

PAKISTAN BAIT-UL-MAL



SERVICE REGULATIONS 2005 (As Amended)

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PAKISTAN BAIT-UL-MAL
EMPLOYEES SERVICE REGULATIONS 2005.

CHAPTER - I

INTRODUCTION

GENERAL PROVISIONS

Introduction

1.1 In exercise of powers conferred by Section 15, 16, 23 and 24 of the Pakistan Bait-ul-Mal Act, 1991, the Bait-ul-Mal Board makes the regulations given in the following paragraphs:

Short Title

1.2 These regulations may be called as "Pakistan Bait-ul-Mal Employees Service Regulations, 2005."

Commencement

1.3 These regulations shall come into force at once.

Extent of Applications

1.4 These Regulations shall apply to all officers and staff appointed by the Bait-ul-Mal Board, Managing Director or a person authorised by Bait-ul-Mal Board in this behalf but, except as specifically provided otherwise in these regulations, shall not apply to:

- a) a person who is employed on contract;
- b) a person who is serving in the Bait-ul-Mal on deputation;
- c) a person who is paid out of contingencies / daily wages.

Terms and Conditions of service

1.5 Terms and conditions of an employee shall be as laid down in these regulations or in such subsidiary orders and instructions which may be issued from time to time with the approval of the Bait-ul-Mal Board, or which, not being inconsistent with these regulations, were issued with the approval of the Board and were in force immediately, before commencement of these regulations.

Matters not provided for in the Regulations

1.6 In all matters not expressly provided for in these regulations, employees shall be governed by the appropriate; rules and instructions of the Board.

Authority to amend, delete or make addition to these Regulations

1.7 These Regulations may be amended, deleted or added to by the Board.

Organisational Structure-PBM

1.8 (i) The Organisational Structure for the Head Office, the Provincial / Regional Offices and District Offices and total strength as approved from time to time by the competent authority.

(ii) The Board may amend, delete or add any post from time to time.

1.9 Exercise of Power by the Managing Director.

The Managing Director may exercise any or all powers vested in him under the Pakistan Bait-ul-Mal Act 1991, (I of 1992).

1.10 Delegation of Powers.

The Managing Director may further delegate his administrative and or financial powers to the officers of Pakistan Bait-ul-Mal for day to day and efficient running of Pakistan Bait-ul-Mal.”

CHAPTER - II

DEFINITIONS

2.1 Definitions: In these Regulations, unless there is anything repugnant in the subject or context:

- i) (a) "Act" means the Pakistan Bait-ul-Mal Act, 1991 as amended from time to time.
- (b) "Board" means the Bait-ul-Mal Board constituted under Section 5 of the Pakistan Bait-ul-Mal Act, 1991;
- ii) Deleted*.
- iii) "Managing Director" means Managing Director of Pakistan Bait-ul-Mal as appointed by Federal Government.
- iiia) "Deputy Managing Director" means Deputy Managing Director of Pakistan Bait-ul-Mal as appointed by Federal Government.
- iv) "Member" means a member of the Board as appointed by the Federal Government.
- v) "Competent Authority" means the Managing Director and any other officer to whom specific powers are delegated under these regulations.
- vi) "Employee" means an officer or staff appointed or deemed to be appointed under Section 15 of the Pakistan Bait-ul-Mal Act 1991 and these regulations;
- vii) "Government" means the Federal Government of Pakistan;
- viii) (a) "Departmental Board" means the Board constituted for the purpose of selection for initial recruitment or promotion to post in BS-19 and equivalent.
- (b) "Departmental Promotion Committee" means a Committee constituted for promotion to posts in BS-16 to 18;
- ix) (a) "Departmental Selection Committee" means a Committee constituted to make selection for initial appointment to posts in BS – 16 to BS - 18;
- (b) "Selection Committee" mean a committee constituted for the purpose of making selection for initial appointment or promotion to posts in BS-15 and below.
- x) "Initial appointment" means appointment in a prescribed manner made otherwise than by promotion or transfer;

* Deleted in updation exercise March – April 2005

- xi) "Prescribed" means prescribed by or under these regulations.
- xii) "Adhoc Employee" means an employee appointed in a prescribed manner to a post on adhoc basis.
- xiii) "Recruitment Rules" shall mean and include all orders, instructions, procedures etc issued by the Head Office from time to time.
- xiii) "Regular employee" means an employee appointed to a post on regular basis in the prescribed manner;
- xiv) "Probation" means the period for which an employee is placed in a vacancy on initial appointment or otherwise;
- xv) "Reporting Officer" means an employee who will supervise the work of ones immediate subordinate officers and staff;
- xvi) "Contract Service" means service on specific terms and conditions for a specified / limited period;
- xvii) "Personal Pay" means additional pay granted by the competent authority to a PBM officer/staff in exceptional circumstances, on other personal considerations.
- xviii) "Special Pay" means, an additional remuneration granted by a competent authority in the nature of pay in consideration of :
 - i) A specific addition to the work or the responsibility, or
 - ii) The un-healthiness, remoteness or other special characteristic of the locality in which the work is performed.
- xix) "Honorarium" means a non'recurring payment granted by the competent authority to an employee as remuneration for special work of an occasional nature.
- xx) "Regular post" means a post which is likely to continue for an indefinite period;
- xxi) "Basic Pay Scale" means Basic Pay Scale of pay prescribed and adopted by the Pakistan Bait-ul-Mal Board;
- xxii) "Pay" means the amount drawn monthly by an employee as :
 - a) Pay, other than special pay, personal pay, qualification pay and technical pay which has been sanctioned for a post held by him.
 - b) Special pay, personal pay and technical pay; and
 - (c) any other emoluments classed as pay by the Pakistan Bait-ul-Mal Board.

- xxiii) “Cadre” means the strength of the service or part of the service sanctioned as a separate unit.
- xxiv) **Temporary Post.** Temporary post means a post created within the budgetary allocation for a specific period and purpose”
- xxv) **Daily Wages.** Daily wages means, wages authorised to a person for working against an ancillary post for a specific period.
- xxvi) “Post” means the post specified in schedule to these regulations.
- xxvii) “Service” means the whole period of continuous service including the period spent on leave.

2.1A **Status of Bait-ul-Mal**

Bait-ul-Mal shall be a body corporate of permanent nature, shall be entitled to acquire and hold property, shall have perpetual succession and common seal and shall by the said name sue and be sued.

2.2 **Appointment on regular basis**

For the purpose of these regulations, an appointment made in the prescribed manner by initial appointment, promotion or transfer in accordance with these regulations shall be deemed to have been made on regular basis.

2.3 **Number of Gender**

In these regulations, unless there is anything repugnant in the subject or context, singular includes plural and masculine includes feminine.

2.4 **Probation.**

An initial appointment, promotion, transfer to a post shall be on probation as provided in these regulations.

2.5 **Termination of Service**

The service of an employee may be terminated without notice;

- i) During the initial, adhoc or extended period of probation.
- ii) On the selection of a person against the post recommended by the Departmental Selection Committee previously held by an adhoc appointee.

2.6 **Confirmation.**

The person appointed on probation shall on satisfactory completion of the probation, be eligible for confirmation in a service or to a post as may be prescribed in these regulations. However there shall be no confirmation against any temporary post.

CHAPTER – III
SERVICE REGULATIONS
APPOINTMENT

3.1 Authorities competent to make appointment

The authorities competent to make appointment to various posts (regular as well as projects posts) shall be as follow:

- | | | | |
|----|--|---|--|
| a) | Posts in Basic Pay Scale
20 and above | - | By the Government. |
| b) | Posts in Basic Pay Scales
17 to 19 | - | Managing Director |
| c) | Post in Basic Pay Scales
11 to 16 | - | Deputy Managing Director |
| d) | Post in Basic Pay Scales
1 to 10 | - | Director Admin (Head Office)
Concerned Director (Prov / Reg offices). |

3.2. Appointment to be made against sanctioned posts

- a) All appointments in the Pakistan Bait-ul-Mal shall be made against the posts as sanctioned by the Board.
- b) An appointment made in accordance with these regulations shall be notified through an office order under the signatures of the Director (Admin) or a person authorised by him in this behalf.

3.3 Methods of appointment, qualification etc

- a) Appointment to posts shall be made by any of the following methods, namely:
 - i) by initial appointment.
 - ii) by promotion or transfer.
- b) The method of appointment and the qualifications and other conditions applicable to a post shall be as prescribed in chapter 16 of these regulations.

3.4 Departmental Selection Committee and Departmental Promotion Committee

- (a) The MD shall constitute three members Selection / Promotion Committees for making recommendations for appointments and promotion for posts in BPS 1-19 and equivalent.
- (b) The composition of the Departmental Selection / Promotion Committees shall be as notified by the Pakistan Bait-ul-Mal Head Office from time to time.

- (c) The Chairman of the concerned committee may co-opt such other members as he may deem fit.
- (d) The Chairman of each committee shall submit a report of the proceedings of the committee in accordance with these regulations.

3.5 Deleted.

INITIAL APPOINTMENT

3.6. Initial appointment to posts in the various basic pay scales

Initial appointment to various posts in Basic Pay Scale 1-19 shall be made in the prescribed manner on the recommendations of the respective Departmental Selection Committee.

3.7. Citizens of Pakistan only eligible for initial appointment:

A candidate for appointment in Pakistan Bait-ul-Mal shall be a citizen of Pakistan and or AJK.

3.8. Persons with foreign spouse not eligible for appointment

A person married to a person who is not a citizen of Pakistan and or AJK shall not be appointed to a post in the Pakistan Bait-ul-Mal except with the prior approval of the Board.

3.9 Vacancies to be advertised

All vacancies to be filled by initial appointment shall be advertised in such Urdu/English newspapers as may be considered appropriate.

3.10 Conditions of initial appointment

A candidate for initial appointment must possess the educational qualifications and experience and must be within the age limit for the post as laid down in Chapter 16 of these regulations.

Provided that the maximum age limit may be relaxed by the Appointing Authority up to five years.

3.11 Minimum age for initial appointment

No person who is less than 18 years of age shall be appointed by initial appointment to any post in the Pakistan Bait-ul-Mal.

3.12. **Observance of merit and provincial quotas:**

Vacancies in the under mentioned posts shall be filled on all Pakistan basis in accordance with the merit and Provincial or Regional quota prescribed by the Government from time to time.

- i) All posts in basic pay scales 16 and above or equivalent.
- ii) Posts in basic pay scales 3 to 15 and equivalent in offices, which serve the whole of Pakistan.
- iii) Vacancies in posts in basic pay scales 3 to 15 and equivalent in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.
- iv) Vacancies in posts in basic pay scales 1 and 2 and equivalent shall ordinarily be filled on local basis.

3.13 Deleted.

3.14. **Medical fitness**

No person shall be substantively appointed to a post without a medical fitness certificate from a prescribed authority.

3.15. **Character and antecedents**

Character and antecedent of a candidate other than the one who is already in the service of the Pakistan Bait-ul-Mal or holding a post in the Federal or Provincial Government, shall be verified and the appointment shall be made only if, in the opinion of the appointing authority, the character and antecedents are satisfactory.

APPOINTMENT BY PROMOTION

3.16 **Selection or non-selection posts for promotion :**

- (a) Posts in basic pay scale 19 are the selection posts, promotion to which will be made on the basis of selection on merit. Posts in basic pay scale 18 and below are non-selection posts, promotion to which will be made on the basis of seniority-cum-fitness.
- (b) The criteria while recommending promotion of an employee:-
 - (i) Seniority for which proper final seniority lists will be circulated periodically.
 - (ii) Fitness as determined by Performance Evaluation Reports (PERs) dossiers and no adverse entry during the last 3 years.

- (iii) Instructions within the guidelines approved by the Board and issued from time to time in accordance with the promotion policy of the Federal Government.
- (iv) Departmental examination, where applicable.

Explanation. Seniority as referred to in this clause means seniority as from the date of regularization.

3.17. Procedure for promotion

Promotion to posts in basic pay scale 1 to 19 shall be made by the Appointing Authority on the recommendations of the respective Departmental Promotion Committee.

3.18 Criteria for promotion

An employee possessing such minimum qualifications and length of service and fulfilling other conditions specified for consideration of promotion in the recruitment rules shall be eligible for consideration of promotion to a higher post for the time being reserved for departmental promotion in the cadre to which he belongs.

3.19. Promotion quota to be filled first

Where a cadre has a definite quota reserved for departmental promotion and initial appointment, promotion against the departmental quota may, as far as possible, be made first and the post reserved for initial appointment filled later. However, this provision shall not be construed to confer any vested right to any promotion against departmental quota being made first.

3.20. Minimum length of Service for Promotion to posts in basic pay scales 18 and above

Minimum length of service required for eligibility of promotion to BPS 18 and 19 is as under:-

For promotion to posts in basic pay scale 18	5 years service in BPS-17.
For promotion to posts in basic pay scale 19	12 years service in basic pay scale 17 and above (minimum 7 years service in BPS-18)

Provided that:-

- (I) Where initial appointment of a person not being a person in or a person already in Pakistan Bait-ul-Mal service takes place in a post in BPS 18 and 19 in a prescribed manner the length of service specified above shall be reduced by the following periods;

First appointment in	Reduced by
Grade- 18	5 years
Grade- 19	12 years

- (II) Where initial appointment of a person already in Pakistan Bait-ul-Mal service takes place, on recommendations of the Departmental Selection Committee/Departmental Selection Board, in a post in BPS 18 or 19, the length of service specified in this office. Memorandum shall be reduced by the period specified in proviso (I)
- (III) Where first appointment of a person other than a person covered by proviso (II) was made to Pakistan Bait-ul-Mal service in BPS 16 or below, one-half of the service in BPS 16 and one fourth in BPS 15 and below may be counted as service in BPS 17 for computing length of service for the purpose of promotion only.

3.21. **Promotion cannot be claimed on seniority and eligibility**

No employee shall have a claim to be promoted to any particular post or scale by virtue of seniority and eligibility unless his case is processed through a selection committee/board in a prescribed manner and approved by the competent authority.

APPOINTMENT BY TRANSFER

3.22. **Appointment by transfer from one cadre to another cadre**

An appointment by transfer to a post from one cadre to a post in the other cadre shall not be permissible.

3.23. **Procedure for appointment by transfer**

Appointment by transfer to posts in basic pay scale 1 to 19 shall be made in prescribed manner by Appointing Authority on the recommendations of the respective Departmental Selection Committee.

3.24. **An employee holding appointment on regular basis eligible for transfer**

- (a) Appointment by transfer shall be made in a prescribed manner from amongst persons holding appointment on regular basis in posts in the same basic pay scale or equivalent or identical to the post to be filled.
- (b) Employees who possess the qualification for initial appointment, as laid down in the recruitment rules, may be considered by the respective Departmental Selection Committee for appointment by transfer.

APPOINTMENT BY DEPUTATION

3.25 Appointment on deputation in Pakistan Bait-ul-Mal shall be made in accordance with the prescribed rules and policy of the Federal Government.

3.26. **Conditions of deputation**

Terms and conditions of deputation shall be determined in accordance with the rules, instructions, orders issued by the Federal Government.

(a) The Appointing Authority may, in the interest of Pakistan Bait-ul-Mal appoint a Federal or Provincial Government servant or an employee of an organization set up, managed or controlled by the Federal Government or Provincial Government, who holds appointment on a regular basis, on deputation to equivalent posts. Such appointment shall be made with the consent of the Federal Government, Provincial Government or organization concerned., hereinafter called the Lending Authority, for a period of three years and on such terms and conditions as may be determined by the appointing authority in consultation with the Lending Authority. Extension in deputation period will be given only in exceptional cases and that too with the prior approval of the Establishment Division.

(b) Unless in any case it is otherwise provided, the whole time of the person on deputation shall be at the disposal of the Pakistan Bait-ul-Mal. He shall devote his whole to his duties, abide by the rules and regulations and other orders and instructions of the Pakistan Bait-ul-Mal and comply with official orders instructions issued under the rules.

(c) A person on deputation to the Pakistan Bait-ul-Mal will be allowed, with the approval of Appointing Authority and with the consent of the Lending Authority, a deputation allowance as per Federal/Provincial Govt's rules, as the case may be and shall in addition be entitled to all allowances admissible to employees of Pakistan Bait-ul-Mal.

APPOINTMENT BY CONTRACT

3.27. Appointment by contract in a cadre post may be made in prescribed, transparent and competitive manner by the Managing Director in exceptional cases on the recommendation of respective Departmental Selection Committee as the case may be.

3.28. **Conditions of appointment**

Appointment by contract may be made on terms and conditions, which should be accepted by the person who is being appointed.

3.28A. Appointment on Adhoc Basis

- (a) In cases of extreme urgency appointment on Adhoc basis in a cadre post may be made in prescribed, transparent and competitive manner by the Managing Director on the recommendation of the respective Departmental Selection Committee for a short period and till the appointment of a regular employee.
- (b) Adhoc appointment to a cadre post shall be for a period of six months extendable for a period of another six months (maximum of one year).
- (c) The adhoc employee may be considered for regular appointment in prescribed manner on regular basis otherwise such employee shall stand relieved.
- (d) Adhoc employee may be considered in prescribed manner for Contract employment after being relieved.

3.28B. Regularization of Contract Employees

Contract employees having proven good service record may be considered for regularization provided:-

- (a) Initial appointment on contract was in accordance with regulation 3.27.
- (b) Seniority will be counted from date of regularization.

3.28C. Appointment on Daily Wages

- (a) The Managing Director or an officer so authorised may as considered appropriate, appoint staff in Pakistan Bait-ul-Mal in BPS 1 to 4 against sanctioned posts on fixed pay.
Provided that the person so appointed otherwise fulfil prescribed conditions for appointment.
- (b) Managing Director or an officer so authorised may employ as project employee in grade 1 to 16 as considered appropriate on daily wages on fixed pay.
- (c) While employing staff on Daily Wages the limit of such employment shall not exceed 89 days.

PROBATION

3.29. Persons appointed by promotion or direct recruitment or by transfer shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons, to be recorded; or, if considered necessary it may be extended for a period not

exceeding one year as may be prescribed at the time of appointment or during the probation period. Appointment on probation shall be subject to the provisions of section 6 of Civil Servants Act, 1973, read with rule 21 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

ADDITIONAL CHARGE AND CURRENT CHARGE OF POSTS

3.30. Additional charge of an equivalent post

If a post falls vacant and it is not possible to fill it immediately in the prescribed manner, the work of the post may, as far as possible, be distributed amongst more than one employee of the same status and designation. However, where this is not feasible, the charge of the vacant post may be entrusted in its entirety, by the Managing Director to another senior most employee at the same station. The arrangement should not be made for a period of less than one month and should not exceed three months. However, it may be extended by another three months with the approval of the Managing Director.

3.31. Current charge of a higher posts

Where a temporary vacancy occurs for not more than two months or when a regular vacancy occurs and no arrangement for carrying out the day-to-day routine work of the post is possible, the charge of the vacant post may, with the approval of the Appointing Authority, be given temporarily, in addition to the duties of his own post, to the most senior officer in the cadre present at the place if he is otherwise fit and qualified to hold that post irrespective of the length of service, if any, required for promotion to that post if it is reserved for promotion or, as the case may be the prescribed experience required for initial appointment to that post if it is reserved for initial appointment only. This arrangement shall be further subject to the following conditions:-

- (i) The arrangement should not be made for a period of less than one month and should not exceed three months. However, it may be extended by another three months with the approval of the Managing Director. Any extension beyond six months shall require prior approval of the Board.
- (ii) As soon as the current charge is given, a proposal for regular appointment should be initiated and processed.

- (ii) In making current charge arrangement, the most senior officer available in the cadre and present at the place where the vacancy may have occurred, if he is otherwise fit and qualified to hold the post, should be considered.

CHAPTER – IV

POSTING TRANSFER AND TRAINING

4.1. Liability to serve in any post

An employee shall be liable to serve in any post in or under the Pakistan Bait-ul-Mal or in any body set up, controlled or managed by the Pakistan Bait-ul-Mal anywhere in Pakistan.

4.2. Transfer from one post to the other within the Pakistan Bait-ul-Mal

The Managing Director or an officer so empowered by the Managing Director may transfer an employee from one post to another equivalent post.

Provided that except on account of a penalty or on his own request an employee shall not be transferred to a post carrying less pay than the pay of the post which he is holding on regular basis.

4.3. Transfer of an employee on deputation outside the Pakistan Bait-ul-Mal

(a) The Managing Director may sanction transfer of an employee on deputation, for a specified period not exceeding three years, to the Federal Government, a Provincial Government or any organisation set up, managed or controlled by the Federal Government or a Provincial Government, on such terms and conditions as may be agreed to between the Pakistan Bait-ul-Mal and the borrowing Government or organization, as the case may be .

(b) While on deputation, an employee shall continue to remain under the rule-making control of the Pakistan Bait-ul-Mal and except as may be mutually agreed to between the Pakistan Bait-ul-Mal and the borrowing Government or organization, shall continue to be governed by the rules and regulations applicable to him as an employee of the Pakistan Bait-ul-Mal.

4.4. Training

The Managing Director may require an employee, till the age of 56 years, to undergo training within or outside Pakistan at any time and for any duration and on such terms and conditions as he may specify in each case.

CHAPTER V

SENIORITY

5.1 Particular seniority not a vested right

For proper administration of a cadre or post, the Appointing Authority shall cause a seniority list of the members for the time being of such cadre or holders of such post to be prepared but nothing herein contained shall be construed to confer any vested right to a particular seniority in such cadre or post.

5.2 Seniority in relation to other employees

Subject to regulation 5.1, seniority of an employee shall be reckoned in relation to other employees belonging to the same cadre or post, whether serving in the same cadre or post or not, as is provided in these regulations.

5.3 Seniority on initial appointment

Subject to regulation 5.6, the seniority of an employee on initial appointment to a cadre or post shall take effect from the date of regular appointment to the post to which he has been initially appointed:

Provided that:

- a) Persons initially appointed through an earlier open advertisement or selection rank senior to those initially appointed through subsequently open advertisement or selection, as the case may be;
- b) If two or more persons are appointed through the same open advertisement or, if the post was not advertised, through the same selection their inter se seniority would be determined in the order of merit assigned to them by the selection authority and if no such order was assigned, the older in age shall be senior.

5.4 Seniority on promotion

Subject to regulation 5.6, seniority in a cadre or post to which an employee is promoted shall take effect from the date of regular appointment to that post;

- (a) employees selected for promotion to a higher post on an earlier date shall, save as provided in proviso (c) , be senior to those subsequently selected for such promotion.
- (b) the employees 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.
- (c) an employee eligible for promotion who is inadvertently omitted from consideration in the original reference or whose case is held up in circumstances beyond his control, while his junior or juniors are promoted to the higher post, shall, when he is subsequently considered and is promoted without any supersession, take his seniority with the original batch.

5.5. Seniority on appointment by transfer

Subject to regulation 5.6, seniority in a cadre or post to which an employee is appointed by transfer shall take effect from the date of regular appointment to the post from which they have been appointed by transfer and if such date be the same, the older in age shall be senior.

5.6. Date of regular appointment of persons of one batch

If two or more persons are selected for initial appointment or, as the case may be, for promotion or transfer in one batch, the earliest date on which a person of that batch assumes charge of the post after approval of such appointment by the Appointing Authority shall be deemed to be the date of regular appointment of all person of that batch for purposes of seniority only.

5.7. Inter se seniority of employees appointed by transfer, promotion or initial appointment in the same calendar year

Subject to regulation 5.6, employees appointed by transfer in a particular calendar year shall as a class be senior to those appointed by promotion or by initial appointment to such posts in that year and employees promoted to higher posts in a particular calendar year shall as a class be senior to those appointed by initial appointment to such posts in that year. The rules is changed from June 2009 and now the date of appointment / promotion is considered as the criteria for determination of seniority.

CHAPTER VI
CONDUCT

Conduct of the employees of Pakistan Bait-ul-Mal shall be governed under the provisions of the Government Servants (Conduct) Rules, 1964 and the instructions issued thereunder.

6.1. Members of family

For purposes of the regulations in this chapter, member of an employee's family includes:-

- (i) his wife, child or step-child, whether residing with the employee or not; and
- (ii) any other relative of the employee or his wife, when residing with and wholly dependent upon the employee but does not include/a wife legally separated from the employee, or a child or step child who is no longer in any way dependent upon him or of whose custody the employee has been deprived by law.

Explanation

Reference to a wife in this regulation shall be construed as reference to a husband where the employee is a woman.

6.2. Gifts:

- (a) Save as otherwise provided in these regulations, no employee shall, except with the previous sanction of the Chairman, accept or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If, however, due to very exceptional reasons, a gift cannot be refused, the same may, under intimation to the Chairman and the Pakistan Bait-ul-Mal Board, be kept for official use in the Pakistan Bait-ul-Mal .
- (b) If any question arises whether receipt of a gift places an employee under any form of official obligation to the donor, the decision of the Chairman thereon shall be final.
- (c) If any gift is offered by the head or representative of a foreign state, the employee concerned should attempt to avoid acceptance of such a gift , if he can do so, otherwise, he shall accept the gift and shall report its receipt to the Pakistan Bait-ul-Mal Board through the Chairman for orders as to its disposal.
- (d) employees are prohibited from receiving gift of any kind for their person 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 Toshakhana in the Cabinet Division under intimation to the Chairman.

(e) Employees, except those holding posts in basic pay scales 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account of Toshkhana, namely, "XLVI-MISC.J.MISC. Receipt of Darbar Presents (Central)".

(f) The responsibility for reporting the receipt of a gift shall devolve on the individual recipient. All gifts received by an employee irrespective of their prices must be reported to the Toshakhana in the Cabinet Division through the Chairman.

However, the responsibility for reporting to the Cabinet Division regarding the receipt of gifts, including the names of recipients, from foreign dignitaries or delegations going abroad, shall be with the Chief of Protocol or his representative in the former case, and with the Ambassador concerned in the latter case. In the case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs.

(g) the value of gifts shall be assessed by the Cabinet Division and the monetary limits upto which and the condition subject to which, the gifts may be allowed to be retained by the recipient shall be as follows:-

- (i) gifts valued upto Rs. 1,000/- may be allowed to be retained by the recipient;
- ii) gifts valued between Rs.1,000/- and 5,000/- may be allowed to be retained by a recipient on his paying 25 percent of the value of the gift in excess of Rs.1,000/-; and
- iii) gifts of value exceeding Rs.5,000/- may be allowed to be retained by a recipient on his paying 25 percent of so much of the value as exceeds Rs.1000/- but does not exceed Rs.5,000/- and 15 percent of so much of the value as exceeds Rs.5,000/-.

6.3. **Acceptance of foreign awards**

No employee shall, except with the approval of the President, to be obtained through the Managing Director accept a foreign award, title or decoration.

Explanation: For the purposes of this regulation, the expression "approval of the President" means prior approval in ordinary cases and ex post facto approval in special cases where sufficient time is not available for obtaining prior approval.

6.4. **Public demonstration in honour of an employee**

- (a) No employee shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him.
- (b) Notwithstanding anything contained in sub-regulation (a)
 - i) an employee may, with the previous permission of the Managing Director, take part in the raising of funds to be expended for any public or charitable purpose;
 - ii) any employee may take part, with the previous sanction of the Managing Director, in the raising of funds to be expended for any public or charitable object connected with the name of any other employee or a government servant or a person who has recently quitted the service of the Pakistan Bait-ul-Mal or the Government;
- c) When an employee takes part in the raising of funds in accordance with the provision of Clauses (i) and (ii) of sub-regulation (b) he shall be required to keep regular accounts and submit them to Director Finance / Chief Accountant for scrutiny.

6.5. **Marriage with foreign nationals prohibited except with prior permission**

- a) Subject to the provision of sub-regulation (b), an employee may, with the prior permission of the Board, marry a foreign national. A person who marries or promises to marry a foreign national without such permission shall be guilty of misconduct and render himself liable to one or more penalties in accordance with the regulations on discipline.
- b) An employee may, with the prior permission of the Managing Director, marry or promise to marry a Muslim citizen of India.
- c) The grant of permission under sub-regulation (a) or sub-regulation (b) shall be at the discretion of the Board or, as the case may be, the Managing Director and may be subject to such conditions, if any, as it or, as the case may be, he may specify.

Explanation

For the purpose of this regulation "marriage" means matrimonial relationship entered into in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly.

6.6 **Subscriptions**

Subject to regulation 6.4, no employee shall, except with the previous sanction of the Managing Director, 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.

6.7. **Lending and borrowing**

(a) No employee shall lend money to, or borrow money from, or place himself under any pecuniary obligation, to any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that the above rule shall not apply to dealings in the ordinary course of business with a joint stock company, bank or a firm of standing.

(b) When an employee 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 a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he shall forthwith declare the circumstances to the Managing Director through the usual channel.

Provided that employees holding posts in basic pay scales 16 and below shall make the declaration referred to in this sub-regulation to the Managing Director.

(c) This regulation, in so far as it may be construed to relate to loans given to or taken from cooperative societies registered under Cooperative Societies Act, 1912 (II of 1912), or under any law for the time being in force relating to the registration of Cooperative Societies, by the employees shall be subject to any general or special restrictions or relaxations made or permitted by the Board.

6.8. **Buying and selling of movable and immovable property.**

(a) Any employee who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value Rs.50,000/- (fifty thousands rupees) with any person shall apply for permission to the Managing Director in the prescribed form. Any such application shall state fully the circumstances, the price offered or demanded and, in the case of disposal, otherwise than the sale, the method of disposal. Thereafter, such employee shall act in accordance with such orders as may be passed by the Managing Director.

Provided that all transactions with a person who is an official subordinate of the employee should be reported to the next higher authority.

Explanation

In this regulation, the term "property" includes agricultural or urban land, bonds, shares and securities but does not include a plot purchased for building a house from the cooperative housing society or a government housing scheme.

(b) No prior permission is necessary for buying and selling shares, bonds, saving certificates and securities through government sponsored organizations upto the value of Rs.50,000/-. However, the employee concerned shall have to report all such transactions in the form of a statement at the end of each year.

6.9. **Construction of building etc**

No employee shall construct a building, whether intended to be used for residential or commercial purposes, except with the previous sanction of the Managing Director obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

6.10. **Declaration of property**

(a) Every employee shall, at the time of entering service of the Pakistan Bait-ul-Mal make a declaration addressed to Managing Director of all immovable and movable properties including shares, certificates, securities insurance policies and jewellery having a total value of Rs.50,000/- (fifty thousand rupees) or more belonging to or held by him or a member of his family and such declaration shall :

- i) state the district within which the property is situated;
- ii) show separately individual items of jewellery exceeding Rs.50,000/- (fifty thousand rupees) in value; and
- iii) give such further information as the Managing Director, Pakistan Bait-ul-Mal may, by general or special order require.

b) Every employee shall submit to the Pakistan Bait-ul-Mal through usual channel and addressed to the Managing Director as annual return of assets in the month of December showing any increase or decrease of property as shown in the declaration under sub-regulation (1) or, as the case may be, the last annual return.

6.11. **Disclosure of assets, immovable, movable and liquid**

An employee shall, as and when he is so required by the Pakistan Bait-ul-Mal by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties, immovable and movable including shares, certificates, insurance policies, jewellery.

6.12. **Speculation and investment**

(a) No employee shall speculate in investments. For the purpose of this regulation, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(b) No employee 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.

(c) No employee shall make any investment the value of which is likely to be affected by some event of which information is available to him as an employee and is not equally available to the general public.

(d) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub regulations, the decision of the Managing Director thereon shall be final.

6.13. **Promotion and management of companies etc**

No employee shall, except with the previous sanction of the Managing Director, take part in the promotion, registration or management of any bank or company; Provided that an employee may, subject to the provisions of any general or special order of the Pakistan Bait-ul-Mal, take part in the promotion, registration or management of a Cooperative Society registered under the Cooperative Societies Act, 1912 (II of 1912), or under any similar law.

6.14 **Private Trade, Employment or Work**

(a) No employee shall, except with the previous sanction of the Managing Director, 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 conditions that his official duties do not thereby suffer and that the occupation or undertaking

does not conflict or is not inconsistent with his position or obligations as an employee; but he shall not undertake or shall discontinue such work if so directed by the Managing Director. An employee who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Managing Director. Provided further that an employee holding a post in basic pay scale 14 and below may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so, he shall file details of the enterprise alongwith the declaration of assets.

(b) Notwithstanding anything contained in sub-regulation (a), no employee shall associate himself with any private trust, foundation or similar other institution which is sponsored by the Government or the Pakistan Bait-ul-Mal.

(c) This regulation does not apply to sports activities and membership of recreation clubs.

6.15 **Subletting of residential accommodation allotted by the Pakistan Bait-ul-Mal or the Government**

No employee shall except with the prior permission of the Managing Director or, as the case may be, the Government sublet accommodation let to him by the Pakistan Bait-ul-Mal or the Government.

6.16. **Employee not to live beyond his means, etc**

No employee shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

6.17. **Insolvency and habitual indebtedness**

An employee shall avoid habitual indebtedness. An employee who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Managing Director.

6.18. **Intimation of involvement and conviction in a criminal case**

If an employee is involved as an accused in a criminal case or is convicted, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Managing Director immediately or, if he is arrested and released on bail soon after such release.

6.19. **Unauthorised communication of official documents or information**

No employee shall, except in accordance with any special or general order of the Pakistan Bait-ul-Mal, communicate directly or indirectly any official document or information to an employee or to a government servant unauthorised to receive it, or to a non-official person, or to the press.

6.20. **Approach to members of the Assemblies, etc**

No employee shall, directly or indirectly approach any Member of the National Assembly or Senate or Provincial Assembly, or any other non-official person to intervene on his behalf in any matter.

6.21. **Management etc., of newspapers or periodicals**

No employee shall, except with the previous sanction of the Managing Director, own wholly or partly or conduct or participate in the editing or management of any newspaper or other periodical publication.

6.22. **Radio broadcasts or television programmes and communications to the press**

No employee shall, except with the previous sanction of the Managing Director or in the bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanctions shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be, considered likely to jeopardise the integrity of the employee, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or amount to contempt of Court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

6.23. **Publication of information and public speeches capable of embarrassing the Pakistan Bait-ul-Mal or the government**

No employee shall, in any document published or in any communication made to the press, over his own name, or in any public utterance or television programme, or in any radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Pakistan Bait-ul-Mal or the Government.

Provided that technical employees may publish research papers on technical subjects, if such papers do not express views on political issues or on the policy of the Pakistan Bait-ul-Mal or on government policy and do not include any information of a classified nature.

Where an employee 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.

6.24. Evidence before committees

(a) No employee shall give evidence before a public committee except with the previous sanction of the Managing Director.

(b) No employee giving such evidence shall criticise the policy or decisions of the Pakistan Bait-ul-Mal or of the Federal or a Provincial Government.

(c) This regulation shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers nor to evidence given in judicial inquires.

6.25. Taking part in politics and elections

(a) No employee 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.

(b) No employee shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is or tends directly or indirectly to be, subversive of the Pakistan Bait-ul-Mal or of the Government as by law established in Pakistan.

(c) No employee 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 an employee 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.

(d) No employee 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-regulation (c) to act.

(e) An employee 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 regulation (c) to take part in an election to such body.

(f) The provision of sub-regulations (c) and (e) shall, so far as may be, apply to election to local authorities or bodies, save in respect of employees required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.

(g) If any question arises, whether any movement or activity falls within the scope of this regulation, the decision of the Managing Director thereon shall be final.

6.26. Propagation of sectarian creeds, etc

No employee shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the employees or the government servants in particular and amongst the people in general.

6.27. Employee not to express views against ideology of Pakistan

No employee shall express views detrimental to the ideology or integrity of Pakistan.

6.28. Nepotism, favouritism and victimization, etc

No employee shall indulge in provincialism, parochialism, favouritism, victimization and wilful abuse of office.

6.29 **Vindication by employees for their official acts or character**

(a) An employee may not, without the previous sanction of the Managing Director, have recourse to any Court or to the press for the vindication of his official act or character from defamatory attacks. In granting sanction, the Pakistan Bait-ul-Mal may ordinarily bear the cost of the proceedings and in other cases leave the employee to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Pakistan Bait-ul-Mal may reimburse him to the extent of the whole or any part of the cost.

(b) Nothing in this regulation limits or otherwise affects the right of an employee to vindicate his private acts or character.

6.30. **Membership of service associations**

No employee shall be a member, representative or officer bearer of any association representing or purporting to represent, employees or any class of employees, unless such association satisfies the following conditions, namely :-

- (i) Membership of the association and its office-bearers shall be confined to a distinct class of employees and shall be open to all employees of that class.
- (ii) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a)
- (iii) The association shall not be in any way connected with any political party or organization, or engage in any political activity.
- (iv) The association shall not :-
 - (I) issue or maintain any political publication except in accordance with any general or special order of the Managing Director.
 - (II) except with the previous sanction of the Managing Director, publish any representation on behalf of its members, whether in the press or otherwise.
- (v) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Pakistan or elsewhere :-
 - (I) Pay, or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;
 - (II) by any means support the candidature of any person for such election ;
or

- (III) Undertake or assist in the registration of electors, or the selection of a candidate for such election.
- (vi) The association shall not :-
 - (I) Maintain, or contribute towards the maintenance of, any member of a legislative body, or of any member of a local authority or body, whether in Pakistan or elsewhere;
 - (II) Pay , or contribute towards the expenses of any trade union which has constituted a fund under section 16 of the Trade Union Act, 1926 (XVI of 1962).

6.31. **Membership of non-political association**

No employee shall accept membership of any political association or organization whose aims and objects, nature of activities and membership are not publicly known.

6.32. **Use of political or other influence**

No employee shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Board, Managing Director or other officers or on any employee or on the Government or any Government servant in support of any claim arising in connection with his employment as such.

6.33. **Approaching foreign missions and aid-giving agencies**

No employee shall approach directly or indirectly, a foreign mission in Pakistan or any foreign aid-giving agency to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

6.34. **Applications for training in other organizations**

No employee shall, except with the previous permission in writing of the Managing Director, seek or take-up training in any other organization within the country and abroad. No request or advance copy of the request for training in other organization shall be made by the employee, except through proper channel or as may be prescribed by the Managing Director by general or special orders.

6.35. **Delegation of power**

The Managing Director may, by general or special order, delegate to any officer or authority subordinate to him all or any of his powers vested in him by the Pakistan Bait-ul-Mal Act 1991, within the meanings of these regulations.

6.36. **Regulations not to be in the derogation of any law, etc**

Nothing in these regulations shall derogate from the provisions of any law, or of any order of the Board or of any Competent Authority, for the time being in force relating to the conduct of employees.

6.37 **Grant of No Objection Certificate (NOC)**

NOC for all purposes for the employees of Pakistan Bait-ul-Mal will be granted by the Managing Director or the officer designated by him in this behalf.

CHAPTER VII**DISCIPLINE****GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1973 AND THE POWERS EXERCISED THEREUNDER**

In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (No. XIV of 1973), the President is pleased to make following rules, namely: -

7.1. **Short title, commencement and application.**- (1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.

¹[(2) They shall come into force at once and shall apply to every civil servant].

7.2. **Definitions.**- In these rules, unless the contexts otherwise requires,-

(1) “accuse” means a Government servant against whom action is taken under these rules;

²[(2) “authority means” the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 [:]]

³[Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14th June 2000, the powers of “authority” shall be exercised by the officer designated as such before the aforesaid date;]

(3) “authorised officer” means an officer authorised by the authority to perform functions of an authorised, the authority;

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

(5) “penalty” means a penalty which may be imposed under these rules.

7.3. **Grounds for penalty.**- Where a Government servant, in the opinion of the authority.

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

* Added vide Notification No. 4/2/77-D.I, dated the July, 1978.

¹ Substituted vide S.R.O 1809 (I)/73, dated 31st December, 1973

² Clause (2) subs. By S.R.O 336 (I)/2000, Gaz. of Pak, Extr, Pt.II, dt 15-6-2000

³ In clause (2), at the end full stop subs, by colon and thereafter proviso added by the S.R.O. 470(I)/2000, the Gaz. of Pak, Extr, Pt.II, P. No. 1035, dt July 7, 2000.

- (c) is corrupt, or may reasonably be considered corrupt because –
 - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has persistent reputation of being corrupt; or
- (d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore prejudicial to national security,

the authority may impose on him one or more penalties.

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

(a) ***Minor Penalties:***

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- (iii) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;

(b) ***Major Penalties:***

- (i) reduction to a lower post or time-scale, or to a lower stage in a time-scale
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service;

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a person-

- (a) appointed on probation, during the period of probation or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract in accordance with the terms of the contract.

7.5. **Inquiry Procedure.-** (1) The following procedure shall be observed when a Government servant is proceeded against under these rules:-

- (i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority suspended him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

*[Provided further that where the authority is President @[or Prime Minister], the powers of the authority under this clause shall be exercised by the Secretary. Establishment Division.]

- (ii) The authorised officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.
- (iii) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-

- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
- (b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

- (iv) On receipt of the report of the Inquiry Officer or Inquiry Committee or, where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of the allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendation regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

*Proviso added vide Estt. Div Notification No. SRO 853(I) 84, dated 30th September, 1984
 @Added vide Notification No. SRO 43(I) 869. [7.1.73-D-2 R1] dated 7-1-1986

* (2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorised officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority.

7.6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.- Where an Inquiry Officer or Inquiry Committee is appointed, the authorised Officer shall -

- (1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.
- (3) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.
- (4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefore shall be reported forthwith to the authorised officer. Normally no adjournment shall be for more than a week.
- (5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.
- (6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorised officer, submit his or its findings and the ground thereof to the authorised officer.

****[7.6-A. Revision.-** (1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorized officer and pass such order in relation thereto as it may deem fit.

*Added vide Establishment Division Notification No. 4/5/75-DI, dated the 14th May, 1975

**Rule 6-A substituted by the S.R.O 74 (I)/ 2001, the Gaz. of Pak., Extr, Pt. II, P.No. 275, dt. February 3, 2001

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorised officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused.

Provided that no such opportunity shall be given where the authority for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.]

7.7. Powers of Inquiry Officer and Inquiry Committee.- (1) For the purpose of any inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of any person examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents,

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

7.8. Rule 5 not to apply in certain cases. - Nothing in rule 5 shall apply to a case -

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) Where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

***7.8-A. Action in respect of Government servant required to proceed on leave. –** If a Government servant proceeding on leave in pursuance of an order under sub-rule (1) or rule 5 is not dismissed, removed from service, reduced in rank or compulsory retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay.

*Added vide Notification No. 2/14/73-DI, dated the 12th March, 1975.

***7.9. Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.** - When a government servant, to whom these rules apply, is serving under a Provincial government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents on the basis of which disciplinary proceedings are proposed, and, if considered necessary, it may with the approval of lending authority place him under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules.]

7.10. **Appeal.** - A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under ¹[the Civil Servants (Appeal) Rules, 1977]:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

²[7.10-A. **Appearance of Counsel.**- No party to any proceedings under these rules before the authority, the authorised officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate.]

7.11. **Repeal.** - The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply ³[and the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961] are hereby repealed, but the repeal thereof shall not affect any action taken or any thing done or suffered thereunder.

¹ In rule 10 substituted by S.R.O 55(I)/77, Gaz. of Pak., Extr., Pt. II dt. 18th Jan, 1977

² Rule 10-A inserted by S.R.O 1412(I)/74, Gaz. of Pak., Extr., Pt. II dt. 16th Nov. 1974

³ In rule 11, inserted by S.R.O. 1809(I)/73, Gaz. of Pak., Extr., Pt. II dt. 31st Dec, 1973

* Rule 9 substituted by the S.R.O 74(I)/2001, the Gaz. of Pak., Extr., Pt. II, P. .No. 275, dt February 3, 2001.

REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000.

to provide for dismissal, removal, compulsory retirement from service and reduction to lower post or pay scale of certain persons from Government service and corporation service.

WHEREAS in view of prevailing circumstances it is expedient and necessary and in the public interest and further for good governance etc to provide for measures, inter-alia, dismissal, removal etc., of certain persons from Government service and corporation service as hereinafter stated;

AND WHEREAS it is necessary to provide for speedy disposal of such cases and for matters connected therewith or ancillary thereto;

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

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

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provincial Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance: -

7.12. **Short title, extent, commencement and application.**-(1) This Ordinance may be called the Removal from Service (Special Powers) Ordinance, 2000.

- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.
- (4) It shall apply to persons in Government service and corporation service.

7.13. **Definitions.-** In this Ordinance, unless there is anything repugnant in the Subject or context,-

¹ [“(a) [omitted]]

- (aa) “competent authority” means, the **Prime Minister** and where, in relation to any person or class of persons, the **Prime Minister** authorizes any officer or authority, not being inferior in rank to the appointing authority prescribed for the post held by the person against whom action is proposed to be taken, to exercise the powers of competent authority under this Ordinance, that officer or authority, and, in relation to an employee of a Court or Tribunal functioning under the Federal Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal;
- (b) “misconduct” includes conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentleman or involvement or participation for gain either directly or indirectly in industry, trade or speculative transactions or abuse or misuse of the official position to gain undue advantage or assumption of financial or other obligations to private institutions or persons such as may cause embarrassment in the performance of official duties or functions;
- (c) “person in corporation service” means every person in the employment of a corporation, corporate body, authority, statutory body or other organizations or institutions set up, established, owned, managed or controlled by the Federal Government, or by or under any law for the time being in force or a body or organization in which the Federal Government has a controlling share or interest and includes the Chairman and the Managing Director, and the holder of any other office therein; and
- (d) “person in Government service” includes every person who is a member of an All-Pakistan Service or of a Civil Service of the Federation or who holds a civil post in connection with the affairs of the Federation or any employee serving in

¹ Omitted vide Ord. No. I of 03, dt. 15.01.03

any Court or Tribunal set up or established by the Federal Government but does not include a Judge of the Supreme Court or of a High Court or Federal Shariat Court or any Court subordinate to the High Court, or any employee thereof.

7.14. ¹**[Dismissal, removal and compulsory retirement etc] of certain persons in Government or corporation service, etc.-** (1) Where, in the opinion of the competent

authority, a person in Government or corporation service, is-

- (a) inefficient, or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; ¹**[or is guilty of being habitually absent from duty without prior approval of leave; or]**
- (c) corrupt, or may reasonably be considered as corrupt, because-
 - (i) he, or any of his dependents or any other person, through him or on his behalf, is in possession of pecuniary sources or of property, for which he cannot reasonably account for, and which are disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his known sources of income; or
 - (iii) he has a persistent reputation of being corrupt; or
 - ¹**[(iv) he has entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or]**
- (d) engaged, or is reasonably believed to be engaged, in subversive activities, and his retention in service is prejudicial to national security or he is guilty of disclosure of official secrets to any authorized person; or
- (e) found to have been appointed or promoted on extraneous grounds in violation of law and the relevant rules,

the competent authority, after inquiry be the ²**[Inquiry Officer or the Inquiry Committee appointed]** under section 5, may, notwithstanding anything contained in

¹Added & inserted vide Ord. V of 2001, dt. 3.2.01

²Substituted vide Ord. XXIX of 2001, dt 10.7.01

any law or the terms and conditions of service of such person, by order in writing dismiss or remove such person from service, compulsorily retire from service or reduce him to lower post or pay scale, or impose one or more minor penalties as prescribed in the Government Servants (Efficiency & Discipline) Rules, 1973.

¹**[(2) Before passing an order under sub-section (1), the competent authority shall,-**

- (a) **by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and**
- (b) **give him a reasonable opportunity of showing cause against that action within seven days or within such extended period as the competent authority may determine:**

Provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity:

Provided further that no such opportunity shall be given where the accused is dismissed ²**[under clause (a) of sub-section (2) of section 3A]** or where the competent authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to give the accused an opportunity of showing cause.

(3) The dismissal or removal or premature retirement from service or reduction to lower post or pay scale of a person under sub-section (1) shall not absolve such persons from liability to nay punishment to which he may be liable for any offence under any law committed by him while in service.]

³**["3A.] Procedure in case of conviction by a court of law.- (1) Where a person in Government service or in Corporation service on conviction by a court of law is sentenced to imprisonment or fine, the competent authority shall examine the facts and the grounds on which the order convicting such person was passed by a court of law.**

- (2) Where on examination the competent authority finds that order of imprisonment or fine is based on -**
 - (a) established charges of corruption or moral turpitude it shall pass order of dismissal from service of the delinquent person in Government service or in corporation service to be effective from the date of his conviction by a court of law; and**

¹ Substituted vide Ord. V of 2001, dt. 3.2.01

² Substituted vide Ord. CVI of 2002, dt. 29.10.02

³ Added vide Ord. CVI of 2002, dt. 29.10.02

(b) charges other than corruption or moral turpitude it may, in the light of the facts and circumstances of the case, decide as to whether it is a fit case for taking departmental action under this Ordinance and if it so decides it may, subject to the provisions of sub-sections (2) of section 3, impose any penalty authorized by this Ordinance as it may deem fit in the circumstances of the case.”.

7.15. **Suspension.-** A person against whom action is proposed to be taken under sub-section (1) of Section 3 may be placed under suspension with immediate effect if, in the opinion of the competent authority, suspension is necessary or expedient:

Provided that the competent authority may, in an appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him from such date as may be specified by the competent authority.

¹[5. Power to appoint an Inquiry Officer or Inquiry Committee.- (1) Subject to the provisions of sub-section (2), the competent authority shall, before passing an order under section 3, appoint an Inquiry Officer or Inquiry Committee to scrutinize the conduct of a person in Government service or a person in corporation service who is alleged to have committed any of the acts or omissions specified in section 3. The Inquiry Officer or, as the case may be, the Inquiry Committee shall –

- (a) communicate to the accused the charges and statement of allegations specified in the order of inquiry passed by the competent authority;**
- (b) require the accused within seven days from the day the charge is communicated to him to put in a written defence;**
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him; and**
- (d) hear the case from day to day and no adjournment shall be given except for special reasons to be recorded in writing and intimated to the competent authority.**

(2) Where the Inquiry Officer or as the case may be, the Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he, or it, deems proper in the interest of justice.

(3) The Inquiry Officer or, as the case may be, the Inquiry Committee shall submit his, or its, findings and recommendations to the competent authority within twenty-five days of the initiation of inquiry.

(4) The competent authority may dispense with the inquiry under sub-section (1) if 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 of holding an inquiry.

(5) Where a person who has entered into plea bargaining under any law for the time being in force, and has returned the assets or gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show cause notice shall be issued on the basis of such plea bargaining to such person informing of the action proposed to be taken against him and the grounds of such action requiring him to submit reply within fifteen days of the receipt of the notice. On receipt of the reply, the competent authority may pass such orders as it may deem fit”].

7.16. **Powers of the [Inquiry Officer or] Inquiry Committee.-** The **[Inquiry Officer or] Inquiry Committee** shall have power-

- (a) to summon and enforce attendance of any person and examine him on oath;
- (b) to require the discovery and production of any document.
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

7.17. **Procedure to be followed by the [Inquiry Officer or] Inquiry Committee.-** The **[Inquiry Officer or] Inquiry Committee** shall, subject to any rules made under this Ordinance, have power to regulate its own procedure **[for]** the fixing of place and time of its sitting and deciding whether to sit in public or in private, and in the case of corporate Committee, to act notwithstanding the temporary absence of any of its members.

7.18. **Order to be passed upon a finding.-** Every finding recorded by the ²**[Inquiry Officer or], as the case may be,** Inquiry Committee under section 5 shall, with the recommendation provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance of the provisions of this Ordinance.

³**[7.19. Representation.-** (1) A person on whom a penalty is imposed under section 3, may, within fifteen days from the date of communication of the order prefer a representation to the **Prime Minister** or such officer or authority as the **Prime Minister** may designate:

Provided that where the order has been made by the **Prime Minister** such person may, within the aforesaid period, submit a representation to the President.

(2) The President, the **Prime Minister**, or an officer or authority, as may be designated for the purpose by the **Prime Minister**, may, on consideration of the representation, and any relevant material, confirm, set aside, vary or modify the order in respect of which such representation is made.”.]

¹. Inserted vide Ord. V of 2001, dt. 3.2.01

². Inserted vide Ord. V of 2001, dt. 3.2.01

³. Substituted vide Ord. 1 of 2003, dt 15.1.03

7.20. **Appeal.** - Notwithstanding any thing contained in any other law for the time being in force, any person aggrieved by any final order under section 9 may, within thirty days of the order, prefer an appeal to the Federal Service Tribunal established under the Service Tribunal Act, 1973 (LXX of 1973).

¹[“**Provided that where a representation [.....] has been preferred under section 9 but no decision has been received by, or communicated to, the applicant or, as the case may be, petitioner, within a period of sixty days of its submission to the prescribed authority, he may prefer appeal to the Service Tribunal within thirty days of the expiry of the aforesaid period.**”

7.21. **Ordinance to override other laws.**- The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Civil Servants Act, 1973 (LXXI of 1973), and the rules made thereunder and any other law for time being in force.

7.22. **Proceedings under this Ordinance.**- All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder:

²[**Provided that the Federal Government may, by notification in the official gazette, exempt any class or classes of employees of a Corporation, a corporate body, authority, statutory body or other organization or institution setup, established, owned, managed or controlled by it or a body or organization in which it has a controlling share or interest from the provisions of this Ordinance and such class or classes of employees shall, notwithstanding anything contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement to this Ordinance,**]

7.23. **Pending proceedings to continue.**- For the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or corporation service under the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder, or any other law or rules, shall continue under the said laws and rules, and as provided thereunder.

7.24. **Pensionary benefits etc.**- Notwithstanding anything contained in this Ordinance the payment of pension or other benefits to a person retired or reduced to a lower post or pay scale under this Ordinance shall, if admissible, be regulated in accordance with the law for the time being in force relating thereto.

¹ Added vide Ord. XIX of 02 dt. 6.4.02 (Amended Ord. XXXII of 02 dt. 23.7.02)

² Added vide Ord No. XXIX of 2001 dt. 10.7.01

¹[7.24A. **Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the competent authority or an officer or authority authorized by it for any thing which is in good faith done or intended to be done under this Ordinance or the rules, instructions or directions made or issued thereunder.

7.24B. **Jurisdiction barred.-** Save as provided under this Ordinance, no order made or proceedings taken under this Ordinance, or the rules made thereunder by the competent authority or any officer or authority authorized by it 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 Ordinance, or the rules made thereunder.]

7.25. **Power to make rules.-** The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

7.26. **Removal of difficulties.-** If any difficulty arises in giving effect to any of the provisions of this Ordinance, the President may make such Order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty.

Being an autonomous organization, the Competent Authority in case of PBM, will be Managing Director to finalize the cases under RSO 2000.

¹ Added vide Ord. No. LXII of 2001. dt. 7.11.01

CHAPTER VIII**COMMITTAL TO PRISON AND PENDENCY
OF CRIMINAL CHARGE**

8 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 Govt. servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.

¹Article 194 substituted by the S.R.O 25 (KE)/97, the 4th February, 1997, Gaz. of Pak. Extr., Pt. II, P. No. 77, dt. March 17, 1997

[] Deleted by G.P., M.F. Notification No. F. 2(20)-RIII/54, dated the 21st April 1954.

CHAPTER-IX

PERFORMANCE EVALUATION REPORT (PER)

9.1. Performance Evaluation Report to be prepared annually

(a) A Performance Evaluation Report in the prescribed form should be prepared annually at the close of such calendar year for each employee holding post in basic pay scale 5 and above, and also on the departure of the employee or the Reporting Officer if it occurs three months or more than three months after the annual report has been recorded. Leave is not included in the period of three months.

(b) Annual Performance Evaluation Report should be initiated early in January of the following year and completed and countersigned by the 31st January of the year. Other reports should be initiated immediately after the event occurs which necessitated writing of the report and completed and countersigned within one month.

(c) After completion and counter-signature, the report should be sent to the Director (Admin).

9.2 Initiating and countersigning the report

(a) The report of employees in BPS-5 and above should be initiated by the immediate officer and countersigned by the next higher officer, both being concerned with the work of the employee reported upon.

(b) The report initiated by the Managing Director shall not need countersigning.

(c) The name and designation of the Reporting Officer and Countersigning Officer should be indicated clearly in block letters or rubber-stamped below the signature.

9.3 Performance Evaluation Report during suspension or forced leave or absence from duty not required

It is not necessary to record a Performance Evaluation Report on an employee for the period during which he remained under suspension, forced leave or absent from duty. However, a Certificate to that effect would be recorded and placed in the CR Dossier of such employee.

9.4 Performance Evaluation Report of the personal staff

Performance Evaluation Report on personal staff like Private Secretary, Personal Assistant, Stenographer or Stenotypist attached to an officer shall be written by the officer concerned with whom they are attached and shall not require to be countersigned.

9.5 **Adverse entry or remarks**

(a) Adverse entry or remarks (hereinafter referred to as adverse remarks), whether remedial or irremediable, if any, should be communicated in writing to the employee reported upon mainly to make efforts for improvement and a copy of the communication placed in the dossier. For this purpose, a copy of the whole report should be furnished to the employee.

Explanation. Remarks which create an unfavourable impression about the employee reported upon should be treated as adverse. Entry like " not fit for promotion " or " not yet fit for promotion " should be treated as adverse. Pending departmental proceedings or pending criminal cases should not be mentioned in the Performance Evaluation Report

(b) The adverse remarks should be communicated as early as possible but in any case within one month of the date the report is countersigned and where no counter-signatures are required, within one month of the date on which the report is recorded. If the adverse remarks are not communicated within the specified period, they should be communicated to the employee even at a belated stage as soon as the omission is discovered.

(c) The adverse remarks should be communicated by Director (Admin) or an officer nominated by him. If the report is built on the individual opinions of the Reporting Officer and countersigning Officer, it shall be the opinion as accepted by the latter which will be communicated.

(d) A Performance Evaluation Report containing adverse remarks should not be taken into consideration until they have been communicated in writing to the employees, and a decision taken on his representation, if submitted or until the prescribed time limit for submission of the representation has expired and no representation against adverse remarks has been received from the employee reported upon.

9.6 **Representation against adverse remarks**

(a) An employee to whom adverse remarks have been communicated may submit a representation within thirty days of the communication of the adverse remarks. The representation should be addressed to the Authority next above the Countersigning Authority and where the report does not need countersigning, the Authority next higher to the Reporting Officer.

Provided that where the report has been written or countersigned by the Managing Director, the employee reported upon may submit a representation to the Board against adverse remarks for review.

(b) The Competent Authority shall take a decision on the representation after obtaining comments from the Reporting Officer and Countersigning Officer and the decision shall be

communicated to the employee. The Competent Authority may either maintain the adverse remarks or modify them or expunge them.

(c) If the Competent Authority decides to expunge the adverse remarks, the remarks should be scored through but not in such a way as to make them illegible. A marginal note, duly attested, should also be recorded quoting the authority under which the adverse remarks have been expunged.

9.7 **Documents to be placed in the Performance Evaluation Report dossier**

(a) The following documents may invariably be placed in the Performance Evaluation Report/dossier of an employee:

- (i) Letters of appreciation from senior departmental officers and letters of appreciation from Government.
- (ii) Evaluation report on the employee who receives any training sponsored by the Bait-ul-Mal or the Government.
- (iii) Orders imposing a penalty on the employee as a result of disciplinary action.

(b) If the employee is convicted of a criminal charge and is sentenced to a fine or imprisonment or both, a note to that effect, duly attested by the Director (Admin) or an officer authorised by him, should be kept in the PER dossier.

9.8 **Safe custody of Performance Evaluation Report**

(a) Performance Evaluation Report should be kept in safe custody by the Director (Admin) or an officer authorized by him. But the responsibility of the safety and confidentiality of the P.E.R. dossier will rest on the Director (Admin).

(b) All sheets in the Performance Evaluation Report dossier should be page numbered in ink. No page should be removed, changed or replaced.

(c) In no case should an employee have access to his own report.

9.9 **Performance Evaluation Report (PER)** **Performance Evaluation Report to be prepared annually.**

Guidelines / instructions/ orders regarding performance evaluation issued by Establishment Division shall be applicable to the Pakistan Bait-ul-Mal.

CHAPTER-X

RECORD OF SERVICE

10.1 Record of service of each employee to be maintained

A record of service shall be maintained for each employee in the prescribed form. The service record shall be maintained by the Deputy Director (Admin) in the case of employees holding posts in basic pay scale 15 and above, and by the Assistant Director (ESTB) in case of other employees.

10.2 Entries in service record

(a) Every step in the official life of an employee like appointment, leave, joining time, training, deputation outside the Pakistan Bait-ul-Mal etc. must be recorded in the service record and each entry should be properly attested.

(b) All periods of suspension, interruption in service and penalties imposed on an employee should be noted in the service record.

10.3 Erasure and overwriting to be avoided

All columns in the service record should be legibility filled and attested. Erasures and overwriting must be avoided. If any correction be necessary, the incorrect entry should be corrected neatly so as not to make it illegible and the correct entry should be made above it and properly attested

10.4 Employees may see service record

An employee may be permitted to see and examine his service record in the presence of the officer maintaining the record, if one at any time so desires.

10.5 Date of Birth

(a) Every person newly appointed to a post in the Pakistan Bait-ul-Mal should at the time of his appointment declare the date of his birth by the Christian era with, as far as possible, confirmatory documentary evidence such as matriculation certificate or/and municipal birth certificate, etc.

(b) If any employee is unable to state his exact date of birth, but can state the year or the year and month of his birth, the 1st July, or the 16th day of the month, respectively, may be treated as his date of birth.

(c) If the employee is only able to state his approximate age, his date of birth may be assumed to be the corresponding date arrived at by deducting the number of years representing his age from the date of his appointment.

(d) The actual date of the assumed date of birth of the employee, determined under sub regulation (b) or (c), as the case may be, should be recorded in his service record and properly attested. Once entered, the date of birth cannot be altered, except in the case of a clerical error, without the prior approval of the Managing Director.

CHAPTER XI**REVERSION, RETIREMENT, RESIGNATION AND TERMINATION OF SERVICE****11.1 Reversion to a lower post**

- (a) An employee may, on account of misconduct or in- efficiency be reduced to a lower grade or post, or a lower stage in his time-scale.
- (b) The authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, it shall operate to postpone future increment and, if so, to what extent.

11.2. Age for retirement from service

An employee shall retire from service on the completion of the sixtieth year of his age.

Explanation: When an employee is required to retire on attaining a specified age the day on which he attains that age is reckoned as a non-working day, and he must retire with effect from and including that day.

11.3 Resignation with previous notice in writing

- (a) Subject to any law in force for the time being, an employee may resign from his post by giving 3 months previous notice in writing. The resignation shall not become effective unless it is accepted by the Competent Authority. Till such time the resignation is accepted, the employee concerned continues to be in service and cannot absent himself from his duties without proper leave. Any violation of this requirement shall constitute misconduct and the employee may be proceeded against on the ground.
- (b) The Appointing Authority may in its discretion accept pay in lieu of notice period or an amount equal to his pay for unexpired period of notice if the employee wants to be relieved of his duties immediately or, as the case may be, before the expiry of the notice period.

11.4. Withdrawal of resignation

- (a) If an employee submits his resignation from service and withdraws it before it is accepted by the Competent Authority the resignation shall be deemed to have been withdrawn.

(b) If the employee withdraws his resignation after its acceptance by the Competent Authority but before it becomes effective, i.e. before the employee concerned is relieved, it shall be open to the Authority which accepted the resignation to allow the employee concerned, on merits of the case, to withdraw the resignation.

11.5 **Acceptance of Resignation**

Resignation of an employee against whom disciplinary proceedings are pending or are contemplated, shall not be accepted.

11.6. An employee submitting his resignation should clear all the dues which are payable by him.

11.7. **Procedure for submitting resignation**

The resignation of an employee shall be submitted through his immediate officer to the authority competent to make appointment to that post, accompanied by the following information:-

- (i) Whether any dues are recoverable from the employee:
- (ii) Whether any disciplinary proceedings are pending or are contemplated against him.
- (iii) Whether the employee concerned is required to serve the Pakistan Bait-ul-Mal for any specified period in accordance with the terms and conditions of his appointment or any bond or undertaking executed by him in connection with the grant of leave, course of instructions or training or in any other connection. If so, whether that period has expired. If it has not expired, whether any moneys spent on his training etc. are recoverable from him in accordance with any rule, regulation or bond executed by him.

11.8. **Termination of service without notice**

- (a) The service of an employee may be terminated without notice: -
 - (i) during the initial or extended period of probation;
 - (ii) On the expiry of the initial or extended period of his adhoc and or contractual employment.
- (b) Where, on the abolition of a post or reduction in the number of posts, the service of an employee is required to be terminated, the person whose service is terminated shall ordinarily be the one who is the most junior in his cadre or post.

(c) Notwithstanding the provision of sub regulation (a) but subject to the provision of sub regulations (b), the service of an employee holding a post on regular basis shall be liable to termination at any time on three months notice or pay in lieu thereof.

Explanation: The employee shall be entitled to the pay for the un-expired period of notice in case he is relieved of his duties before the expiry of notice period.

11.9. **Irregular appointment liable to termination**

The appointment of an employee, which has been made otherwise than in accordance with these regulations may be terminated at any time:

Provided that before such appointment is terminated, the employee shall be informed of the proposed action and the grounds for that action and given an opportunity showing cause why his appointment should not be terminated.

CHAPTER XII

REPRESENTATION

Appeal or representation (Statutory Provision – Section, Civil Servants Act, 1973)

Sl No. 1:

12.1 **Right of appeal of 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 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.

**Civil Servants (Appeal)
Rules, 1977**

Sl No. 2:

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

1. (1) These rules may be called the Civil Servants (Appeal) Rules, 1977
- (2) They shall come into force at once.

¹[2. In these rules unless there is anything repugnant in the subject or context,-

*[(a) “appellate authority” means,

(1) in cases relating to discipline,-

(i) where the order is made by the authorized officer, the officer designated as authority under the Government Servants (Efficiency and Discipline) Rules, 1973;

¹ Amended vide Establishment Division’s Noti. No. 3/7/79-DI, dt. 28-1-1981

²[(ii) where the order is made by the officer, the designated as authority under the rules specified in paragraph (1), the officer or authority next above the authority; and]

(iii) where the order is made by the Prime Minister, the President; and

(2) in other cases, the officer or authority next above the authority against whose order the appeal is preferred and where the order is made by the Prime Minister, the President.]

**[(b) * * * * *]

(c) “penalty” means a penalty provided for in the Government Servants (Efficiency & discipline) Rules, 1973.

3. Every civil servant shall be entitled to appeal, to the appellate authority from an order passed by an authority ¹or an authorized officer imposing upon him any penalty;

Provided that, where the penalty is imposed by an order of the President, the civil servant shall have no right to appeal but he may apply for review of the order.

4. (1) A civil servant shall be entitled to appeal to the appellate authority from an order passed by an authority which

(a) alters to his disadvantages, his conditions of service, pay, allowances or pension; or

(b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or

(c) reduces or withholds the maximum pension, including an additional pension, admissible to him under the rules governing pensions; or

1 Amended vide Establishment Division’s Noti. No. 3/7/79-DI, dt. 28-1-1981

2 Paragraph (ii) subs. By S.R.O. 335(I)/2000, G. of Pak., Extr. Pt. II, dt 15-6-2000

* Clause (a) subs. By S.R.O. 178(I)/99, G. of Pak., Extr. Pt. II, dt 24-3-1999

** In rule 2, clause (b) omitted, *ibid.*

- (d) terminates his employment or gives notice of such termination otherwise than
- (i) on his reaching the age of superannuation, or
 - (ii) in accordance with the provisions of the Civil Servants Act, 1973 (LXXI of 1973)

Provided that a person appointed by the President shall have no right to appeal from an order passed by the President, but he may apply for review of the order:

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

(2) A member of an All-Pakistan Unified Grades serving under a Provincial Government may appeal, from the order of the Provincial Government, to the President.

(3) A civil servant appointed by the President may appeal to the President from an order passed by an authority subordinate to the President.

5. (1) Every person preferring an appeal should do so separately and in his own name.

(2) Every appeal preferred under these rules shall contain all material statements and arguments relied upon by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself.

(3) Every appeal shall be submitted through the Head of the office to which the appellant belongs or belonged, and through the authority from whose order the appeal is preferred.

(4) Every appeal shall be submitted within a period of thirty days of the communication of the order appealed against.

6. (1) In the case of an appeal under rule 3, the appellate authority shall consider-
- (a) Whether the facts on which the order appealed against was based have been established;
 - (b) Whether the facts established afford sufficient ground for taking action; and
 - (c) Whether the penalty is excessive adequate, or inadequate, and, after such consideration shall confirm, set aside or modify the previous order, *[and the appellant shall be informed of the reasons for passing such order.]

* Added vide S.R.O No. 582(I)/93, dt. 26-6-1993

(2) In the case of an appeal under rule 4, the appellate authority shall pass such order as, having regard to all circumstances of the case, appears to it just and equitable **[and the appellant shall be informed of the reasons for passing such order].

(3) The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

7. (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:-

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the provisions of sub-rule (1), (2) or (3) of the rule 5; or
- (c) it is not preferred within the time specified in sub-rule (4) of rule 5 and no reasonable cause is shown for the delay; or
- (d) it is addressed to an authority to which no appeal lies under these rules; or*
- (e) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for reconsideration of the case:

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

Provided further that an appeal withheld on account only of failure to comply with the provisions of sub-rule (2) or (3) of rule 5 or clause (d) may be resubmitted within one month of the date on which the appellate is informed of the withholding of the appeal and, if resubmitted in a form which complies with those provisions or is addressed to the proper appellate authority, as the case may be, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by an authority competent to do so.

8. (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority with an expression of opinion by the authority from whose order the appeal is preferred.

* As amended vide Notification No. 5/1/81-R.I., dated 26th December, 1981

** Added vide S.R.O. No. 582(I)/93, dt. 26-6-1993

(2) Every appeal by a civil servant serving under a Provincial Government or a local authority, which is not withheld under these rules, shall be forwarded by the Provincial Government or the local authority to the Federal Government with an expression of its opinion.

(3) A list of appeals withheld under rule 7, with reasons for withholding them shall be forwarded quarterly by the withholding authority to the appellate authority.

(4) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

9. (1) Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before they came into force.

(2) All appeals pending immediately before the coming into force of these rules shall be deemed to be appealed under these rules.

10. The Civil Servants (Classification, Control and Appeal) Rules, 1930, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done thereunder.

[*Authority.*- Estt. Div. Notification No. S.R.O. 54(1)/77, dt. 17-1-1977]

Determination of the 'Appellate Authority' in terms of the Civil Servants (Appeal) Rules, 1977

Sl. No. 2-A :

It has been observed that Ministries / Divisions / Departments do not generally follow the prescribed procedure regarding submission of appeals/petitions to the Establishment Division, for obtaining order of the Prime Minister or the President, as the case may be, in terms of Civil Servants (Appeal) Rules, 1977 read with rule 15-A of Rules of Business, 1973. In a number of cases the appeals / petitions processed by the respective Ministries/Divisions etc., have been found to have not been addressed to the proper appellate authority. In such a case, to avoid delay, the receiving authority, should withhold the appeal and simultaneously inform the appellate to re-submit the same duly addressed to the proper Appellate Authority to be indicated as required under rule 7 of the said rules. The case relating to an appeal should

invariably be submitted to the Establishment Division in the form of a Summary titled as “Summary for the Prime Minister” seeking orders of the President where the President is an Appellate Authority alongwith the appeal (in original) with parawise comments to be given in juxta position in the form of a statement as indicated therein (Annexure)

2. In this connection, it may be pointed out that an appeal from a civil servant in BPS-17 and above against imposition of any minor penalty, as prescribed in rule 4 (i) (b) of the Government Servants (E&D) Rules, 1973, by an authorized Officer or a major penalty by the authority i.e. the Prime Minister under rule 4(1) (a) shall lie to the President, in his capacity as the appellate authority, and shall be processed in accordance with rule 15-A of the Rules of Business, 1973.

3. All Ministries/Divisions/Provincial Governments are requested to bring the said position to the notice of all concerned for their information and guidance.

[Authority.- Estt. Div. O. M. No. 5/4/94-Rev./D.3, dated 17-3-1997]

ANNEXURE

PARAWISE COMMENTS ON THE APPEAL SUBMITTED
BY _____ (NAME, DESIGNATION, OFFICE,
BPS), AGAINST MINOR/MAJOR PENALTY OF _____

Sl. No.	Contention of the accused (Relevant paras in appeal to be reproduced)	Comments of the Ministry/Division/Department	Comments to be offered by Establishment Division
1	2	3	4

CHAPTER XIII

LEAVE (REVISED LEAVE RULES 1980)

S.R.O. 1313 (I) / 80. – In exercise of the powers conferred by Section 25 of the Civil Servant Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely: -

13.1. **Short title, application and commencement.**- (1) These rules may be called the Revised Leave Rules, 1980.

(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not be governed by the Revision of Leave Rules issued under the Finance Division's Office Memorandum No. F.1(2)-Rev.1/78, dated the 21st September, 1978.

(3) They shall come into force at once.

13.2. **When leave earned.**- (1) All service rendered by a Civil Servant / PBM employee qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

[@](2) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.

13.3. **Earning and accumulation of leave.**- (1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to the leave account as "Leave on Full Pay", duty period of fifteen days or less in a calendar month being ignored and those of more than fifteen days being treated as a full calendar month for the purpose.

(2) If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.

(3) There shall be no maximum limit on the accumulation of such leave.

13.4. **Civil servants in vacation department.**- A civil servant in vacation department may earn leave on full pay: -

(a) When he avails himself of full vacation in a calendar year.... At the rate of one day for every calendar month of duty rendered,

[@]Note- Please see revised Government orders/instructions vide para (2) of appendix II-A of the Compilation of Fundamental and Supplementary Rules, Vol II (1985 edition)

- (b) When during any year he is prevented from availing himself of the full vacation As for a civil servant in a non-vacation department for that year, and
- (c) When he avails himself of only a part of the vacation..... as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

13.5. **Leave on full pay.-** The maximum period of leave on full pay that may be granted at one time shall be as follows: -

- | | | |
|-----|--|----------|
| (a) | Without medical certificate | 120 days |
| (b) | With medical certificate | 180 days |
| | Plus | |
| (c) | On medical certificate form
Leave account in entire service | 365 days |

Note.___ **Under the Prescribed Leave Rules, 1955,** leave on half average pay could be converted into leave on full pay on the strength of Medical Certificate upto a maximum of twelve months in terms of leave on full pay in the whole service. The account of this kind of leave was separately maintained in column 14 (a) of a leave account under the said Rules. Such leave availed of by the civil servants before the introduction of these rules, shall be debited against the maximum limit of 364 days fixed under this rule.

13.6. **Leave on half pay.-** (1) Leave on full pay may, at the option of the civil servant, be converted into leave on half pay, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(2) The request for conversion of leave referred to in sub-rule (1) shall be specified by the civil servant in his application for the grant of leave.

(3) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

13.7. **Leave to be applied, etc, in terms of days.-** Leave shall be applied for expressed, and sanctioned, in terms of days.

13.8. **Carry forward of existing leave.-** All leave at credit in the account of a civil servant on the first day of July, 1978, shall be carried forward and expressed in terms of leave on full pay and the leave account in such cases shall, with effect for the first day of July, 1978, or, in the case of a civil servant who was on leave on that date, with effect from the date of his return from leave, be recast as under:-

- | | | |
|-----|-----------------------|---------|
| (i) | Leave on average pay: | |
| | (a) 1 month | 30 days |
| | (b) 1 day | 1 day |

- | | | |
|------|----------------------------|---------|
| (ii) | Leave on half average pay: | |
| | (a) 1 month | 15 days |
| | (b) 1 day | 1 day |

Note:- Fractions, if any, shall be ignored

13.9. **Extraordinary leave (leave without pay).**- (1) Extraordinary leave without pay may be granted on any ground up to a maximum period of five years at a time, provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years, and, in case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the head of his office:

Provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with extraordinary leave.

(2) Extraordinary leave up to a maximum period under sub-rule (1) may be granted, subject to the conditions stated therein, irrespective of the fact whether a civil servant is a permanent or a temporary employee,

@(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.

13.10. **Recreation Leave.**- Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay.

Provided that such leave shall not be admissible to a civil servant in a vacation department.

13.11. **Leave not due.** (1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the civil servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority* [* *].

13.12. **Special Leave.**- (1) A female civil servant, on the death of her husband, may be granted special leave on full pay, when applied for a period not exceeding one hundred and thirty days.

@ Added vide F.D.'s Notification No. F. 1(45)-R-4/81, dated 13-02-1982

* In Sub rule (4), Omitted by the SRO. 218 (KE)/93, dated 24-10-1993

(2) Such leave shall not be debited to her leave account.

(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate by the competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

13.13. **Maternity Leave.-** (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty-five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant in the case of a female civil servant employed in vacation department who may be granted maternity leave without their restriction.

(3) For confinements beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

®(6) Leave salary to be paid during maternity leave shall be regulated, as for other leave, in accordance with the formula contained in the Finance Division's Office Memorandum No. F.9(16)R.1/69, dated 26th July, 1969 and Office Memorandum of even number dated the 28th November, 1969.

(7). The leave salary to be paid during maternity leave will, therefore, remain un-affected even if an increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

13.14. **Disability Leave.-** (1) Disability leave may be granted, outside the leave account on each occasion, up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than a seaman or a civil servant in part-time service, disabled by injury, ailment or disease contracted in course or in consequences of duty or official position.

Note: Please see Govt Decision under rule 6 of the Prescribed Leave Rules, 1955-reproduced in Appendix 7-B of the compilation of FR&SR Vol II (1985 edition).

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

13.15. Leave ex-Pakistan.- (1) Leave ex-Pakistan may be granted on full pay to a civil servant who applies for such leave or who proceeds abroad during leave, or takes leave while posted abroad, or is otherwise on duty abroad, and makes specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

(3) The leave pay shall be payable in Sterling if such leave is spend in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to a maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after the 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spend their leave.

(6) Leave ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rules 5, 6 and 9.

13.16. Leave Preparatory to retirement.- (1)The maximum period up to which a civil servant may be granted leave preparatory to retirement shall be three hundred and sixty five days.

(2) Such leave may be taken, subject to availability, either on full pay, or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the civil servant.

¹(3) An officer in BPS-21 or BPS-22 who, on or after the 19th day of February, 1991, opts to retire voluntarily after he has completed twenty five years of service qualifying for pension may be granted leave preparatory to retirement equal to entire leave at his credit in his leave account on full pay or till the date on which he completes the sixteenth years of his age, whichever is earlier;

Provided that such officer shall not be entitled to conversion of the leave preparatory to retirement on full pay under rule 6 into leave on half pay.

¹ Sub rule (3) added by the Finance Division's O.M No. F.1 (8) R-4/89, dated 30-05-1991.

²[13.17. **Enchashment of refused leave preparatory to retirement.**- (1) If in case of retirement on superannuation or voluntary retirement on completion of thirty year qualifying service a civil servant cannot, for reasons of public service, be granted leave preparatory to retirement duly applied for in sufficient time, he will in lieu thereof be granted lump-sum leave pay for the leave refused to him subject to a maximum of one hundred and eighty days leave on full pay.

(2) Such leave can be refused partly and sanctioned partly but cash compensation shall be admissible for the actual period of such leave so refused not exceeding one hundred and eighty days.

(3) The payment of leave pay in lieu of such refused leave may be made to the civil servant either in lump-sum at the time of retirement or may at his option be drawn by him month-wise for the period of leave so refused.

(4) For the purpose of lump-sum payment in lieu of such leave, only the "Senior Post Allowance" will be included and "Leave Pay" so admissible.

(5) In case a civil servant on leave preparatory to retirement dies before completing one hundred and eighty days of such leave, his family shall be entitled to lump-sum payment equal to the period falling short to one hundred and eighty days.

13.18. Power to refuse leave preparatory to retirement, etc.- (1) Ordinarily, leave preparatory to retirement shall not be refused.

(2) All orders refusing leave preparatory to retirement to a civil servant and recalling a civil servant from leave preparatory to retirement shall be passed only by the authorities specified below: -

- * (i) For civil servants in Chief Executive BPS-20 and above
- (ii) For civil servants in Appointing Authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules 1973; and BPS-17 to 19
- (iii) For civil servants in Appointing Authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules 1973; and BPS-16 and below

(3) The authorities specified in sub-rule (2) shall not delegate these powers to any other authority.

² Sub vide Finance Division's Notification No. S.R.O 281(I)/86, dated 10-03-1986

* Clauses (i) & (ii) subs. By the S.R.O 67(KE)/2001, Islamabad, the 21st February, 2001 the Gaz of Pak, Extra, Pt. II, P. No. 141, Dt, April 2, 2001.

** (4) All proposals regarding refusal of Leave Preparatory to Retirement to the officers in BPS-17 and above shall be submitted to the respective appointing authorities with detailed justification atleast three months before the officer is due to proceed on such leave.

¹ [13.18-A **Encashment of leave preparatory to retirement:** - (1) A civil servant may, fifteen months before the date of superannuation or thirty years qualifying service or after the 1st July, 1983, at his option, be allowed to encash his leave preparatory to retirement if he undertakes in writing to perform duty in lieu of the whole period of three hundred and sixty five days or lesser period which is due and admissible.]

² [Provided that a civil servant who does not exercise the option within the specified period shall be deemed to have opted for encashment of LPR.]

³ [(2) In lieu of such leave, leave pay may be claimed for the actual period of such leave subject to a maximum of one hundred and eighty days.]

¹ [(3) If at any time during such period leave is granted on account of ill health supported by medical certificate or for performance of Haj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for half the period of leave so granted, for example, if an employee who has opted for encashment of such leave, has taken sixty days leave, his cash compensation equal to thirty days leave shall be forfeited.

(4) The civil servant shall submit the option to the authority competent to sanction leave preparatory to retirement, who shall accept the option and issue formal sanction for the payment of cash compensation.

* [(5) For the purpose of payment in lieu of such leave.

- (a) the rate of pay shall be the rate admissible @ [at the time the leave pay is drawn].
- (b) the leave pay may be drawn at any time for the period for which duty has already been rendered; and
- (c) only the "Senior Post Allowance" will be included in the leave pay as admissible.]

** Sub rule (4) substituted, *ibid*.

¹ Substituted vide Fin. Div. Notification No. F.1 (93) R-4/84, dated 18-12-1984.

² Proviso Added vide Fin. Div Notification No. F.1 (1) R. 4/90-320, dated 11-03-1990

³ subs by F.D Notification No. S.R.O 1022 (I) / 85 Dated 14-10-1985.

* Amended vide Fin. Div. Notification No. S.R.O 1022 (I) / 85 Dated 14-10-1985. (F.1 (73)-R 4/84 published in Part II of Extraordinary, Gaz. of Pak.

****13.19. In Service Death, etc.-** (1) In case a Civil Servant dies, or is declared permanently incapacitated for further service by medical board, while in service, a lump-sum payment equal to leave pay upto one hundred and eighty days out of the leave at this credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump-sum payment under sub-rule (1), only the “Senior Post Allowance” will be included in the leave pay so admissible.

13.20. Reasons need not to be specified, etc.- (1) It shall not be necessary to specify the reasons for which leave has been applied so long as that leave is due and admissible to a civil servant.

(2) Leave applied for on medical certificate shall not be refused.

Provided that the authority competent to sanction leave, may, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have the applicant medically examined.

13.21. Leave when starts and ends.- Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from the day following that on which a civil servant hands over the charge of his post and may end on the day preceding that on which he resumes duty.

13.22. Recall from leave, etc.- (1) If a civil servant is recalled to duty compulsorily with the personal approval of the head of his office from leave of any kind that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case the civil servant is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) If the return from leave is optional the civil servant is entitled to no concession.

13.23. Overstay after sanctioned leave, etc.- (1) Unless the leave of a civil servant is extended by the head of his office a civil servant who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action that may be taken against him, double the period of such absence shall be debited against his leave account.

- (2) Such debit shall, if there is insufficient credit in the leave account, be adjusted against future earning.

13.24. **Any type of leave may be applied.-** A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances, for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than that on full pay, half pay and without pay.

13.25. **Combination of different types of leave, etc.-** One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant.

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

13.26. **Civil Servant on leave not to join duty without permission before its expiry.** – Unless he is permitted to do so by the authority which sanctioned his leave, a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

13.27. **Leave due may be granted on abolition of post, etc.-** (1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequences thereof, shall be granted without regard to the availability of a post for the period of leave.

- (2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation, be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

13.28. **Manner of handing over charge when proceeding on leave, etc.-** (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post sign the charge relinquishment report.

- (2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servants shall take abroad with him a copy of the medical statement of his case.

13.29. **Assumption of charge on return from leave, etc.-** (1) A civil servant, on return from leave shall report for duty to the authority that sanctioned his leave assume charge of the post to which he is directed by that authority unless such direction has been given to him in advance.

- (2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

13.30. **Account Offices to maintain leave account.-** (1) Leave account in respect of a civil servant shall be maintained as a part of his service book.

(2) The accounts offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

13.31. **Leave to lapse when civil servant quits service.-** All leave at the credit of civil servant shall lapse when he quits service.

13.32. **Pay during leave.-** (1) Leave pay admissible during leave on full pay shall be greater of: -

- (a) The average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and
- (b) The rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amounts, calculated under clauses (a) & (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

¹(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servant takes place or an annual increment occurs during the period of leave of the civil servant.

13.33. **Departmental Leave.-** (1) Departmental Leave may be granted to civil servants drawing pay in Grade 1 to 9 in the National Pay Scales and serving in the Survey of Pakistan or in any such other department as may be notified by the Finance Division on the conditions laid down in this rule.

(2) Departmental leave may be granted only to a civil servant whose services are temporarily not required and no leave other than leave-not-due is admissible.

(3) A subsistence allowance at such rate as the officer granting the leave may think fit but not exceeding half pay may be granted during departmental leave.

(4) The allowance shall be payable only on return to and resumption of duty after the expiration of the leave, whether taken by itself or combined with departmental leave without pay.

¹[In rule 32, sub-rule (3) added by the S.R.O 1172(1)/94, dated 21-9-1994, Gaz. of Pak., Extra, Pt.II, dated 5th December, 1994.

Provided that if a civil servant dies while on departmental leave, the amount of allowance, if any, otherwise admissible up to date of his death shall be paid to his heirs.

(5) Departmental leave with subsistence allowance may be granted during the recess by the head of the party of office to which the civil servant belongs only when the officer granting the leave considers it desirable to re-employ him in the ensuing field season and the leave so granted may, in special cases be extended by the Surveyor-General up to a maximum of five hundred and forty days at a time.

(6) Departmental leave with subsistence allowance may be granted at times other than the recess for not more than one hundred and eighty days at a time by a Director or Deputy Director. Survey of Pakistan provided such leave is granted in the interest of public service or work and not at the civil servant's own request.

(7) Leave granted may in special cases be extended by the Surveyor-General up to a maximum of three hundred and sixty five days at a time.

(8) Leave on medical certificate shall in no circumstances be regarded as granted in the interest of public services or work.

(9) Departmental leave without pay may be granted by the Surveyor-General in continuation of departmental leave with subsistence allowance in special cases as authorized by the Finance Division by a general or special order.

(10) When a civil servant holds a post in which the Surveyor-General considers that he is unlike to be eligible for departmental leave in future, the Surveyor-General may, by special order in writing, declare that, with effect from such date not being earlier than the civil servant's last return from departmental leave, as the Surveyor-General may fix any balance of leave at debit in the civil servant's leave account shall be cancelled, and all leave earned after such date will be credited as due in the civil servant's leave account, and all leave taken after such date, including departmental leave with allowances, if any, will be debited to it.

(11) Departmental leave may be combined with any other kind of leave which may be due.

13.34. Leave earned by civil servant employed in non-continuous establishment. –

(1) A civil servant employed in a non-continuous establishment may be granted only earned leave and disability leave as admissible to, and subject to the conditions laid down for a civil servant employed in a continuous establishment and no other kind of leave shall be admissible to such civil servant.

(2) A civil servant who is transferred from a non-continuous establishment to a continuous establishment and vice versa shall carry forward the balance of earned leave at his credit on the date of his transfer.

Explanation.- In this rule, “non-continuous establishment” means an establishment which does not function throughout the year and “continuous establishment” means an establishment which functions throughout the year.

13.35. Quarantine leave.- (1) Quarantine leave is in the nature of extra casual leave and a substitute shall normally not be employed during the absence of a civil servant on such leave.

Provided that where the exigencies of service are compelling, the head of the office may employ a substitute for reasons to be accorded in writing.

(2) A civil servant may be granted quarantine leave outside his leave account to the extent that his authorized medical attendant recommends and the period of such leave shall be treated as duty with full pay allowance of the post held by him at the time of proceeding on leave.

13.36. Leave application, its sanction, etc.- (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in case of the head of office, to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant* or other medical practitioner in the form attached to these rules.

¹(3A) No civil servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of Managing Director, or any Officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to return simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications, consider: -

- (i) whether, and how many applicants, can, for the time being, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

13.37. **Hospital leave and study leave.**- Subject to these rules, the provisions regarding hospital leave and study leave contained in the Fundamental Rules and Supplementary Rules shall apply to the civil servants.

*13.38. **Relaxation of Rules.**- The Federal Government may, in a case of hardship, relax all or any of the provision of these Rules.

Provided that such relaxation shall not be less favourable to any benefit available to a civil servant under these Rules.

[Authority. – Finance Division's Notification No. S.R.O 1313(1)/ 80, dt 30-12-1980]

¹ Ins by Finance Division's Notification No. 847-R. 4/83, dated 19-11-1983

* Added vide Finance Division's Notification No. 1 (4)-R. 4/92 dated 01-10-1992

G.F.R.13.

APPLICATION FOR LEAVE

Notes: - Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade-16 and above.

1. Name of Applicant.
2. Leave Rules applicable.
3. Post held.
4. Department or Office.
5. Pay.
6. House Rent Allowance Conveyance Allowance or other Compulsory Allowances drawn in the present post.
7. (a) Nature of leave applied for.
(b) Period of leave in days.
(c) Date of commencement.
8. Particular Rule / Rules under which leave is admissible.
9. (a) Date of return from last leave.
(b) Nature of leave.
(c) Period of leave in days.

Dated

Signature of applicant

10. Remarks and recommendations of the Controlling Officer.
11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Signature

Dated:

Designation

12. Report of Audit Officer

Signature

Dated

Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post or another post carry the compensatory allowances be drawn by him.

Dated

Signature

Designation

EXPLANATORY INSTRUCTIONS FOR FILLING
UP THE LEAVE ACCOUNT FORM

1. This leave account will be maintained for all civil servants of the Federal Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others, who enter service on or after 1st July, 1978.

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rules: -

- (i) L.A.P.
 - (a) One month 30 days
 - (b) One day1 day
- (ii) L.H.A.P.
 - (a) One month 15 days
 - (b) One day1 day

(Fractions if any to be ignored)

3. The leave account shall commence with an opening entry "Due on 01.07.1978" or in the case of a civil servant, who was on leave on 01.07.1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30-6-1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month, the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on accumulation of this leave.

(ii) The provision in (i) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar year at the rate of one day for every calendar month of duty rendered (b) when during any year he is prevented from availing himself of the full vacation..... as for a civil servant in a non-vacation department for that year and (c) when he avails himself of only a part of the vacation..... as in (a) above plus such proportion of 30 days as the number of days of vacation not taken bears to the full vacation.

13.39 **Authorities competent to grant leave**

(a) The authorities competent to grant leave other than extraordinary leave, shall be as follows :

- | | | |
|------|----------------------------|---|
| i. | In BPS-17 and above | Managing
Director |
| ii. | In BPS 11-16 | Deputy Managing
Director |
| iii. | For employees
BPS- 1-10 | <u>Head Office</u>
Director(Admn)
<u>Provincial / Regional Office</u>
Director concerned |

(b) Extraordinary leave to employees holding posts in basic pay scale 17 and above shall be granted by the Managing Director and in other cases by the Deputy Managing Director.

Chapter No. XIV

Casual Leave

Sl. No. 27: General.- Under the Rules of Business, 1973, the subject of “Casual Leave” is allocated to the Establishment Division.

2. Accordingly to Rule V (2) of Appendix 3 of the Fundamental Rules and Supplementary Rules, Volume II, Casual Leave is not a recognized leave for the purpose of leave rules in Fundamental Rules and Supplementary Rules. Technically, therefore, a Government Servant on Casual Leave is not treated as absent from duty and his pay is not intermitted. Casual Leave, however, must not be granted so as to cause evasion of the rules regarding: -

- (i) reckoning of pay and allowances.
- (ii) charge of office.
- (iii) commencement and end of leave.
- (iv) return to duty.

or so as to extend the term of leave beyond the time admissible by rules.

3. Attention in this connection is also invited to Auditor General’s decision which is reproduced below for facility of reference:

“It has been decided by Auditor General with concurrence of the Government that the practice of granting Casual Leave on half pay or without pay is not covered by paragraph V (2) of Appendix 3 of F.R. & S.R. Vol. II. Under that paragraph as it stands, full pay can be allowed to Government Servants on Casual Leave if, in any case, less than full pay is allowed, it would amount to imposition of a penalty not provided for in Rule 3 of the Rules issued with the late Government of India, Home Department Notification No. F-9/19/30, dated the 27th February, 1932”- [since replaced by the Government Servants (Efficiency and Discipline) Rules.]

Sl. No. 28: Amount of Casual Leave admissible during a calendar year and the maximum at a time.- It has been decided that Casual Leave upto a maximum of 20 days in a calendar year may be granted to the staff employed in the offices of the Federal Government.

[Authority.- Home Affairs Division Office Memorandum No. 34/27/48-Public, dated the 13th March, 1948]

Sl. No. 29:

Under the existing orders 20 days’ Casual Leave is admissible during a calendar year, and the maximum amount that can be allowed at a time is 10 days in the case of members of staff and 15 days in the case of officers. It has now been decided that 15 days’ casual leave at a time may be granted to the members of staff also. This rule may be relaxed at the discretion of the Head of Department in special circumstances in the case of officers as well as members of staff.

2. It has also been decided that Ministries, Departments, etc., should be more liberal in the grant of casual leave. Although casual leave cannot be claimed as a matter of right, it should be granted invariably unless the presence of an officer is absolutely necessary e.g. in an emergency or in very extraordinary circumstances.

[Authority.- Home Affairs Division O.M. No. 9/2/53-Public, dated the 12th August, 1953]

Sl. No. 30:

A question has been raised whether casual leave can be granted within the prescribed limit at one time in such a manner as to spread it over 2 years, i.e. some portion of it in one calendar year and the rest in the following year in one stretch. It has been decided that a Head of Department may grant casual leave in one spell within in prescribed limit so as to debit a part of it against the account of one calendar year and part of it against the account of the following calendar year, provided leave is due. For instance, if a person take 15 days casual leave on the 22nd December and has to his credit 10 days casual leave in that year, there will be no objection if 10 days leave is debited against that credit and the remaining 5 days are debited to the account of the following year. In other words, he would be deemed to have taken 10 days casual leave at the end of that year and 5 days leave in the beginning of the next year.

[Authority.- Home Affairs Division O.M. No. 9/1/56-Public, dated the 9th August, 1956]

*Sl. No. 31: **Combination of casual leave with holiday.***- Some doubts have been raised regarding the combination of casual leave with holidays. After careful consideration of the matter it has been decided that:

- (a) casual leave may be prefixed or suffixed to a closed or optional holidays,
- (b) casual leave may be sandwiched in between two closed or optional holidays.

2. However, if a closed or an optional holiday falls between two days of casual leave it should also be counted as a casual leave.

[Authority. - Home Affairs Division O.M. No. 9/1/53-Public, dated the 24th April, 1953]

*Sl. No. 32: **Procedure for grant of Casual Leave to the Secretaries to the Government and Head of Departments.***- A question has been raised as to who should grant leave to Secretaries to the Government of Pakistan.

2. Accordingly to item 56 in Appendix 13 of the Fundamental and Supplementary Rules – Volume II, the Ministries have been delegated full powers to grant leave to a gazetted Government servant not in foreign service.

3. In accordance with above rule, the secretary as the official head of the Division is empowered to grant leave to his subordinates. It is not, however, clear as to who is the appropriate authority for grant of leave to the secretaries. Under the rules of Business the Minister who is the next higher authority is mainly concerned with policy matters and does not ordinarily pass executive orders himself. Normally such cases have to be submitted for the President's orders. In order to avoid frequent references to the President the following *procedure has been laid down: -

- (i) The Minister-in-Charge may grant casual leave upto 10 days to a Secretary to the Government of Pakistan on behalf of the President and the Establishment Division should be informed in such cases.
- (ii) All cases of casual leave beyond 10 days and cases of earned leave upto a period of 1 month will be submitted through the Minister to the President for orders under intimation to the Establishment Division.
- (iii) Leave applications of Secretaries for a period of more than 1 month would be endorsed by the Minister to the Establishment Division for obtaining the President's orders.

4. The above instructions, may please be brought to the notice of all concerned for strict compliance.

[Authority. - O.M. No. 23(1)/69-AI, dated the 18th March, 1969]

Sl. No. 33: Reference Establishment Division's O.M. No. 23(i)/69-A.I. dated 18-3-1669. With immediate effect the following procedure shall be observed for grant of casual leave to a Secretary General, Secretary or Acting Secretary to the Federal Government or to Additional Secretary/Joint Secretary Incharge of a Ministry/Division: -

- (i) In cases of leave upto ten days, the Minister-in-Charge may sanction the leave and intimation to that effect given to the Secretary, Establishment Division by the Ministry / Division concerned.
- (ii) In cases of leave beyond ten days, the leave application shall be submitted by the Minister-in-Charge to the Prime Minister for orders and if the leave is sanctioned, an intimation

2. The above instructions may be brought to the notice of all concerned for compliance.

[Authority. – Establishment Division's O.M. No.10/22/83-R, dated the 18th March, 1969]

Sl. No. 34:

A reference is invited to the Establishment Division letter No. D-671/71-FI, dated the 13th July, 1971, in which Ministries/Divisions were requested to inform the Establishment Division about the present practice followed in regard to the method of appropriation of casual leave by the Heads of their Attached departments and Subordinate Offices. From the replies received, the Establishment Division has observed that no uniform practice is being followed in this regard. While some officers appropriate their own casual leave without reference to the Ministry/Division concerned, and take permission only when they have to leave the station, others simply inform the Ministry/Division after the casual leave has been availed of. The question of laying down a uniform policy in this regard has been examined in the Establishment Division and the following instructions are issued for compliance: -

*Please see revised procedure at Sl. No. 42-A

- (1) The Heads of Attached Departments/Subordinate Offices should obtain, as far as possible, prior approval of the Ministry/Division concerned before availing themselves of the casual leave, when the purpose thereof could be foreseen in advance.
- (2) In case of unforeseen and urgent circumstances when the casual leave is required for one or two days and it is not possible to obtain prior permission, he may avail of the leave and send leave application to the authority concerned immediately, and may also, if possible, inform the authority on telephone.
- (3) In special circumstances when even the procedure mentioned at (2) above cannot be followed, the officers should appropriate their own casual leave and inform in writing, the concerned officer in the Ministry/Division as early as possible.

2. As regards the status of officers in the Ministries/Divisions administratively concerned to whom the Heads of Attached Departments / Subordinate Offices should apply for casual leave, the normal procedure for applying to the next higher officer should be followed. For example if the Head of the Department / Subordinate Officer enjoys the status of Deputy Secretary to the Federal Government or is of equivalent rank, he may apply to the Joint Secretary of the Ministry/Division concerned and so on.

[Authority. – O.M. No.8/2/69-F. I., dated the 12th March, 1969]

Sl. No. 35: Absence from office due to Curfew to be treated as Casual Leave. – The question as to how the absence from office of officers and staff due to imposition of Curfew should be treated has been under consideration of Government and it has been decided that such absence should be treated as Casual Leave but not debited to the Casual Leave but not debited to the Casual Leave Account.

[Authority. –O.M. No.8/2/69-F.I. dated the 12th March, 1969]

Sl. No. 36: Bar against deduction of Casual Leave for late attendance. – It has been decided in consultation with the Establishment Division that no casual leave should be forfeited, on account of late arrivals of Government employees as it would no help much to eradicate the habit of late arrivals amongst Government servants in the Office. The real remedy lies in the fact that habitual late comer should be dealt with suitably under the disciplinary rules. Normally, entries about unpunctuality of a Government Servant are made in his annual report and should be taken note of when his case of promotion comes up for consideration. However, a little more vigilance on the part of branch officers can effectively check late arrivals wherever they occur.

[Authority. –Home Affairs Division O.M. No.7/10/54- Public dated the 23rd August, 1953]

Sl. No. 37: Grant of Casual Leave ex-Pakistan. – It has been decided that the authority competent to grant leave to a Government Servant can also permit him to avail himself of casual leave ex-Pakistan in special circumstances subject to the condition that the limit of 20 days casual leave as prescribed in this Division's Office Memorandum No. 9/2/53 – Public, dated the 12th August, 1953 (Sl. No. 29) is not exceeded.

[*Authority. –Home Affairs Division O.M. No.9/10/54- Public dated the 27th January, 1955*]

Sl. No. 38:

According to the administrative instructions in Para V (2) of Appendix 3 of the Fundamental and Supplementary rules, Volume II, casual leave must not be granted to a Government servant so as to cause evasion of the rules regarding return to duty. Similarly, according to Government Order No. 2 under F.R 51 the grant of return passage to Pakistan on conclusion of deputation abroad is conditional on the official's return to duty forthwith on the conclusion of the deputation, unless the arrangement to the contrary effect had been specially permitted at the time the deputation closes, or is about the close, and the proposed leave is begun. A question has been raised as to whether in view of these instructions the grant of casual leave to a Government servant deputed outside Pakistan on temporary official duty or on training, either before the commencement of after the expiry of the sanctioned period of deputation, which, would have the effect of extending his stay outside Pakistan, would be in order. The matter has been considered in this Ministry and it is clarified that although there is no absolute bar on the grant of casual leave outside Pakistan in such cases, it should ordinarily be discouraged and should be allowed only in exceptional circumstances.

[*Authority. –Ministry of Finance O.M. No. F.8 (7) – R2 (RWP) / 61, dated the 17th November, 1961*]

CHAPTER XV

EXERCISE AND DELEGATION OF ADMINISTRATIVE POWERS

Deleted.

CAREER PLANNING**1. APPOINTMENT IN THE VARIOUS CADRES**

Appointments in the various cadres to the posts, indicated in column 1, shall be made by initial appointment or promotion in the ratio specified against each post in the columns 2 and 3, respectively. Moreover, persons eligible for promotion to the posts specified in column 1, are listed at column 4. Whereas, the maximum age limit for initial appointment to the posts (specified in column 1) as well as the qualification and experience for each post are given in the columns 5 and 6 respectively.

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6

1. Managing Director to be appointment by the Federal Government.
BPS-21/22
MP1/MP2

2. Deputy Managing Director to be appointment by the Federal Government.

BPS-20/21
MP1/MP2

General Cadre

3. Director / Secretary (Board) BPS-19 50% 50% Deputy Director with 7 years service in BPS-18 32-40 years i) Minimum second class Master's degree or equivalent qualification.
ii) Computer Literate / Certification.

iii) 12 years experience in relevant field.
iv) Acknowledged achievement with specialization in the field.

4. Deputy Director BPS-18 50% 50% Assistant Director with 5 years service. in BPS-17 25-35 years i) Minimum second class Master's degree or equivalent qualification.
ii) 5 years experience in the relevant field.

* Deputationists included in the direct appointment.

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6
5. Assistant Director BPS-17	50%	50%	All BPS-16 officers (excluding PAs) in the cadre having 5 years service in BPS-16.	22-30 years	i) Second class Master's degree in Sociology or Social Work or equivalent ii) Experience in the relevant field preferable. iii) Computer literate / certification.
6. Assistant Director (PR) BPS-17	100%	-	-	22-30 years	i) Second class Master's degree in Journalism or Mass Communications ii) Experience in Public Relations preferable. iii) Preferably Computer literate / Certification.
7. Private Secretary BPS-17	-	100%	P.A with BPS-16, having 5 years service.	-	-
8. Personal Assistant BPS-16	-	100%	5 years service as PA (BPS-15).	-	-
9. Librarian BPS-16	100%	-	-	20-28 years	i) At least Second class Bachelors degree in with Diploma in Library Science. or Bachelor Library Science preferably with experience.

Title of posts And BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6
10. Mechanical Transport Officer/General Duty Officer BPS-16	100%	-	-	20-28 years	i) Bachelor's degree or equivalent ii) 3 years experience in M.T iii) Diploma in Auto Mobile or Mechanical Transport. iv) Preferably Computer Literate. v) Ex-Army, MT, JCO may also apply.
11. Superintendent / Investigation Officer / Survey Officer BPS-16	50%	50%	Investigation officer (BPS-15) with 3 years service having computer certificate.	20-28 years	i) Second class Master degree in Sociology or Social Work. ii) Preferably Computer literate / certification.
12. Investigation officer (Distt Offices) BPS-15/16	50%	50%	Assistant having 5 years service with computer certification.	18-25 years	i) Second class Bachelor's degree in Sociology or Social Work. ii) 2 years experience in relevant field. iii) Preferably computer literate.
13. Personal Assistant BPS-15	50%	50%	Stenotypist with 3 years service.	18-25 years	i) Intermediate with 100 w.p.m in Shorthand and 50 words per minutes speed in typing ii) Candidates diploma in commerce and certificate in computer will be preferred.

Title of posts And BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6
14. Assistant BPS-11	50%	50%	Clerk (BPS-7) having 3 years service, with computer certification.	18-25 years	i) A second class Bachelor's Degree with 3 years experience. ii) Preferably Computer certification. iii) Typing skill (30wpm).
15. Care Taker / Supervisor -do- BPS-11	25%	75%	i) Intermediate with 3 years		relevant experience. ii) Preferably Computer literate. iii) Typing skill.
16. Vehicle Mechanic BPS-11	100%	-	-	18-25 years	Intermediate with Diploma in Automobile/Mechanical Transport with adequate experience.
17. Clerk/ Telephone Exchange Operator BPS-7	25%	75%	Clerk(BPS-5) having 3 years of service with adequate computer certification.	18-25 years	i) Intermediate with at least 2 years relevant experience. ii) Preferably Computer literate.
18. Clerk BPS-5	90%	10%	Amongst the staff BPS-1 to 4, having following qualification. i) Matric ii) Typing Speed of 30 W.P.M iii) Preferably computer literate.	18-25 years	i) Matric ii) Computer literate with typing skill.
19. Driver BPS-4	100%	-	-	18-30 years	i) Matric ii) Holding LTV Licence iii) Candidates having higher experience in

1 Title of posts and BPS	2 Ratio of appointment		3 Person (s) eligible for promotion	4 Person (s) eligible for promotion		5 Age limit	6 Direct recruitment Qualification	
	Direct	By promotion		4	5		6	6
20. Electrician BPS-4	100%	-	-	-	18-25 years	i) Middle with one year experience as Electrician. ii) Electrician course certificate from recognized institution.		
21. Despatch Rider BPS-4	100%	-	-	-	18-25 years	i) Primary pass. ii) Valid driving licence holder and well versed in the traffic rules.		
22. Duplicating Machine Operator BPS-4	50%	50%	Naib Qasid/Qasid having 5 years service and skills of Machine Operations.	-	18-25 years	i) Primary pass. ii) Knowledge of operating duplicating machine essential.		
23. Plumber BPS-4	100%	-	-	-	18-25 years	Middle with experience in relevant field.		
24. Mali BPS-3	100%	-	-	-	18-25 years	Middle with experience in relevant field.		
25. Qasid / Mess Cook/ Mess Waiter BPS-2	100%	-	-	-	18-30 years	Primary with experience in relevant field.		
26. Naib Qasid / Security Guard / Bus Conductor / Sweeper BPS-1	100%	-	-	-	18-25 years	Middle with experience in relevant field.		

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6

Audit & Finance Cadre

27. Director BPS-19	40%	60%	Deputy Director Audit or Finance with 7 years service. in BPS-18	32-40 years	i) Second class C.A / ACMA, MBA, MPA. (with Finance) ii) 12 years experience in relevant field. iii) Computer literate / certification. iv) Acknowledged achievements with specialization in the field.
(a) Finance (b) Audit					
28. Deputy Director BPS-18	50%	50%	Assistant Director Audit or Accounts with 5 years service in BPS-17	25-35 years	i) Second class C.A/ ACMA, MBA, MPA (with Finance) ii) 12 years experience in relevant field. iii) Computer literate / certification. iv) Acknowledgements achievements with Specialization in relevant field.
(a) Finance (b) Audit					
29. Assistant Director BPS-17	50%	50%	Accountant with 3 years service in BPS-16	22-30 years	i) A Second class M.Com, MBA, MPA with Finance. ii) Experience in relevant field preferably. iii) Computer literate / certification.
(a) Accounts (b) Audit					
30. Accountant / Asstt Audit officer BPS-16	25%	75%	Accounts/ Audit Asstt. with 5 years service in BPS-11 and above	20-28 years	i) B.Com or equivalent with 5 years of relevant experience, with 3 years experience. ii) Preferably computer literate / certification
31. Accounts Assistant / Audit Assistant BPS-11	25%	75%	Accounts clerk with 3 years service in BPS-7	18-25 years	BBA, B.com 2nd division, relevant experience desirable.
32. Accounts / Audit Clerk BPS-11	100%	-	-	18-25 years	Intermediate in Commerce or

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6

Technical Cadre

33. Director (IT) BPS-19	75%	25%	Deputy Director MIS with 7 years service in BPS-18.	35-45 years	i) 2 nd class master's degree in Computer Sciences or Executive Master of Computer Sciences with specialization in MIS from recognized University. ii) 12 years of Govt. experience. iii) Acknowledged achievement with specialization in relevant field.
34. Deputy Director (IT) BPS-18	25%	75%	Assistant Director with 5 years service in BPS-17.	25-35 years	i) 2 nd Class M.Sc in Computer Sciences from recognized University. ii) 5 years relevant experience. iii) Specialization in relevant field.
35. Assistant Director Web Developer / Programmer (IT) BPS-17	25%	75%	3 years services as Data Processing Supervisor / in BPS-16	25-32 years	i. Second class Master's Degree or 4 years BCS in Computer Sciences from recognized university ii. Computer Programming iii. 5 Experience in the relevant field preferably.
36. Assistant Director Network (IT) BPS-17	25%	75%	3 years services as Data Network Administrator BPS-16	25-32 years	i. Second class Master's Degree in Computer Science or 4 years BCS from recognized university. ii. Certificate in Microsoft Certified System Engineer (MCSE) & CCNA would be preferred. iii. 5 years experience in the relevant field preferably.

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6
37. Assistant Director DB (IT) BPS-17	25%	75%	3 years services as Data Base Administrator BPS-16	25-32 years	i. Second class Master's Degree in Computer Science or 4 years BCS from recognized university. ii. Professional (OCP) on Data Base Administrator (DBA Track), would be preferred iii) 5 years experience in Managing National level Database will be preferred.
38. Data Processing Supervisor (IT) BPS-16	25%	75%	Data Entry Supervisor BPS-14 with 3 years experience.	25-30 years	i) 2 nd Class Bachelor degree in Computer Sciences or B.A with 1 year PGD from any recognized University / College. ii) Preferably 3 years experience
39. Data Network Administrator (IT) BPS-16	25%	75%	Data Entry Supervisor OR Hardware Eng. holding pre requisites of posts with 3 Years service in BPS-14	25-30 years	i) 2 nd Class Bachelor degree in Computer Sciences or B.A with 1 year PGD from any recognized University / College. ii) Preferably 3 years experience in managing national level computer network.
40. Data Base Administrator (IT) BPS-16	25%	75%	Data Entry Supervisor holding with 3 years service in BPS-14.	25-30 years	i) 2 nd Class Bachelor in Computer Sciences from any recognized University / College. ii) Preferably with Oracle Certified Professional (OCP) on Data Base Administrator (DBA Track), would be preferred iii) 3 years experience in Managing National level Database will be preferred.

Title of posts and BPS	Ratio of appointment		Person (s) eligible for promotion	Direct recruitment	
	Direct	By promotion		Age limit	Qualification
1	2	3	4	5	6
41. Hardware Engineer(IT) BPS-14	25%	75%-	DEO with 3 years service in BPS-12	18-25 years	3 years Diploma of Associate Engineering in Computer Hardware with 3 years experience in relevant field.
42. Senior Data Entry Supervisor (IT) (BPS-14)	-	100%	DEO with 3 years service in BPS-12.	18-25 years	-
43. Data Entry Operator (IT) (BPS-12)	50%	50%	(1) Senior Clerk with 3 years Service in BPS-7.	18-25 years	i) Intermediate 2 nd Division ii) Speed of 10,000 key depressions per hour data entry
<u>Medical Cadre</u>					
44. Deputy Dir (Medical) BPS-18	50%	50%	AD (Medical) with 5 years service in BPS-17	25-35 years	i) MBBS or equivalent degree recognized by PMDC ii) 5 years experience as Medical Officer BPS-17. iii) Computer literate.
45. Assistant Dir (Medical) BPS-17	100%	-	-	22-30 years	i) MBBS or equivalent recognized by PMDC ii) 3 years experience of Dispensary/Clinic or Hospital. iii) Computer literate.