally condoned by the commission. In case the departmental permission is required to be withheld for any reason, the Commission should be informed within months' time of the "closing date" of the applications. Since only a responsible and fairly senior officer of a department etc. is generally in a positions to know the staff requirement of his department, it has been decision that in the case of an Administrative Department, forwarding authority should be a least Deputy Secretary who should obtain prior concurrence of the competent authority if necessary. Similarly in the case of an Attached Department or a subordinate office, it should be the Head of the Department or office or an officer of rank equivalent to that of a Deputy Secretary designated by him.

THE KHYBER PAKHTUNKHWA
SUBORDINATE JUDICIARY SERVICE TRIBUNAL ACT, 1991

1. Short title, application and commencement:- (1) This Act may be called the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act, 1991.

- (2) It shall apply to all members of subordinate Judiciary wherever they may be.
- (3) It shall come into force at once.

2. Definition:- In this Act, unless the context otherwise requires:-

- (b) "Chairman" means the Chairman of the Tribunal;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa.
- (d) "Governor" means the Governor of Khyber Pakhtunkhwa;
- (e) "Member" means a Member of the Tribunal and includes the Chairman;
- (f) "Members of Subordinate Judiciary" means and include all the Judicial Officers under the administrative control of the Peshawar High court;
- (g) "Tribunal" means the Service Tribunal established by this Act and includes a Bench thereof.

3. Tribunal:- (1) The Governor may by Notification in the Official Gazette establish a Service Tribunal for the Khyber Pakhtunkhwa.

- (2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to terms and conditions of the service of members of Subordinate Judiciary including disciplinary matters.
- (3) The Tribunal shall consist of four sitting Judges of the Peshawar High Court to be nominated by the Chief Justice of whom the senior most shall be the Chairman.

Provided that Judge against whose orders an appeal is preferred shall not be member of the Tribunal.

4. Constitution of Benches:- (1) Notwithstanding anything contained in Section 3, Chairman may constitute a Bench consisting of two Members with or without the Chairman and when so constituted a Bench shall be deemed to be a Tribunal.

- (2) If a Bench is unable to arrive at an unanimous decision in an appeal, the matter shall be referred to any one of the remaining two Members of the Tribunal as the Chairman may determine and the decision of the Tribunal shall be expressed in terms of the opinion of the majority.

(3) The Chairman may at any stage of hearing of an appeal withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

5. Appeal to Tribunal:- Any member of Subordinate Judiciary aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the Tribunal, whichever is later, prefer an appeal to the Tribunal.

Provided that-

- (a) where an appeal, review or representation to a departmental authority is provided under the Khyber Pakhtunkhwa Civil Servants Act,1973 (Khyber Pakhtunkhwa Act XVIII of 1973), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application, or representation was so preferred;
- (b) no appeal shall lie to the Tribunal against an order or decision of a departmental authority determining-
 - (i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post; or
 - (ii) the quantum of departmental punishment or penalty imposed on a member of Subordinate Judiciary as a result of departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement or any minor penalty as defined in the rules.

Explanation:-In this section "Departmental Authority" means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of members of Subordinate Judiciary.

6. Powers of Tribunal:- (1) The Tribunal may, on appeal, confirm set aside vary or modify the order appealed against.

(2) The Tribunal shall for the purpose of deciding any appeals, be deemed to be a Civil Court and shall have the same powers as are vested in sub court under the Code of Civil Procedure,1908(Act V of 1908), including the powers of-

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

- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

(3) No court fee shall be payable for preferring an appeal to or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

7. **Limitation:-**The provisions of Section 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

8. **Transfer of Appeal:-** All appeals pending before the Tribunal established under the Khyber Pakhtunkhwa Service Tribunal Act,1974(Khyber Pakhtunkhwa Act I of 1974) , relating to members of Subordinate Judiciary shall stand transferred to the Tribunal established under this Act.

9. **Rules:-**The Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.

10. **Repeal:-**The Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Ordinance, 1991(Khyber Pakhtunkhwa Ord.No.III of 1991) is hereby repealed.

KHYBER PAKHTUNKHWA
SUBORDINATE JUDICIARY SERVICE TRIBUNAL RULES, 1991.

1. **Short title and commencement :-** (1) These rules may be called the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Rules, 1991.

(2) They shall come into force at once.

2. **Definition:-** 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) "Act" means the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act, 1991 (Khyber Pakhtunkhwa Act No.VIII of 1991);
- (b) "Chairman" means the Chairman of the Tribunal.
- (c) "Member" means a member of the Tribunal.
- (d) "Registrar" means the Registrar of the Tribunal, and includes any other person authorised by the Tribunal to perform the duties and functions of the Registrar under these rules; and
- (e) "Tribunal" means the Tribunal established under section 3 of the Act and includes a Bench constituted under section 4 thereof.

3. **Working hours:-** The Tribunal shall observe such hours of sittings as it may determine.

4. **Holidays:-** The Tribunal shall observe such holidays as are notified by Government, and such local holidays as are observed by the Peshawar High Court, Peshawar.

5. **Sitting of Tribunal:-** The Tribunal shall hold its sitting at Peshawar.

6. **Procedure to prefer Appeal:-** (1) An appeal to the Tribunal may be sent by Registered post or presented to the Registrar personally or through an advocate, during working hours.

(2) Every memorandum of appeal shall-

- (a) be legibly, correctly and concisely written or printed;
- (b) be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be separate allegation;
- (c) containing the full name, official designation and place of posting of each party;
- (d) clearly set out the relief claimed;
- (e) be accompanied by-
 - (i) a copy of the seniority list or other order of the competent authority fixing seniority, or in other cases, copy of the impugned order; against which the appeal is directed;

- (ii) copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;
- (f) be signed by the appellant;
- (g) be accompanied by four spare copies of the memorandum of appeal and as many other copies thereof, complete in all respects, signed by the appellant and accompanied by the document referred to in clause(e), as there are respondents;

Provided that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), it may waive the provision of the said clause.

Note: For the purposes of sub-clause(i) of clause(e), the appointing authority or any other authority to whom the powers to make decision regarding seniority of a member of the Subordinate Judiciary have been delegated shall prepare and notify in the official Gazette a list of seniority of the members of the subordinate Judiciary under its administrative control and the list so prepared shall be maintained upto date and shall be revised at least once a year preferably in the month of January.

(3) Every memorandum of appeal shall be presented to the Registrar in the covers and be accompanied by a typed or printed index of papers failing which the appeal may not be entertained.

(4) In every memorandum of appeal, the competent authority whose order is challenged shall be shown as Respondent No.1 and every civil servant who may be affected by the relief claimed, shall also be shown as respondent;

Provided that if the competent authority whose order is challenged is the Chief Justice or a Judge of the Peshawar High Court through the Registrar, Peshawar High Court shall be shown as Respondent No.1.

(5) Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

7. Scrutiny of appeals:- The Registrar shall scrutinize every memorandum of appeal received by post, or presented to him and shall-

- (a) if it is in order and drawn up in accordance with the foregoing provisions, cause it to be registered in the Register of Appeals to be maintained by the Tribunal;

- (b) if it is not drawn up in the manner herein before prescribed, return it to the appellant or his advocate for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency;
- (c) where the memorandum of appeal is not drawn up in the manner herein before prescribed and the appellant or his advocate fails to amend the same within the period specified by the Registrar, the Tribunal may pass such order as it may deem fit.

8. Admission of the time barred appeals:- Any appeal may be admitted after expiry of the period of limitation prescribed therefor when the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within such period and the decision of the Tribunal as to the sufficiency of cause shall be final.

9. Fixation of date of hearing:- (1) The Tribunal may, after fixing a day for hearing the appellant, and hearing him or where he is represented by an advocate, hearing the advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its hearing, issued under the signature of the Registrar or any other official authorized by him in this behalf, shall, subject to the provisions of Rule 10, be served on the appellant and the respondents, or on their advocates if they are so represented, and on such other persons as the Tribunal may deem proper.

(3) Except as otherwise directed by the Tribunal, for reasons to be recorded in writing, the cases shall be fixed for hearing on their own turn, according to the dates of their admission.

10. Deposit of Security etc:- (1) If the appeal is admitted, the appellant shall deposit with the Registrar:-

- (a) cash security for costs in the sum of Rs.100.00 (rupees one hundredonly); and
- (b) such cost of service of notices on the respondents as may be determined by the Registrar, including the cost of publication, if it is desirable to serve the notices by publication in the newspapers.

(2) If within 10 days of the admission of appeal, the appellant does not deposit the security and the cost of service of notices, the appeal may be dismissed.

11. Service of Notices:- (1) A notice under sub-rule(2) of Rule 9 may be served by registered post or in any other manner as the Tribunal may direct.

(2) The notices to the respondents shall be accompanied by a copy of the memorandum of appeal and all the documents appended therewith.

(3) The Tribunal may, where the number of respondents is large or where otherwise the Tribunal considers it appropriate or desirable to do so, direct that in addition to sending a copy of the notice to the respondents by registered post, the notice shall be published in one or more daily newspapers having circulation in the areas where the respondents ordinarily reside or are serving.

(4) Service of notice in accordance with the provisions of this Rule shall be as effectual as if it had been made on the respondents personally, and it shall not be necessary to prove that a party has actually received the notice.

12. Submission of objections by respondents:- (1) A respondent on whom a notice of appeal has been served under the provisions of Rule 11 shall send his written reply by registered post (Acknowledgement Due) to the Registrar, or deliver the same to the Registrar personally or through an advocate, not late than seven days before the date specified in the notice for the hearing of the appeal.

(2) The reply shall be correctly and concisely written, type written or printed, shall be signed by the respondent and shall be accompanied by a copy of every seniority list, or order or other documents on which the respondent wishes to rely in support of his case.

(3) The written reply shall be accompanied by 4 spare copies thereof, complete in all respects and containing copies of the lists, order and documents referred to in sub-rule(2), for use of the Tribunal.

13. Determination of questions:- (1) Questions arising for determination by the Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, the Tribunal may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

14. Summoning of Witnesses:- (1) A list of witnesses shall be presented to the Tribunal, and application for summoning witnesses before the Tribunal shall be made, within 10 days after the service of notice of appeal under Rule 11 which shall state whether they are required to give evidence or to produce any documents, shall give, where a witness is required to give evidence, a brief resume of the evidence he is expected to give, and where a witness is required to produce a document, give a brief description of the document so as to identify it.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule(1) will be of material assistance in the disposal of an appeal before

it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and traveling charges of such witness, at the rates admissible to witnesses appearing in the High Court, should be deposited by the person calling him, within the period to be specified by the Tribunal.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness, within the period specified by the Tribunal under sub-rule (2), or within any extension thereof that may be granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct that the witness be summoned.

(5) Where a Tribunal summons a witness under the provisions of sub-rule (4)-

- (a) if such witness is a Government servant, his traveling and daily allowance, if any, shall be borne by Government; and
- (b) if such person is a private person, his traveling and daily allowance shall be borne by the appellant.

(6) Process for service on witnesses of high rank shall be sent in the form of a letter.

(7) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the Head of his office.

15. Evidence of witnesses :- (1) The evidence of witnesses examined by the Tribunal shall be taken down under the superintendence of the Tribunal, ordinarily in the form of a narrative and shall form part of the record.

(2) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

16. What may be urged by an appellant:- The appellant shall not, except by the leave of the Tribunal, urge, or be heard in support of any ground of objections not set forth in the memorandum of appeal, but the Tribunal, in deciding, the appeal shall not be confined to the grounds of objections set-forth in the memorandum of appeal or taken by leave of the Tribunal under these rules:

Provided that the Tribunal shall not rest its decisions on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

17. Notice Board :- (1) A cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases to be set down in the cause list shall be in the order of the date of admission.

18. Hearing of Appeal:- (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant or his advocate shall be heard in the support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once hear the respondent or his advocate against the appeal and in such case, the appellant shall be entitled to reply.

19. Consequence of Non-appearance of the Appellant or Respondent:- (1) Where on the day fixed for the hearing of an appeal or any other day to which the hearing may be adjourned the appellant or his counsel, if any, does not appear when the appeal is called for hearing, the Tribunal may make an order that the appeal stands dismissed.

(2) Where the appellant or his counsel, if any, appears and the respondent or his counsel, if any, does not appear, the appeal shall be heard ex-parte.

(3) Where an appeal is dismissed under sub-rule(1) or an ex-parte order made under sub-rule (2), the Tribunal may for sufficient cause on an application made within 15 days restore the appeal or as the case may be set aside the ex-parte order on such terms as to costs or otherwise as it thinks fit.

Provided that no order of restoration of an appeal dismissed in default or setting aside the ex-parte order shall be made unless notice of the application has been served on the opposite party.

20. Adding Respondent:- When it appears to the Tribunal at the hearing that any person who has not been made a respondent in the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a further day to be fixed by the Tribunal and direct that such person be made respondent.

21. Pronouncement of Order:- The Tribunal shall pronounce order in open court, either at once on the conclusion of arguments or on some future date of which notice shall be given to the parties or their advocates.

22. Order regarding costs, etc:- (1) The Tribunal may make such order as to the costs of proceedings before it as it deems fit.

(2) Any cost awarded by a Tribunal which cannot be paid out of the cash security deposited by the appellant under Rule 10, if not paid by the appellant within one month of the order awarding the costs, shall, on the certificate of the Tribunal, be recoverable from the appellant as arrears of land revenue.

23. No entertainment of appeal in certain cases:- The Tribunal shall not entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a court or a Tribunal of competent jurisdiction.

24. Appellant precluded from bringing another appeal in certain cases:- Where an appeal has been withdrawn by the appellant and is in consequence dismissed by the Tribunal, the appellant shall, unless otherwise directed by the Tribunal, be precluded from bringing another appeal in respect of the same cause of action.

25. Administrative functions of the Tribunal to vest in the Chairman:- The administrative functions of the Tribunal except the appointment of staff shall be performed by the Chairman on behalf of the Tribunal.

26. Constitution of Benches:- Where the amount of work so justifies the Chairman may, for the purpose of admission of appeals, constitute one or more benches, each bench consisting of two members to be nominated by the Chairman.

27. Additional powers of the Tribunal:- Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.

28. Furnishing of copy of final adjudication order by the Tribunal to the competent authority:- A copy of every order of final adjudication on an appeal shall be furnished by the Registrar, free of cost, to the competent authority concerned which shall forthwith give effect to it.

29. Inspection of Records:- The provisions contained in the High Court Rules and Orders as applicable to the Peshawar High Court, in regard to copies of inspection of record, shall mutatis mutandis and to the extent practicable apply to proceedings before a Tribunal.

VARIOUS PROVISIONS OF LIMITATION ACT, 1908

The periods of limitation prescribed for various kinds of appeals, etc., are as under:-

No. of article of the first Schedule to the Limitation Act,1908, or other relevant rules and description of Limitation for appeal or application.	Period
From a decree or order of High Court in the exercise of its original jurisdiction.	20 days
Under the Code of Civil Procedure to the Court of a District judge.	30 days
Under the Code of Civil Procedure to a High Court.	90 days
Application to set aside or to get an award remitted for reconsideration.	30 days from the date of service of notice of filing of the award.
For a review of judgment by a Court of Small Causes.	15 days
For a review of judgment by High Court.	20 days
Application by defendant to set aside a decree passed Ex-parte.	30 days from the date when he has knowledge of the decree.
Application for the filing in court of an award.	90 days where leave to appeal is refused by the High Court otherwise 60 days.
For appeal to the Supreme Court where certificate of fitness is granted by High Court.	30 days from the date of grant of certificate.

2. In computing the period of limitation, the days from which such period is to be reckoned and in case of appeals or application for review, the day on which the judgment complained against is pronounced and the time requisite for obtaining a copy of the judgment decree appealed from or sought to be reviewed is to be excluded.

Execution

3. A decree favorable to Government may be executed either by the court which passed it or by such other court in whose jurisdiction, the judgment debtor voluntarily resides or carries on business, or personally works for gain or owns property sufficient to satisfy the decree. While referring a case for execution of a decree it is, therefore, necessary that an inventory of the moveable property, containing a reasonably, accurate description of the same, and a list of immoveable property, containing a description and location of such property sufficient to identify the same, and

a specification of the judgment-debtor's share or interest in property, should be furnished to the Solicitor.

If an appeal is instituted by the opposite party and the execution of the decree is stayed by order of the court, the interval before the decision of the appeal should be made use of in making inquiries as to the property of the judgment-debtor.

Writ Petitions

4. The instructions in the preceding paragraphs apply mutatis mutandis to Writ Petitions. It is however, to be noted that High Court usually calls for reports/comments from the Administrative Departments concerned before admitting the petitions to regular hearing. Failure to comply with the orders of the High Court may lead to the admission of petitions to regular hearing which may then take long time to be decided. It is, therefore, imperative that the reports/ comments asked for should be promptly supplied to the High Court and where it is not possible the High Court may be requested, before the expiry of the time allowed, for reasonable extension. The report/comments should be shown to the Law Department before sending the same to the High Court.

Arbitration

5. According to Government decision no provision is to be made in agreement with domestic contractors for resolution of disputes through arbitration. However, if the agreements already concluded by or on behalf of the Government contain any condition of getting any question, difference or dispute decided by reference to arbitration then the same has to be acted upon and the instructions contained herein before apply mutatis mutandis to the conduct of arbitration proceedings to which a Department of the Provincial Government is a party.

Expenses

6. All expenses on the conduct of litigation, including cost, court fees, counsel fee, not being the decretal amount of costs payable to the other party under the decree or order of the court, are payable by the Law Department out of the funds placed at its disposal. The penal costs ordered by the court to be paid to the other party for any default on the part of the Government and the charges payable to the witnesses are, however, to be paid by the Administrative Department concerned.

All expenses in criminal cases are payable by the Administrative Departments concerned.

THE WEST PAKISTAN (CIVIL SERVICES) DELEGATION OF POWERS RULES,
1962.
(Lahore, the 12.03.1962).

Notification No. PRC 3-2/62. - In pursuance of the Presidential proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make the following rules, namely:-

1. **Short title and commencement.** - (1) These rules may be called the West Pakistan (Civil Services) Delegation of Powers Rules, 1962:
2. They shall come into force with immediate effect.
2. **Definitions.** - 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) "Appendix" means an appendix to these rules;
 - b) "Chief Secretary" means the Chief Secretary to Government;
 - c) "Government" means the Government of West Pakistan.
3. **Powers of appointing authorities.**
 - (1) Subject to the provisions of this rule, all appointing authorities shall have the powers indicated in Appendix "A" in respect of the Civil Servants whom they are competent to appoint.
 - (2) The Secretary of the Department concerned shall have the powers to grant/sanction-
 - a) All kinds of leave; except study leave and disability leave, to civil servants in Grade 17 & above other than the civil servants in All Pakistan Unified Grades, working in Attached Departments or any other office or organization. and;
 - b) All kinds of pension, excluding compassionate allowance, to civil servants in Grades 17 to ²¹⁰[20] who are or have been working under his administrative control immediately before retirement.
 - (3) Power under clause (b) of sub-rule (2) in respect of a civil servant in Grade ²¹¹[21] or above shall be exercised by the Chief Secretary.

²¹⁰The figure "19" substituted with figure "20" vide notification No.SO(P)E&AD/1-41/2017 dated 23.1.2018

²¹¹The figure "20" substituted with figure "21" vide notification No.SO(P)E&AD/1-41/2017 dated 23.1.2018

4. Powers of transferring and disciplinary authorities.

The authorities competent to transfer, suspend and take other disciplinary action against a Government servant shall have the powers indicated in Appendix 'B' in respect of the Government servants whom they are competent to transfer, suspend or take other disciplinary action.

5. Powers of other officers. - The Officers specified in Appendix 'C' shall have the powers of the appointing authorities shown in Appendix 'A' in respect of Class II officers under their administrative control, except the powers enumerated against serial numbers 1 to 5, 7, 11, 12, 14, 15 to 18 and 20

6. Powers of Chief Secretary.- The Chief Secretary shall, in addition to the powers vested in him under rules 3 and 4, have the powers indicated in Appendix D'.

7. Powers to be in supersession of existing power. - The powers delegated under these rules shall be in supersession of the powers delegated under any rule, order, notification or instrument in force in any part of West Pakistan where, however, these rules make no provision, the delegations in force immediately before the issue of these rules will continue to remain in force.

APPENDIX “A”

(Rule 3)

POWER OF APPOINTING AUTHORITY

Serial No	Nature of power	Extent of power
1	2	3
<i>Power of Appointment</i>		
1.	power to appoint a Government servant in a vacant post in a substantive or officiating capacity.	Full powers.
2.	Power to appoint a Government servant in an officiating capacity or substantively to two or more posts at one time,	Full powers.
<i>Headquarters</i>		
3.	Power to declare a Government servant's headquarter	Full powers
<i>Sphere of duty</i>		
4.	Power to define limits of a Government servant's sphere of duty.	
<i>Medical Certificate</i>		
5.	Power to dispense with production of Medical certificate on appointment.	Full powers in individual cases
<i>Lien</i>		
6.	Power to suspend a lien.	Full powers,
7.	Power of transfer a lien.	Full powers,
<i>Pay and Allowances</i>		
8.	Power to reduce pay and/or allowances of a Government servant treated as on duty.	Full powers
9.	Power to reduce pay and/or allowances of an officiating Government servant.	Full powers.
<i>Increments</i>		
10.	Power to allow period spent on extraordinary leave to count for increments.	Full powers, provided the leave was taken on account of illness. or any other cause beyond the Government servant's control.

11.	Power to declare that the services in a lower grade or post shall, not count for increment when the degraded Government servant is reinstated.	full powers
<i>Honorarium and Fee</i>		
12.	Power to permit a Government servant to receive honorarium or fees upto Rs. 1,000 in a year.	Full powers, provided in the service rendered does not fall within the course of the ordinary duties of the Government servant.
13.	Power to permit a Government servant to receive honorarium or fees from the Pakistan or the West Pakistan Public Service Commission. Universities or Boards of Secondary Education in connection with the examinations held by these institutions	Full powers.
<i>Additional Pay</i>		
	Power to grant additional pay Full powers in accord Where charge of more than one dance with the follow-independent post is held by an principles officer: -	<p>i. Where a Government servant is formally appointed to the additional post and discharges full duties of that post; additional pay: should not exceed 20 per cent of the presumptive pay of the additional post; provided that where the additional post is a higher post, the Government servant may be allowed "as additional pay, the difference between the pay admissible to him in the higher post and his pay in the lower post if that be more beneficial to him</p> <p>ii. Where a Government servant holds the current charge of an additional post, the additional pay should not exceed 10 per cent of the presumptive pay of the additional post</p>

<i>Foreign service</i>		
14.	Power to transfer a government servant to and fix his pay in, foreign service	Full power, subject to the condition in appendix-II of the fundamental Rules. Annexure "A" to chapter X of Civil Servant (Punjab) ii. No connections not admissible to the Government servant are sanctioned in addition to pay.
15.	Power to decide the date of reversion of a Government servant after returning from foreign service.	Full powers
16.	Power to order in any individual case that a Government. Servant outside his own cadre but in his own line should be given such promotion as he would have got, had he not gone on foreign service	Ditto
<i>Absence from Duty</i>		
17.	Power to determine that in view of the special circumstances, a Government servant does not cease to be a Government employee after 5 years continuous absence from duty elsewhere than on foreign service.	Full powers
<i>leave</i>		
18.	Power to declare that the former service of a Government servant re-employed otherwise than after superannuation shall count for leave in whole or in part.	Full powers
19.	Power to grant leave to a Government servant in respect of whom a Medical Committee has reported that there is no prospect of his ever being fit for duty.	Ditto.

20.	Power to permit a Government servant to accept other employment during leave preparatory to retirement.	Full powers in accordance with rules
21.	Power to allow all kinds of leave except study leave and special disability leave.	Full powers.
Pension		
22.	Power to sanction pension in accordance with the rules	Full powers, provided the Accountant, General, West Pakistan, and of other Accounts Officer concerned certifies that the pension is admissible.
23.	Power to sanction commutation of pension under the rules.	Ditto
24.	Power to count military service towards pension.	Full powers
25.	Power to require a ministerial Government servant to retire between the age of 55 and. 60 years	Full power in case of ministerial Government servant to whom the rule in question applies.
26.	Powers to grant compassionate pension to a Government servant dismissed missed or removed from service owing to misconduct or inefficiency.	Full powers to appointing authority upto half the pension that would have been admissible to a Government servant dismissed or removed, if he had retired on a medical certificate,
Travelling Allowance		
27.	Power to grant permanent Travelling Allowance or conveyance allowance	Full powers in respect of posts they are competent to create and at rates not exceeding those sanctioned for posts of the same type
28.	Power to declare a particular Govt; servant to be entitled to railway accommodation of a higher class than permitted for his grade in the case of a particular journey	Full powers, subject to a quarterly return in respect of all such cases being furnished to Finance Department full powers.
29.	Power to disallow Travelling Allowance for a journey to attend obligatory examination, if it is considered that the candidate has culpably neglected preparing for it.	Full Powers.

30.	Power to sanction Travelling Allowance for Govt servant compelled to answer a civil cases or criminal charge in connection with official duties	Full Powers.
31.	Power to grant exemption from the rule limiting the drawl of halting allowance for a half on a tour to a period of 10 days	Full powers for a period not exceeding 30 days at full rates for period beyond 30 days at half rates
<i>Re-employment</i>		
32.	Power of re-employ a Govt. servant in service after attaining the age of superannuation	Full Powers in accordance with the rules and orders of Govt issued from time to time.
<i>Relaxation of age limit.</i>		
33.	Power to permit recruitment in Government service of persons who exceed the age limit prescribed in the rules of various integrating units in force on the 13th October 1955.	Full powers in special circumstances which should be recorded in writing in each case, and where the service rules provide for such relaxation.
<i>General Provident Fund</i>		
34.	Power to grant temporary advances from Provident Fund.	Full powers in respect of ordinary or special advances in accordance with the Provident Fund Rules.
<i>Joining time</i>		
35.	Power to extend joining time	Upto 30 days.
36.	Power to permit the calculation of joining time by a route other than that which travelers habitually use	Full powers

APPENDIX "B"

(Rule 4)

POWER OF TRANSFERRING AND DISCIPLINARY AUTHORITIES

Serial No	Nature of power	To whom delegated	Extent of power
1	2	3	4
<i>Transfer of Charge</i>			
1.	Power to allow making or taking over charge at a place other than the headquarters of Government servant being relieved	Transferring authority	Full powers
2.	Power to permit either the relieved or relieving Government servant not to be present at the time of handing or taking over charge.	Ditto	Ditto.
<i>Increment</i>			
3.	Power to withhold increment of a Government servant or order that he should not cross an Efficiency Bar.	Authority competent to inflict punishment other than removal and dismissal	Full powers.
<i>Pay and allowance</i>			
4.	Power to fix the pay and allowances of a Government servant transferred as a pen penalty to a lower grade or post, upto the maximum of than removal that grade or post..	Authority competent to inflict punishment other than removal and dismissal	Full powers
5.	Power to fix the emoluments of a Government servant during suspension in accordance with the rules.	Suspending Authority.	Full powers

<i>Leave</i>			
6.	Power to accept an officiating Government servant's reasons for not occupying the house placed at his disposal by the permanent incumbent while on leave or transfer.	Transferring authority or authority granting leave	Ditto.
7.	Power to direct that a Government servant on leave shall be in occupation of the residence.	Ditto.	Ditto.
8.	Power to decide in doubtful or inequitable cases which Government servant shall be held to have been incharge and to whom the pay of the post for Sunday or holiday shall be paid.	Transferring Authority	Ditto.
<i>Travelling Allowance</i>			
9.	Power to sanction the Controlling absence of Government servant on duty beyond the sphere of duty	Controlling Officer.	Full powers, provided the absence does not extend beyond 30 days.
10.	Power to decide whether a particular absence from headquarters is absence on duty and that the Government servant in question should be treated as on tour. Power to restrict duration or frequency of tours.	Ditto.	Ditto.
11.	Power to restrict duration or frequency of tours.	Controlling Officer.	Full powers, provided the absence does not extend beyond 30 days
12.	Power to certify that the journey by motor-car or motor cycle between places connected by railway was performed in public interest.	Ditto:	Ditto:

13.	Power to sanction travelling allowance to a Government servant for journeys to attend conferences held by Government, while on leave.	Controlling Officer	Full powers
14.	Power to sanction grant of Travelling Allowance in cases where a suspended Government servant is required by the suspending authority to make a journey for the purpose of attending a Departmental enquiry.	Suspending Authority.	Full power but no daily allowance should be allowed.

APPENDIX “C”

(Rule 5)

1. Chief Conservator of Forests.
2. Chief Engineer (Buildings and Roads).
3. Chief Engineer (Irrigation).
2. Commissioners of Divisions.
3. Director of Agriculture.
4. Director of Animal Husbandry.
5. Director of Education.
6. Director of Health
7. Director of Information.
8. Director of Prisons.
9. Director of Town Planning.
10. Electric Inspector.
11. Registrar, Co-operative Societies.

APPENDIX “D”

(Rule 6)

ADDITIONAL POWER OF CHIEF SECRETARY

Serial No	Nature of power	Extent of power
1	2	3
<i>Leave</i>		
1.	Power to accept an officiating Government servant's reasons for not occupying the house placed at his disposal by the permanent incumbent while on leave or transfer.	Full powers
<i>Travelling Allowance</i>		
2.	Power to grant Travelling Allowance to persons not in Government service for attending Commissions of enquiry and performing obligatory duties in an honorary capacity.	Full powers

NOTIFICATION

No: SORI (S&GAD) 1-46/80, dated-19.04.1982 In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil-servants Act, 1973 (NWFP XVIII of 1973), the Governor of the North-West Frontier Province is pleased to direct that in the vest Pakistan (Civil Services) Delegation of Powers Rules, 1962, the following further amendment shall be made, namely:

AMENDMENT

For rule 3, the following rule shall he substituted, namely;

"3 Powers of appointing authorities

1. Subject to the provisions of this rule, all appointing authorities shall have the powers indicated in Appendix 'A' in respect of the civil servants whom they are competent to appoint.
2. The Secretary of the Department concerned shall have the powers to grant/Sanction-
 - a) All kinds of leave, except study leave and disability leave, to civil servants in Grade 17 above other than the civil servants in All Pakistan Unified Grades or Federal unified Grades, working in Attached Departments or any other office or organization; and
 - b) All kinds of pension, excluding compassionate allowance, to civil servants in Grades 17 to 19 who are or have been working under his administrative control immediately before retirement.
3. Power under clause (b) of sub-rule (2) in respect of a civil servant in Grade-20 above shall be exercised by the Chief-Secretary.

THE KHYBER PAKHTUNKHWA AD-HOC CIVIL SERVANTS (REGULARIZATION OF SERVICES) ACT, 1987, NO.II OF 1987

²¹²An Act to provide for regularization of services of certain civil servants appointed on ad hoc basis.

Preamble:- WHEREAS it is expedient in the public interest to provide for regularization of the services of certain civil servants appointed on ad hoc basis;

It is hereby enacted as follows:-

1. Short title and commencement :- (1) This Act may be called the Khyber Pakhtunkhwa Ad hoc Civil Servants (Regularization of Services) Act, 1987.

(2) It shall come into force at once and shall be deemed to have taken effect at the promulgation of the Ordinance.

2. Definitions :- (1) In this Act unless the context otherwise requires:-

- (a) "Commission", means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Government" means the Government of the Khyber Pakhtunkhwa;
- (c) "Law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (d) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expression "adhoc appointment" and "Civil Servants" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973(Khyber Pakhtunkhwa Act No.XVIII of 1973)

(3) **Regularization of Services of certain Civil Servants:-** Notwithstanding anything contained in any law or rule, or in any decree, order or judgment of a court, all civil servants holding ad hoc appointment to a post on or before 20th September, 1986, and continuing as such till the commencement of this Act, shall be deemed to have been validly selected and appointed to the posts held by them on regular basis with effect from the date of commencement of this Act.

Provided that:-

- (i) the services of such civil servants shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette;

²¹² Published in the Khyber Pakhtunkhwa Government Gazette, Extraordinary, dated 19.3.1987 at pages 1374-1376

- (ii) such civil servants possess the qualifications and experience prescribed for the posts; and
- (iii) the Commission has in respect of the posts held by such civil servants not recommended any other person on or before the commencement of this Act.

4. Determination of Seniority:- (1) The civil servants whose services are regularized under this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons , if any, who, in pursuance of the recommendation of the Commission made before, the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority *inter-se* of the civil servants, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre; provided that if the date of continuous officiation in the case of two or more civil servants is the same, the civil servant older in age shall rank senior to the younger civil servant.

5. Repeal:- The Khyber Pakhtunkhwa Ad hoc Civil Servants(Regularization of services) Ordinance, 1987 (Khyber Pakhtunkhwa Ordinance No.1 of 1987) is hereby repealed.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (REGULARIZATION OF SERVICES) ACT,1988, NO.I OF 1988

²¹³An Act further to provide for regularization of services of certain civil servants appointed on Ad hoc basis.

Preamble:- WHEREAS it is expedient in the public interest to provide for regularization of the services of certain civil servants appointed on ad hoc basis;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Regularization of Services) Act, 1988.

(2) It shall come into force at once.

2. Definitions :- (1) In this Act unless the context otherwise requires,-

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "Government" means the Government of the Khyber Pakhtunkhwa;

(c) "Law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and

(d) "Post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2). The expressions "ad hoc appointment" and "Civil Servants" shall have the same meanings as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act,1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973).

3. Regularization of Services of certain Civil Servants:- Notwithstanding anything contained in any law or rule for the time being in force, but subject to preferential right of appointment of a selectee of the Public Service Commission, if any, selected before the commencement of this Act, all civil servants holding appointment to a post on ad hoc basis in any department of Government immediately before the commencement of this Act, shall be deemed to have been selected for appointment on regular basis on the commencement of this Act:

Provided that:-

²¹³ Published in the Khyber Pakhtunkhwa Government Gazette, Extraordinary, dated 23.1.1988 at Pages 1270-1272

- (a) the services of such civil servants shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette; and
- (b) such civil servants possess the qualification and experience prescribed for the posts to which they are appointed on regular basis.

4. Determination of Seniority:- (1) The civil servants whose services are regularized under this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before, the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the civil servants, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre; provided that if the date of continuous officiation in the case of two or more civil servants is the same, the civil servant older in age shall rank senior to the younger civil servant.

1. *[Repealed].*

5. Ban on recruitment on ad hoc basis:- ²¹⁴Notwithstanding anything contained in any law or rule there shall be no recruitment by way of ad hoc appointments for a period of ten years from the date of commencement of Act.

²¹⁵The Government may fill in short term or temporary vacancies by way of contractual appointments in such manner and on such terms and conditions as may be prescribed for a period not exceeding two years during which period the selectees of the PSC against the vacancies, to fill in the posts, shall be made available by the PSC"

²¹⁴ Section 5 of the Khyber Pakhtunkhwa Civil Servants (Regularization of Services) Act, 1988, (Khyber Pakhtunkhwa Act No.I of 1988), is repealed and shall always be deemed to have been so repealed.

²¹⁵ Published in the Khyber Pakhtunkhwa Govt. Gazette, Extraordinary at Pages 633-636 dated 13.11.89

**THE KHYBER PAKHTUNKHWA EMPLOYEES ON CONTRACT BASIS
(REGULARIZATION OF SERVICES) ACT, 1989, NO.VIII OF 1989**

²¹⁶An Act to provide for regularization of services of certain employees appointed on contract basis in Government Departments of the Khyber Pakhtunkhwa

Preamble:- WHEREAS it is expedient to provide for regularization of services of certain employees appointed on contract basis in Government Departments of Khyber Pakhtunkhwa;

It is hereby enacted as follows:-

1. Short title, extent and commencement :- (1) This Act may be called the Khyber Pakhtunkhwa employees on Contract Basis (Regularization of Services) Act, 1989.

- (2) It shall come into force at once.
- (3) It shall extend to the whole of Khyber Pakhtunkhwa.

2. Definitions:- In this Act unless the context otherwise requires:-

- (a) "Government" means the Government of Khyber Pakhtunkhwa.
- (b) "Government Department" means any Department constituted under rule 3 of the Government of the Khyber Pakhtunkhwa Rules of Business,1985 and does not include any section of a Department or an organization which is Federally funded;
- (c) "Post" means a post in any Government Department; and
- (d) "Public Service Commission" means the Public Service Commission constituted under the provisions of the Khyber Pakhtunkhwa Public Service Commission Ordinance,1978 (Khyber Pakhtunkhwa Ordinance No.XI of 1978) hereinafter referred to as Commission.

3. Special provision regarding employees on contract basis:- Notwithstanding anything contained in sub-section (1) of Section 2 of the Khyber Pakhtunkhwa Civil Servants Act,1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), any candidate appointed on contract basis in any Government Department against any post on contract basis under Section 5 of the Khyber Pakhtunkhwa Civil Servants (Regularization of Services) Act,1988 (Khyber Pakhtunkhwa Act No.I of 1988) till the commencing day of this Act shall be deemed to have been appointed as a Civil Servant on ad hoc basis, and shall always be deemed to have been so appointed.

²¹⁶ Section 4 substituted by Khyber Pakhtunkhwa Act No.II of 1990

4. (1) Notwithstanding anything contained in any law for the time being enforce, any Civil servant, who is or has been appointed or deemed to have been appointed against any post in any Government Department under section 3 of this Act shall be deemed to have been regularly appointed from the date of his continuous officiation, subject to eligibility, according to the service rules applicable to the post, verified by the Administrative Secretary of the Department concerned;

Provided that if any Civil Servant is aggrieved regarding his eligibility, he shall have one right of appeal to the Chief Secretary, Government of Khyber Pakhtunkhwa, and his decision in the case shall be final;

Provided further that if there is any gap in service of any Civil Servant between this enactment and the date of appointment under section 3 of this Act, due to termination of contractual services only the same shall be deemed to have been condoned as extraordinary leave without pay.

(2) The inter se seniority of the civil servants under this Act shall be determined by the Government, according to service rules in vogue.

5. Repeal of Section 5 of Khyber Pakhtunkhwa Act No.I of 1988:- Section 5 of the Khyber Pakhtunkhwa Civil Servants (Regularization of Services) Act, 1988, (Khyber Pakhtunkhwa Act No.I of 1988),is repealed and shall always be deemed to have been so repealed.

**THE KHYBER PAKHTUNKHWA EMPLOYEES ON CONTRACT BASIS
(REGULARIZATION OF SERVICES) (AMENDMENT) ACT, 1990, ACT NO.II OF 1990)**

An Act to amend the Khyber Pakhtunkhwa Employees on Contract basis (Regulation of Services) Act, 1990.

Preamble:- WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Employees on Contract Basis (Regularization of Services) Act, 1989 (Khyber Pakhtunkhwa Act No.VIII of 1989), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement :- (1) This Act may be called the Khyber Pakhtunkhwa Employees on contract Basis (Regularization of Services)(Amendment) Act,1990.

(2) It shall come into force with effect from 13th November, 1989.

2. Substitution of Section 4 of Khyber Pakhtunkhwa Act No.VIII of 1989:- In the Khyber Pakhtunkhwa Employees on contract basis (Regularization of Services) Act, 1989 (Khyber Pakhtunkhwa Act No.VIII of 1989), section 4 shall be substituted by the following new section and shall always be deemed to have been so substituted:-

²¹⁷4. (1) Notwithstanding anything contained in any law for the time being enforce, any Civil Servant, who is or has been appointed or deemed to have been appointed against any post in any Government Department under section 3 of this Act shall be deemed to have been regularly appointed from the date of his continuous officiation, subject to eligibility, according to the service rules applicable to the post, verified by the administrative Secretary of the Department concerned.

Provided that if any Civil servant is aggrieved regarding his eligibility, he shall have one right of appeal to the Chief Secretary, Government of Khyber Pakhtunkhwa, and his decision in the case shall be final;

Provided further that if there is any gap in service of any Civil Servant between this enactment and the date of appointment under section 3 of this Act, due to termination of contractual service only, the same shall be deemed to have been condoned as extraordinary leave without pay.

(2) The inter se seniority of the Civil Servants under this Act shall be determined by the Government, according to the service rules in vogue.

²¹⁷ Published in the Khyber Pakhtunkhwa Government Gazette,(Extraordinary),at Pages 1036/5-1036/7, dated 25.2.1990

**THE KHYBER PAKHTUNKHWA, EMPLOYEES (REGULARIZATION OF SERVICES)
ACT, 2009, ACT NO.XVI OF 2009)**

An Act to provide for the regularization of the services of certain employees appointed on ad hoc or contract basis

Preamble:- WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on ad hoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once and shall be deemed to have been taken effect at the promulgation of the Ordinance.

2. Definition:- (1) In this Act, unless the context otherwise requires:-

- (a) “Commission” mean the Khyber Pakhtunkhwa Public Service Commission;
- (aa) “contract appointment” means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) “employee” means an ad hoc or a contract employee appointed by Government on ad hoc or contract basis or second shift/night but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;
- (c) “Government” means the Government of Khyber Pakhtunkhwa.
- (d) “Government Department” means any department constituted under rule 3 of the Khyber Pakhtunkhwa Government Rules of Business, 1985.
- (e) “Law or rule” mean the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) “post” means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions “ad hoc appointment” and “civil servant” shall have the same meanings as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973(Khyber Pakhtunkhwa Act No.XVIII of 1973).

3. Regularization of services of certain employees:- (1) All employees including recommenders of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

Provided that the service promotion quota of all service cadres shall not be affected.

4. Determination of Seniority:- (1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendations of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

Provided that if the date of continuous officiating in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect: - Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal:- The Khyber Pakhtunkhwa employees (Regularization of Services) Ordinance, 2009 (Khyber Pakhtunkhwa Ordinance NoVII of 2009) is hereby repealed.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018, ACT NO. X OF 2018)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7th March, 2018].

AN ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against Civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, application and commencement:- (1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions:- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified,-

(i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and

(ii) persons, who are appointed in the projects on contract basis in accordance with

the project policy;

- (f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;
- (h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;
- (i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;
- (j) "project post" means a post in the project; and
- (k) "Schedule" means a Schedule appended to this Act.

(2) The expression "adhoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of ad-hoc employees:- Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (e) of sub-section (1) of section 2 of this Act, appointed on ad-hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees:- Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (e) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6& 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization:- For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. Seniority:- (1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiating in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties:- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty:

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

8. Overriding effect:- Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect

SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority.
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.
20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.
30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.

36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.
38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.
47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.
57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

THE KHYBER PAKHTUNKHWA (REGULARIZATION OF SERVICES OF EMPLOYEES OF ERSTWHILE FEDERALLY ADMINISTRED TRIBAL AREAS) ACT, 2021, NO. I OF 2022

First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 13th of January, 2022).

AN ACT

to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the erstwhile Federally Administered Tribal Areas:

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application and Commencement:- (1) This Act may be called the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021.

(2) It shall apply to all the employees as defined in clause (d) of sub- section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions:- (1) In this Act, unless the context otherwise requires,-

- (a) “Commission” means the Khyber Pakhtunkhwa Public Service Commission;
- (b) “Departmental Selection Committee” means a Departmental Selection Committee, constituted for the purpose of making selection for appointment to project post under a Department or office in the erstwhile Federally Administered Tribal Areas;
- (c) “Government” means the Government of Khyber Pakhtunkhwa;
- (d) “employees” means a person, who was appointed on contract basis, as per project policy, to a project post, in the erstwhile Federally Administered Tribal Areas, and such post was duly reflected in PC-I of that project, and who possess the prescribed qualification, training and experience for the said post at the time of such appointment;
- (e) “Department” means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (f) “law or rules” means the law or rules, for the time being in force, governing the selection and appointment of civil servants;

- (g) “project” means a perpetual nature project in the erstwhile Federally Administered Tribal Areas, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Departments and reflected in the Schedule;
- (h) “project post” means a post in the project; and
- (i) “Schedule” means a Schedule appended to this Act.

(2) The expression “contract appointment” shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Appointment and regularization of services of employees:- (1) Notwithstanding anything contained in any law or rules, the employees, appointed on contract basis, against project posts, in the erstwhile Federally Administered Tribal Areas, and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Department.

(2) All such employees, after the commencement of this Act, shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.

(3) A Committee, headed by the Secretary of the Department concerned, with the following membership, shall scrutinize all the credentials of the employees, before issuance of the regularization orders:

- (a) head of the Attached Department concerned;
- (b) representative of the Establishment and Administration Department of Government;
- (c) representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government; and
- (e) Deputy Secretary of the Department concerned.

4. General conditions for regularization:- For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (a) the service promotion quota of all service cadres shall not be affected;
- (b) the employees shall possess the same qualification and experience as required for a regular post;

- (c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

5. Determination of seniority:- (1) All employees, whose services are regularized under this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

6. Removal of difficulties:- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

7. Overriding effect:- Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

Schedule
[see section 2 (1) (h) (i)]

1. Strengthening and Capacity Building of AGRI Extension in FATA.
2. Promotion of Olive Cultivation / Grafting for Oil Production in Bajaur Agency.
3. Establishment of Semen Production Unit at Jamrud and Breed/ Veterinary Service Improvement Program.
4. Capacity Building Directorate of Livestock FATA.
5. Mobile Veterinary Clinic in FATA (MVC).
6. Establishment of Model Dairy Farm in FATA.
7. Strengthening of Artificial Insemination/Veterinary Aid Services and Disease Reporting System L&DD in FATA.
8. Creation of Disease Free Zone Through Mass Vaccination and Treatment and Feasible Districts on Pilot Basis.
9. Opening of 5 CVDS 5 CVCS 6 AICS and Up-gradation of 2 CVDS to the level of CVHS Status in Bajaur Agency.
10. Provision of Medicine and A.I Services in Existing Vet: Institution in Bajaur Agency.
11. Establishment Vety: Diagnostic Lab in CVH Khar and Construction of Garage For 2 Vehicle in ALO Office Bajaur Agency.
12. Provision of A.I. Facilitates/Medicine in Existing Veterinary Institution Construction of Building of Functional Veterinary Centers (In Rented Building), Special Campaign for The Control of Ecto and Endo Parasite in Mohmand Agency.
13. Opening of 3 CVDS, 23 VCS, 16 AICs and Up-gradation of CVD Lakaro to CVH Status Mohmand Agency.
14. Provision of Mobile Vety Clinic in Mohmand Agency.
15. Opening/Establishment of 2 CVDs in Rented Building Ambar Area and Provision of A.I. Services in Existing Institutes of Mohmand Agency.
16. Opening of 18 Vety Centers and 26 AICS in Khyber Agency.
17. Opening of 3 CVDs in Rented Building, Bara Khyber Agency.
18. Establishment of 02 Veterinary Diagnostic Lab in Civil Veterinary Hospitals in Jamrud and Landikotal.
19. Opening of 3 CVCs, 11 CVDs and 9 AICs and Up-gradation of 3 CVDs to CVH Status in Orakzai Agency.
20. Small Ruminants (Sheep and Goat) Development Program in Tribal Districts
21. Provision of Artificial Insemination Services in Existing Veterinary Institution in Orakzai Agency.
22. Construction of Building for Existing Vety Institution and Provision of Artificial Insemination in Existing Veterinary Facilitation in District Orakzai.
23. Construction of Building for 3 Rented Veterinary Institutions and Opening of One CVD in Mamoza Area, Orakzai Agency.

- 24. Opening of 5 CVCs, 8 CVDs, 22 AICs and Diagnostic Laboratory in Kurram Agency.
- 25. Provision of AI Facilities in Existing 11 Veterinary Institutions in NWA.
- 26. Provision of Veterinary Health Facilities in District North Waziristan.
- 27. Opening of 41 Veterinary Centres, 22 AICs and Up-gradation of one CVD to CVH Status in SWA.
- 28. Opening of 07-Veterinary Dispensaries and 10-A.I. Centers in FR Peshawar.
- 29. Provision of Mobile Veterinary Clinic in Sub Division Peshawar.
- 30. Opening of 02- CVDs and 04-AICs in FR Kohat.
- 31. Establishment of Mobile Veterinary Clinic in Sub Division Kohat.
- 32. Opening of 2 CVDS, 2 CVCS, 6 AICS and Up-gradation of 1 CVD to CVH Status in FR DI KHAN.
- 33. Provision of Mobile Veterinary Clinic in Sub Division D.I. Khan.
- 34. Opening of 1 CVH, 02 CVDS, 04 CVCS and 11 AICS in FR Tank.
- 35. Up-gradation of CVC to the Level of CVD, and 2 No. of CVD to the Level of CVH in Sub Division Tank.
- 36. Opening of 5 Vety: Dispensaries, 05 Civil Vety: Centers, 10-AICs and Up-gradation of 01 CVC to CVD in FR Bannu.
- 37. Opening of 08 Veterinary Centres and 08 AICS in FR LAKKI.
- 38. Provision of Mobile Veterinary Clinic in Sub Division Lakki.
- 39. Uplifting the Socio-Economic Condition and Gender Mainstreaming of Livestock Farmers Through PPP in FATA.
- 40. Strengthening of Fisheries Department in FATA
- 41. Control of Zoonotic / Contagious Disease Through Existing Vety Health Facilities and Establishment of Two Mobile Testing Labs on Pilots Basis in Tribal Districts.
- 42. Provision of Mobile Vety: Clinic in Bajaur Agency.
- 43. Provision of Artificial Insemination Services in Existing Function Vety: Institutes and Solarization of Major Vaccine Bank in AD Office in FR D.I.Khan.
- 44. Program Management Unit for Roads and Infrastructure.
- 45. Strengthening of Finance Department Civil Secretariat FATA.
- 46. Aids Control Program in FATA.
- 47. Health Sector Reforms Unit FATA.
- 48. District Health Information System.
- 49. Physical Rehabilitation Centres in FATA.
- 50. Hepatitis Control Program in FATA (Phase-III).
- 51. Integrated Vector Management Program in FATA.
- 52. Eye Care Program in FATA (Phase-III).
- 53. Thalassemia Control Program in FATA.
- 54. Mobile Hospital Program in FATA (Phase-III).
- 55. Establishment of Mental Health Clinics in AHQ Hospitals in FATA.
- 56. Health Nutrition Program in FATA.

57. TB Control Program in FATA.
58. Maternal, Newborn, Child Health (MNCH) Program Merged District.
59. Expanded Programme on Immunization (EPI) in FATA.
60. Strengthening of EPI Program in FATA.
61. Facilitation of FR Setup Health Sector in FRs (Tank Jandola).
62. Facilitation of FR Health Setup in FRs (DI Khan Darazinda).
63. Facilitation of Health Setup in FRs (Bannu Wazir).
64. Facilitation of Health Setup in FRs (Lakki Bittani).
65. Facilitation of Health Setup in FRs (Kohat Dara Adam Khel).
66. Facilitation of Health Setup in FRs (Peshawar Hassan Khel).
67. Opening of 07 CDs in FR Tank.
68. Opening of 08 CHCs / CDs in FR D.I Khan District.
69. Opening of 06 CHCs/CDs in FR Bannu District.
70. Opening of 08 CHCs / CDs in FR Lakki.
71. Opening of 02 CDs in FR Kohat District.
72. Opening of 11 CHCs / CDs in FR Peshawar.
73. Opening of 41 CHCs / CDs in Mohmand District.
74. Opening of 22 CHCs / CDs Khyber District.
75. Opening of 07 CHCs / CDs in Kurram District.
76. Opening of 15 CHCs/ CDs in Orakzai District.
77. Opening of 24 CHCs/CDs in North Waziristan District.
78. Opening of 18 CHCs / CDs in South Waziristan District.
79. Removal of Staff Deficiencies in Newly opened Areas in Health Facilities FATA.
80. Establishment of Government College of Management Sciences, SWA.
81. Strengthening of Crises Management Cell Through FATA Analysis and Strategy Team.
82. Establishment of Levy Training Center at Shahkass, Jamrud, Khyber Agency.
83. Establishment of Center of Excellence/Govt. College of Technology, Khar, Bajaur Agency.
84. Establishment of Vocational Training Centres / Institutes in Bajaur Agency and FR Kohat.
85. Opening Govt. Polytechnic Institute Parachinar Kurram Agency in rented building.
86. Establishment of Govt. Technical Institute Wana SWA.
87. Establishment of Govt. Technical Institute SWA at Chaghmalai.
88. Introduction of Additional Technologies in Polytechnic Institutes of FATA.
89. Overcoming of Staff/Equipment Deficiencies in Technical Institutes in FATA.
90. Operationalization and Provision of Equipment/Machinery to Labs of Existing Technical Institutes in Mohmand Agency GTI Mohmand Agency.
91. Reformation of Technical Education in all Institutes in FATA.
92. Introduction of 02 Technologies (Civil & Electrical) at Govt. Tech: Institute Sadda kurram Agency.

93. Introduction of New Technologies in Existing Technical Institutes of Tribal Districts.
94. FATA Investment Facilitation Agency (FIFA).
95. Small and Medium Enterprises Facilitation Unit.
96. Establishment of PMU for Operationalization of Five FM Radio Stations in Merged Areas.
97. Creation of Project Support Unit For Pre Construction and Implementation of Small Dams/Power Section.
98. Strengthening of Local Govt. Directorate FATA.
99. Directorate of Projects FATA Secretariat.
100. Directorate of Monitoring and Evaluation in FATA Secretariat.
101. Establishment of Field Formation for the Directorate of Monitoring and Evaluation in FATA Secretariat.
102. Satellite Monitoring of Development Schemes in FATA.
103. Project Management Unit, Fata Infrastructure Programme.
104. Khyber Area Development Project.
105. Mohmand Area Development Project.
106. Bajaur Area Development Project.
107. Fata Water Resources Development Project.
108. Survey Feasibilities Under Various Sector Phase-II.
109. Urban Policy and Planning Unit FATA.
110. Project Management Unit for World Food Programme in FATA.
111. Strengthening of P&D Department.
112. Establishment of HR/Archival Library in P&DD.
113. Strengthening of AI&C Department, FATA Secretariat.
114. Instructional and Physical Training Programme in FATA.
115. Institutionalization of Boy Scouts Activities in Tribal Districts in FATA.
116. Strengthening of FATA Olympics Association.
117. Strengthening of Zakat and Ushr Department, FATA Secretariat.
118. Strengthening of Minerals Department, PMU for Mineral Sector Projects.
119. Exploration and Evaluation of Dimension and Decorative Stones in FATA.
120. Exploration and Evaluation of Occurrences in FATA.
121. Establishment / Operation of Mines Rescue, Safety and Labour Welfare Centre in FATA.

**THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES IN
ERSTWHILE FEDERALLY ADMINISTERED TRIBAL AREAS ACT, 2022 NO. IX OF
2022**

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 31st March, 2022).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed for various activities in the erstwhile Federally Administered Tribal Areas.

NOTIFICATION

No. PA/Khyber Pakhtunkhwa/Bills-217/2022/9017 31st March, 2022

The Khyber Pakhtunkhwa Regularization of Services in Erstwhile Federally Administered Tribal Areas Bill, 2022 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 21st March, 2022 and assented to by the Governor of the Khyber Pakhtunkhwa on 30 March, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed for various projects and activities in the erstwhile Federally Administered Tribal Areas,

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application and commencement:- (1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services in Erstwhile Federally Administered Tribal Areas Act, 2022.

(2) It shall apply to all the employees as defined in clause (d) of subsection (1) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions:- (1) In this Act, unless the context otherwise requires,-

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

- (b) "**Departmental Selection Committee**" means a Departmental Selection Committee, constituted for the purpose of making selection for appointment to project post under a Department or office in the erstwhile Federally Administered Tribal Areas;
- (c) "**Government**" means the Government of Khyber Pakhtunkhwa;
- (d) "**employees**" mean persons, who were appointed on contract basis, as per project policy, to a project posts, in the erstwhile Federally Administered Tribal Arcas, and such posts were duly reflected in PC-I of that project, and who possess the prescribed qualifications, training and experience for the said posts, at the time of such appointment, as reflected in the Schedule;
- (e) "**Department**" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (f) "**law or rules**" mean the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (g) "**project**" means a perpetual nature project, in the erstwhile Federally Administered Tribal Areas as reflected in the Schedule, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Departments concerned;
- (h) "**project post**" means a post in the project; and
- (i) "**Schedule**" means a Schedule appended to this Act.

(2) The expression "contract appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Appointment and regularization of services of employees:- (1) Notwithstanding anything contained in any law or rules, the employees, appointed in various projects, as reflected in the Schedule in the erstwhile Federally Administered Tribal Areas, and holding posts till 15th March, 2022, shall, be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Department.

(2) All such employees, after the commencement of this Act, shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, in the prescribed manner.

(3) following membership shall scrutinize all the credentials of the employees, before issuance of the regularization orders:

- (a) head of the Attached Department concerned;
- (b) representative of the Establishment and Administration Department of Government;
- (c) representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government; and
- (e) Deputy Secretary of the Department concerned.

4. General conditions for regularization- For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (a) the service promotion quota of all service cadres shall not be affected;
- (b) the employees shall possess the same qualification and experience as required for a regular post;
- (c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

5. Determination of seniority:- (1) All employees, whose services are regularized under this Act, shall rank junior to all civil servants, belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

6. Removal of difficulties:- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

7. Overriding effect:- Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

8. Amendment of the Act No. XXIV of 2010.- In the National Disaster Management Act, 2010 (Act No. XXIV of 2010). After section 17 A, the following new section shall be inserted, namely:

"17B, Appointment and regularization of services of employees:- (1) Notwithstanding anything contained in any law or rules, the employees, appointed for various activities, as reflected in the Table below, in the erstwhile Federally Administered Tribal Areas, and holding posts till 15th March 2022, shall be deemed to have been validly appointed on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the Authority in the prescribed manner:

Table

1.	Citizen Losses Compensation Program (CLCP).
2	FATA Temporary Displaced Persons Early Recovery Project.
3.	Contingent Employees of PDMA (Ex-FDMA).

(2) The Seniority and other terms and conditions of service of the employees shall be determined in the prescribed manner."

9. Amendment of Khyber Pakhtunkhwa Act No. XII of 2015;- In the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Act, 2015 (Khyber Pakhtunkhwa Act No. XII of 2015) after section 16, the following new section shall be inserted namely:

"16A. Appointment and regularization of services of employees---(1) Notwithstanding anything contained in any law or rules, the employees, recruited in various projects, as

reflected in the Table below, in the erstwhile Federally Administered Tribal Areas, and holding posts till 1st March, 2022, shall be deemed to have been validly appointed, on regular basis, from the commencement of this Act, subject to verification of their qualifications and other credentials by the Authority in the prescribed manner:

Table

1.	Tribal Districts Youths Skills Program in Health Courses.
2.	FAT A Youths Skills Development through Field Internship Phase-II.
3.	Establishment of Women Skills Development Centers in Northern Tribal District-Phase-III.
4.	Establishment of Women Skills Development Centers in Central FATA-Phase-II.
5	Establishment of Women Skills Development Centers in Southern FATA-Phase-II.

(2) The Seniority and other terms and conditions of service of the employees of the said projects shall be determined in the prescribed manner".

Schedule

[See sections 2 (d) & (g) and 3]

1. Potential of Ground Water Surface, Irrigation System.
2. National Program for Improvement/Lining of Water Courses in FATA.
3. O&M of 13 Nos of Completed Dams in FATA.
4. Topping-Up of MNCH Program.
5. Oil & Gas Facilitation Unit.
6. Livestock Productivity Enhancement in Merged Areas.
7. Twenty Nine (29) Employees of AOM&R/Alteration/Renovation and Reconstruction of Merged Areas Secretariat and Ex-FATA Colony, Warsak Road, Peshawar, C&W Department.